

# **ORDINARY MEETING**

# AGENDA

# 10 AUGUST 2021

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 August 2021 commencing at 9:00am for transaction of the enclosed business.

In line with section 277E of the Local Government Regulation 2012, it has been determined that it is not practicable for the public to attend Council meetings in person at the current time. Until further notice, Council meetings will instead take place via videoconference and will be livestreamed online.

ACTING CHIEF EXECUTIVE OFFICER 5 August 2021

Next Meeting Date: 24.08.21

#### Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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## 1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening prayer delivered by Pastor Robert Bakss from the Lighthouse Baptist Church

## 2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson) Councillor S Latcham Councillor C E Smith Councillor C R Rutherford Councillor M D Wickerson Councillor D Kirkland Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer

# 3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Neil Fisher - Leave of Absence from 26 July 2021 to 27 September 2021

# 4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 27 July 2021

# 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

# 6 BUSINESS OUTSTANDING

## 6.1 LIFTING MATTERS FROM THE TABLE

File No:	11979
Attachments:	Nil
Authorising Officer:	Alicia Cutler - General Manager Community Services
Author:	Alicia Cutler - General Manager Community Services

#### SUMMARY

Items laid on the table require a report to be lifted from the table before being dealt with. This report is designed to lift the reports that have been laid on the table at previous meetings.

## OFFICER'S RECOMMENDATION

THAT following matter be lifted from the table and dealt with accordingly:

• Freehold Lease and Trustee Lease Renewals for Parks

# 7 PUBLIC FORUMS/DEPUTATIONS

Nil

# 8 PRESENTATION OF PETITIONS

Nil

## 9 COUNCILLOR/DELEGATE REPORTS

#### 9.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - COUNCILLOR SHANE LATCHAM; EMMAUS COLLEGE AND FRENCHVILLE STATE PRIMARY SCHOOL P&C ASSOCIATIONS

File No:	8295
Attachments:	Nil
Authorising Officer:	Emma Brodel - Senior Executive Assistant to the Mayor Evan Pardon - Chief Executive Officer
Author:	Megan Careless - Executive Support Officer

#### SUMMARY

Councillor Shane Latcham is seeking approval from Council to donate \$1000.00 each to Emmaus College and Frenchville State Primary School from his Councillor Discretionary Fund. Each school shall receive a \$300 Zoo Experience and \$700 towards "Legacy" tree purchases from Rockhampton Regional Council Nursery. It is anticipated that the tree planting could be done by the graduating Year 6 students as a parting reminder to the school for future generations.

#### OFFICER'S RECOMMENDATION

THAT Council approve a donation of \$1,000.00 each from Councillor Shane Latcham's Councillor Discretionary Fund to Emmaus College Parents and Friends, and Frenchville State Primary School Parents and Citizens Associations for \$300 Zoo Experience and \$700 "Legacy" Tree Planting.

#### BACKGROUND

Both Frenchville State School Parents and Citizens Association and Emmaus College Parents and Friends Association are not-for-profit organisations.

Councillor Shane Latcham is <u>not</u> a member of the Management Committee for either of the schools' Parents and Citizens Associations.

Councillor Shane Latcham's children attend both Frenchville State Primary School and Emmaus College. The donation does not directly benefit Councillor Shane Latcham's children.

#### 9.2 LEAVE OF ABSENCE - COUNCILLOR ELLEN SMITH - WEDNESDAY 25 AUGUST TO FRIDAY 10 SEPTEMBER 2021 (INCLUSIVE)

File No:	10072
Attachments:	Nil
Authorising Officer:	Ross Cheesman - Acting Chief Executive Officer
Author:	Megan Careless - Executive Support Officer

#### SUMMARY

Councillor Ellen Smith is seeking leave of absence from Wednesday 25 August to Friday 10 September 2021 inclusive.

#### OFFICER'S RECOMMENDATION

THAT Councillor Ellen Smith be granted leave of absence from Wednesday 25 August to Friday 10 September 2021 inclusive.

#### BACKGROUND

Councillor Ellen Smith has advised the Acting Chief Executive Officer she is seeking leave of absence from Wednesday 25 August to Friday 10 September 2021 inclusive.

## 10 OFFICERS' REPORTS

ADVANCE ROCKHAMPTON Councillor Portfolio – Mayor Williams		
10.1 ROCKHAMPTON RIVER FESTIVAL TENDER CONSIDERATION PLAN 2021-2023		
File No:	6097	
Attachments:	Nil	
Authorising Officer:	Annette Pearce - Manager Tourism, Events and Marketing Greg Bowden - Executive Manager Advance Rockhampton	
Author:	Tash Bury - Event Coordinator	

#### SUMMARY

This report provides the Tender Consideration Plan outlining the procurement process that will be utilised for the coordination of the Rockhampton River Festival for 2021-2023.

#### OFFICER'S RECOMMENDATION

THAT the report be received and Council adopt the Tender Consideration Plan as outlined in the report.

## COMMENTARY

The Rockhampton River Festival is a major event on the Rockhampton Region calendar, providing a national caliber festival celebrating the region. Rockhampton River Festival's main purpose is to deliver a unique experience that will be a major draw card for both locals and visitors through arts, culture, food and entertainment.

Rockhampton River Festival needs to meet and exceed expectations and standards of other major festivals across Australia. For the festival to compete with similar festivals, the standard of all elements needs to reflect Rockhampton's position as the Events Capital of Central Queensland.

The below elements play a vital role in ensuring that the Rockhampton River Festival is at a high standard:

- Creative Producers and Managers
- Musicians
- Visual Art Performers
- Public Arts Program
- Staging, lighting, theming and event dressing
- Fireworks and Illumination displays
- Marketing
- Food, drink, trade and market stalls
- Conducting an economic impact review

#### PREVIOUS DECISIONS

Council has adopted Tender Consideration Plans for past Rockhampton River Festival events, the most recent on 21 January 2020.

#### **BUDGET IMPLICATIONS**

Budget for 2022 event approved by Council.

#### LEGISLATIVE CONTEXT

The Tender Consideration Plan has been prepared under Div 3 s230 of the Local Government Regulation (2012) – *Exceptions for medium-sized and large-sized contractual arrangements.* 

#### "230 Exception if quote or tender consideration plan prepared

(1) A local government may enter into a medium-sized contractual arrangement or largesized contractual arrangement without first inviting written quotes or tenders if the local government-

- (a) decides, by resolution, to prepare a quote or tender consideration plan; and
- (b) prepares and adopts the plan.

#### (2) A quote or tender consideration plan is a document stating

- (a) the objectives of the plan; and
- (b) how the objectives are to be achieved; and
- (c) how the achievement of the objectives will be measured; and
- (d) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and
- (e) the proposed terms of the contract for the goods or services; and
- (f) a risk analysis of the market from which the goods or services are to be obtained

## Tender Consideration Plan

The following Tender Consideration Plan is set for the Rockhampton River Festival coordination for 2021-2023.

#### **Objective**

The objective of this plan is to provide Council with opportunity to engage with suppliers across a variety of different categories to deliver a unique experience that will be a major draw card for visitors to the Rockhampton Region.

How the objectives are to be achieved

Suppliers will be selected based on the process detailed in the table below:

Category	Criteria	Process
Economic Impact Review	Continue to use IER PTY LTD	Based on continuation of previous arrangement to ensure consistent analysis of economic impact information being gathered

Entertainment covers musicians and visual art performers, and helps build the atmosphere through-out the festival.	<ul> <li>Genre</li> <li>Price</li> <li>Audience potential</li> <li>Draw card potential</li> <li>Availability</li> <li>Theme</li> <li>Staging</li> <li>Ratio of local acts to outside of region performers</li> </ul>	<ul> <li>Media Release is issued calling for performers to submit an EOI via the online EOI Form on River Festival website</li> <li>EOI email is sent to all performers and agents on database.</li> <li>Information provided is matched against criteria.</li> <li>Cost is evaluated alongside return on investment, audience reach and suitability.</li> </ul>
Themed Entertainment	• Examples of this in previous years in the merry go round, ferris wheel, Humanoids, specialty ticketed shows such as Panache.	Quotes will be sourced where possible however it may not be possible to seek multiple quotes for unique goods/services based on the theme.
Fireworks / Lightshow / Illumination Shows / Projections	<ul> <li>Ability to deliver a unique display including ability to provide multiple water and land launch sites</li> <li>Potential for sponsorship / partnership cost offset.</li> </ul>	<ul> <li>Three quotes sourced from suppliers where possible.</li> <li>Ability to deliver required format</li> <li>Identification of sponsor / partnership potential.</li> <li>Events throughout the year assess individual operator's suitability for all events.</li> <li>Sponsorship Prospectus on Council website.</li> </ul>
Marketing	<ul> <li>A marketing plan will be designed to advertise all aspects of the festival and target key markets.</li> </ul>	<ul> <li>As per Council's preferred supplier list</li> <li>Where specific type of marketing/advertising is required e.g. targeted audience, justification will be provided on the purchase order.</li> </ul>
Stage, Audio, Lighting, Furniture, Theming and Event Dressing	<ul> <li>Specific requirements for each area and stage based on suitability and theme</li> <li>Ability to deliver set requirements</li> <li>Budget</li> <li>Bump in time frames.</li> </ul>	<ul> <li>As per Council's preferred supplier list</li> <li>Themed areas are taken into consideration and unique requirements sourced from external suppliers. Quotes will be sourced where possible, Where it is not possible to seek quotes for unique goods/services justification will provided (on the purchase order) as to why multiple quotes could not be obtained eg specialised or sole supplier of said equipment etc</li> </ul>

Ticketed Event Catering	<ul> <li>Theme</li> <li>Ability to cater to numbers for ticketed events</li> <li>Local Caterers</li> <li>Previous experience with Council</li> <li>Reputation.</li> </ul>	• EOI is sent out to local caterers who are able to meet requirements. Budget is taken into consideration for ticketing. Caterers are assessed individually for suitability for specific functions.
Food, Drink, Trade and Market Stall Holders	<ul> <li>Genre price</li> <li>Audience potential draw card potential</li> <li>Availability</li> <li>Theme</li> <li>Staging</li> <li>Standard of goods delivered Licenses, permit and insurance as required by legislation.</li> </ul>	<ul> <li>EOI email is sent to all databases on file, local and outside the region.</li> <li>online EOI Form on RockyNats website and social media</li> <li>Themed areas are taken into consideration and which stallholder fit that area.</li> <li>Standard of goods plays a large role</li> <li>Fees and Charges as per Council report to be submitted when costings to deliver have been finalised</li> </ul>
For other ancillary Goods and Services as required for the event (including operational and resourcing requirements, eg Waste, Generators, Fencing, Traffic Management, Security, Workforce (labour and volunteers)	<ul> <li>Ability to deliver set requirements</li> <li>Budget</li> <li>Bump in time frames.</li> </ul>	<ul> <li>As per Council's preferred supplier list/register of pre- qualified suppliers (where applicable)</li> <li>Where it is not feasible to seek quotes for unique goods/services that justification will be provided (on the purchase order) as to why multiple quotes could not be obtained</li> </ul>
Creative Production and Management	<ul> <li>Researched the market with no others than can meet the requirements and timeframes</li> <li>Other providers don't do not offer private external works</li> </ul>	<ul> <li>Quotes will be sourced where possible.</li> <li>Where it is not possible to seek quotes for unique goods/services justification will provided (on the purchase order) as to why multiple quotes could not be obtained eg specialised or sole supplier of said equipment</li> </ul>

How the achievements of the objectives will be measured

This will be measured against the economic impact review and debrief at the conclusion of the annual event.

## Alternate ways of achieving the objectives:

The objectives of the plan could be achieved by issuing a number of traditional invitation to quote and /or Tenders, however due to the significant volume of goods and services, and the unique experience Council is delivering, this method is not considered practical.

#### Proposed Terms of the Contract:

The proposed terms of the Contract will be Council's Conditions of Order, where there is a higher value/higher risk procurement, the Contracts & Tenders team will be consulted to determine the most suitable terms of the Contract.

#### Risk Analysis of the market:

Due to the significant volume of goods and services required, there are a number of markets which need to be considered. In most instances, there are a large number of suppliers available to provide the required goods and services, with the exception of specialist goods and services.

#### LEGAL IMPLICATIONS

There are no identified legal implications to Council relevant to this matter.

#### STAFFING IMPLICATIONS

There are no staffing implications.

#### CORPORATE/OPERATIONAL PLAN

2.1.3 – Develop, deliver and support a calendar of events for the Region.

The development will continue to cement its place in the ongoing Events Calendar and will increase visitation to the region.

#### CONCLUSION

It is recommended that Council adopts the proposed Tender Consideration Plan for the 2021-2023 Rockhampton River Festivals.

#### 10.2 ROCKYNATS TENDER CONSIDERATION PLAN 2022-2023

File No:	6097
Attachments:	Nil
Authorising Officer:	Annette Pearce - Manager Tourism, Events and Marketing Greg Bowden - Executive Manager Advance Rockhampton
Author:	Tash Bury - Event Coordinator

#### SUMMARY

This report provides the Tender Consideration Plan outlining the procurement process that will be utilised for the coordination of Rockynats for remainder of the contract period 2022-2023.

#### OFFICER'S RECOMMENDATION

THAT Council receives this report and adopts the Tender Consideration Plan as outlined in the report.

#### COMMENTARY

The RockyNats Car Festival is the major event on the calendar for the Rockhampton Region. RockyNats aims to engage and encourage the local Rockhampton community, businesses and the car and bike enthusiast clubs to celebrate and be a part of Queensland largest car festival.

RockyNats needs to meet and exceed expectations and standards of other major car festivals across Australia. For the festival to compete with similar festivals across Australia and increase the visitation to the region, we need to be able to continue to enhance the event with specific, unique and niche products and elements.

#### PREVIOUS DECISIONS

On 2 April 2019 Council adopted to proceed with a 5 year agreement to host the RockyNats event within Rockhampton from 2020.

A Tender Consideration Plan for RockyNats 2021 was approved on 21 January 2020.

#### **BUDGET IMPLICATIONS**

Budget for 2022 event approved by Council.

### LEGISLATIVE CONTEXT

The Tender Consideration Plan has been prepared under Div 3 s230 of the Local Government Regulation (2012) – *Exceptions for medium-sized and large-sized contractual arrangements.* 

#### "230 Exception if quote or tender consideration plan prepared

(1) A local government may enter into a medium-sized contractual arrangement or largesized contractual arrangement without first inviting written quotes or tenders if the local government-

(a) decides, by resolution, to prepare a quote or tender consideration plan; and

(b) prepares and adopts the plan.

#### (2) A quote or tender consideration plan is a document stating

- (a) the objectives of the plan; and
- (b) how the objectives are to be achieved; and
- (c) how the achievement of the objectives will be measured; and

- (d) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and
- (e) the proposed terms of the contract for the goods or services; and
- (f) a risk analysis of the market from which the goods or services are to be obtained

#### Tender Consideration Plan

The following Tender Consideration Plan is set for Rockynats coordination for 2022 & 2023.

#### **Objective**

The objective of this plan is to provide Council with opportunity to engage with suppliers across a variety of different categories to deliver a unique experience that will be a major draw card for visitors to the Rockhampton Region.

How the objectives are to be achieved

Suppliers will be selected based on the process detailed in the table below.

Category	Criteria	Process
Economic Impact Review	Use IER PTY LTD	Based on continuation of previous event data collection to ensure consistent analytics of economic impact and event outcomes for the region.
Entertainment covering musicians, activations, motorsport groups and acts and visual art performers, and helps build the atmosphere through-out event.	<ul> <li>Genre</li> <li>Price</li> <li>Audience potential</li> <li>Draw card potential</li> <li>Availability</li> <li>Theme</li> <li>Staging</li> <li>Ratio of local acts to outside of region performers</li> </ul>	<ul> <li>Online EOI Form on RockyNats website</li> <li>Major Entertainment providers approached and quotes requested.</li> <li>Information provided is matched against criteria.</li> <li>Where a specific type of entertainment is required cost will be evaluated alongside return on investment, audience reach and suitability.</li> </ul>
Marketing and advertising	A marketing plan will be designed to advertise all aspects of the show	<ul> <li>EOI will be sent out to suppliers including those on the Marketing Services Register (where applicable)</li> <li>Where specific type of marketing/advertising is required e.g. targeted audience, justification will be provided on the purchase order.</li> </ul>
Stage, Audio, Lighting, Furniture, Marquees, Theming and Event Dressing	<ul> <li>Specific requirements for each area and stage based on suitability and theme</li> <li>Ability to deliver set requirements</li> <li>Budget</li> <li>Bump in time frames.</li> </ul>	<ul> <li>As per Council's preferred supplier list</li> <li>Themed areas are taken into consideration and unique requirements sourced from external suppliers. Quotes will be sourced where possible, Where it is not possible to seek quotes for unique goods/services</li> </ul>

		justification will provided (on the purchase order) as to why multiple quotes could not be obtained eg specialised or sole supplier of said equipment etc
Food, Drink, Trade and Market Stall Holders	<ul> <li>Genre price</li> <li>Audience potential draw card potential</li> <li>Availability</li> <li>Theme</li> <li>Staging</li> <li>Standard of goods delivered Licenses, permit and insurance as required by legislation.</li> </ul>	<ul> <li>EOI email is sent to all databases on file, local and outside the region.</li> <li>online EOI Form on RockyNats website and social media</li> <li>Themed areas are taken into consideration and which stallholder fit that area.</li> <li>Standard of goods plays a large role</li> <li>Fees and Charges as per Council report to be submitted when costings to deliver have been finalised</li> </ul>
Fireworks / Lightshow / Illumination Shows / Projections	Ability to deliver a light show or firework display and specifications based on theme potential sponsorship/partnership cost.	<ul> <li>Invite multiple quotes</li> <li>Where it is not feasible to seek quotes for unique goods/services that justification will be provided (on the purchase order) as to why multiple quotes could not be obtained</li> </ul>
For other ancillary Goods and Services as required for the event (including operational and resourcing requirements, eg Waste, Generators, Fencing, Traffic Management, Security, Workforce (labour and volunteers)	<ul> <li>Ability to deliver set requirements</li> <li>Budget</li> <li>Bump in time frames.</li> </ul>	<ul> <li>As per Council's preferred supplier list/register of pre- qualified suppliers (where applicable)</li> <li>Where it is not feasible to seek quotes for unique goods/services that justification will be provided (on the purchase order) as to why multiple quotes could not be obtained</li> </ul>
Site management services	<ul> <li>Knowledge of region and event products</li> <li>Existing knowledge of the event and processes</li> </ul>	<ul> <li>Invite multiple quotes</li> <li>Where it is not feasible to seek quotes for unique goods/services that justification will be provided (on the purchase order) as to why multiple quotes could not be obtained</li> </ul>
Ticketed Event Catering	<ul> <li>Theme</li> <li>Ability to cater to numbers for ticketed events</li> <li>Local Caterers</li> <li>Previous experience with Council</li> <li>Reputation.</li> </ul>	• EOI is sent out to local caterers who are able to meet requirements. Budget is taken into consideration for ticketing. Caterers are assessed individually for suitability for specific functions.

Ticketing Provider	<ul> <li>Requirement to meet all of the ticketing brief</li> <li>Provide full coverage to limit internal resources requirements</li> <li>Ability to enhance on the needs required in the brief</li> </ul>	<ul> <li>Ticketing brief will be sent to the existing Council ticketing provider in the first instance</li> <li>ISSG Brief to be completed if requirement to go out for alternate external quotes</li> <li>Ticketing brief to be sent to alternate ticketing providers as EOI</li> </ul>

#### How the achievements of the objectives will be measured

This will be measured against the economic impact review and debrief at the conclusion of the annual event.

#### Alternate ways of achieving the objectives:

The objectives of the plan could be achieved by issuing a number of traditional invitation to quote and /or Tenders, however due to the significant volume of goods and services, and the unique experience Council is delivering, this method is not considered practical.

#### Proposed Terms of the Contract:

The proposed terms of the Contract will be Council's Conditions of Order, where there is a higher value/higher risk procurement, the Contracts & Tenders team will be consulted to determine the most suitable terms of the Contract.

### Risk Analysis of the market:

Due to the significant volume of goods and services required, there are a number of markets which need to be considered. In most instances, there are a large number of suppliers available to provide the required goods and services, with the exception of specialist goods and services.

#### LEGAL IMPLICATIONS

There are no identified legal implications to Council relevant to this matter.

## STAFFING IMPLICATIONS

There are no staffing implications.

## CORPORATE/OPERATIONAL PLAN

2.1.3 – Develop, deliver and support a calendar of events for the Region.

The development will continue to cement its place in the ongoing Events Calendar and will increase visitation to the region.

#### CONCLUSION

It is recommended that Council adopts the proposed Tender Consideration Plan for the 2022 and 2023 RockyNats Car Festival.

#### 10.3 SMALL BUSINESS FRIENDLY COUNCIL (SBFC) INITIATIVE

File No:	10097
Attachments:	1. Sample Charter
Authorising Officer:	Graham Sheppard - Senior Executive Economic Development Greg Bowden - Executive Manager Advance Rockhampton
Author:	Tanya Webber - Economic Development and Industry Engagement Advisor

#### SUMMARY

Council has been approached by the Queensland Small Business Commissioner (QSBC) to join the Small Business Friendly Councils (SBFC) initiative. The initiative recognises local Councils that are actively supporting small businesses in their region and helping small businesses recover and build resilience following disasters and economic challenges.

The QSBC is requesting Councils to demonstrate their commitment to local small businesses in their community by signing up to a Charter as a "Small Business Friendly Council".

#### OFFICER'S RECOMMENDATION

THAT Rockhampton Regional Council sign the 'Small Business Friendly Council' charter.

#### COMMENTARY

This SBFC initiative already exists in similar forms in New South Wales, Victoria and South Australia.

The work currently undertaken by Advance Rockhampton largely covers off on the services/functions outlined in the new Queensland Government initiative, however by signing the Charter, Council's membership will have the dual benefit of:

- Reinforcing Council's commitment to small business and their development which has been identified in our Economic Strategy. The Charter also aligns with the objectives of COVID-19 Recovery Action Plan, to assist businesses grow, recover and flourish in response to the COVID19 pandemic and;
- 2. Ensures that Council is seen as 'Small Business Friendly', noting that although we may already be undertaking many of the actions/services and support listed in the Charter, by not signing up, the local business community and chambers of commerce and industry groups may inadvertently label Council as unfriendly or unsupportive of small business.

Signing the Charter will likely enhance the business profile of Council which recognises the importance and role small businesses play in developing and diversifying our economy while also increasing our resilience.

There are no financial costs associated with Council signing the Charter (Appendix 1) itself, however, contained within the Charter there are a number of requirements Council would be compelled to address. Many of these tasks are 'good practice' and systems and processes that Council is already addressing with the small business community across the region.

Fifteen (15) Councils have already signed the Small Business Friendly Council Charter including:

- Ipswich City Council
- Scenic Rim Regional Council
- Gympie Regional Council
- Mackay Regional Council
- Whitsunday Regional Council
- Toowoomba Regional Council
- Cairns Regional Council
- Tablelands Regional Council
- Somerset Regional Council
- Barcoo Shire Council
- South Burnett Regional Council
- Southern Downs Regional Council
- Isaac Regional Council
- Moreton Bay Regional Council
- Fraser Coast Regional Council

The Charter gives Councils the opportunity to reinforce their collaborative relationship with the local chamber of commerce, industry groups or other such bodies and Council can opt to co-sign the SBFC charter together with local chamber.

#### Program Benefits

Participation in the SBFC initiative will enable <u>Councils</u> to:

- access tools and resources that assist Councils with small business resilience and recovery
- use the QSBC's SBFC identifier and brand assets to promote their commitment to being small business friendly
- promote their initiatives on the SBFC website
- become part of a community of practice of like-minded small business friendly Councils
- participate in regular forums
- help attract investment and commercial opportunities to stimulate growth in the local economy and
- access a dedicated point of contact within QSBC to seek immediate advice and information regarding available programs and support.

Participation in the SBFC initiative will enable *small businesses* to have:

- a greater focus on helping small businesses to grow and employ more local people
- increased access to tools and resources to support business recovery and resilience
- simplified administration and regulation (reduced red tape)
- increased opportunities to promote and showcase your business and
- greater access to fair procurement and prompt payment terms for suppliers to councils.

#### BACKGROUND

The QSBC is working in partnership with Councils across Queensland to develop the local SBFC initiative as a commitment to be mindful of small businesses, their issues and priorities when making decisions for the local community.

Small businesses are at the heart of the Queensland economy and our regional communities. They create local jobs, grow the local economy, and provide essential goods and services. But just as importantly, small businesses help create attractive, liveable communities. They also foster civic pride and help attract people and investment into the area. In the face of unprecedented natural disasters and the economic ripple effects of the COVID-19 global pandemic, it is vital that local Councils support their small businesses to survive and thrive.

Our LGA has 5,068 registered local businesses, the main industries:

- Construction 15.9% (805)
- Agriculture, Forestry and Fishing 13.7% (692)
- Rental, Hiring and Real Estate Services 9.4% (475)
- Professional, Scientific and Technical Services 7.4% (376)
- Transport, Postal and Warehousing 8.7% (440)
- Health Care and Social Assistance 7.0% (356)
- Retail Trade 6.2 (314)

Туре	Number	Percentage
Non-employing	3,069	59%
1-19 Employees "small"	1,899	37%
20-199 "medium"	155	3.04%
200+	3	0.06%

#### **BUDGET IMPLICATIONS**

Should Council support signing the Charter there are no direct budget implications known at this stage, however there may be some indirect costs associated with addressing and meeting commitments presented in the Charter, including reporting to the Queensland Government and general promotion of the program. These costs will be consumed within the current Advance Rockhampton budget.

#### IMPLICATIONS

Supporting this initiative will reinforce Council's commitment to small business and their development and aligns with the outcomes identified in the economic strategy.

Signing the Charter will support the business profile of our LGA which recognises the importance and role small business plays in developing and diversifying our economy while also increasing our resilience.

Additionally, if we do not sign up to the Charter, the inverse result may occur and it may create a perception that Council is in fact unfriendly to small business.

## CONCLUSION

The Charter promotes local small business success through the following key commitments:

- effective communication and engagement
- raising small business profile and capability
- supporting resilience and recovery
- simplifying administration and regulation (reducing red tape)
- ensuring fair procurement and prompt payment terms
- promoting placed-based programs
- promoting and showcasing small business and
- measuring and reporting on activities.

Council is invited to identify two place-based programs (activities or priorities) which create the right environment for small businesses to start, grow and build resilience. These may include activities or priorities that are already being delivered.

Our Council is already undertaking many of these tasks in our normal course of business and industry engagement, example - Advance Rockhampton's calendar of Business and Industry Specific Events, our local procurement commitment and the SmartHub Lunch and Learn initiative.

# SMALL BUSINESS FRIENDLY COUNCIL (SBFC) INITIATIVE

# **Sample Charter**

Meeting Date: 10 August 2021

Attachment No: 1



# **Charter** Sample Council

Small businesses are at the heart of the Queensland economy and our regional communities. They create local employment opportunities, provide essential goods and services and play a critical role in the social fabric of our regions.

This Small Business Friendly Councils (SBFC) initiative outlines the commitment between local councils, its partners and small businesses to support a prosperous and sustainable small business sector in communities across Queensland.

## Our commitment to small business

We will communicate and engage with small businesses We will raise the profile and capability of small businesses We will support small business resilience and recovery We will simplify administration and regulation for small business (red tape reduction) We will develop and promote place-based programs for small businesses We will ensure fair procurement and prompt payment terms for small businesses We will promote and showcase small businesses We will measure and report on our performance.

We agree to uphold the commitments set out in this Charter (stated above and detailed overleaf) and implement the SBFC initiative in our local government area in line with these commitments.



An initiative of the

Queensland Small Business Commissioner Maree Adshead Queensland Small Business Commissioner Date d:



Council logo



#### What our commitments mean

#### We will communicate and engage with small businesses

- actively engage and be mindful of small businesses, their issues and priorities when decision-making
- communicate clearly in a timely manner both formally and informally
- engage with state-wide partners where appropriate on matters affecting small businesses
- publish clear service standards stating what small businesses can expect from us.

#### We will raise the profile and capability of small businesses

- recognise and value the importance of small businesses to our community and local economy
- encourage shopping locally and promote small business campaigns (e.g. 'buy local', 'go local first')
- help small businesses develop networks, access education and increase their capability
- assist small businesses to access government, business and industry programs and resources.

#### We will support small business resilience and recovery

- with support from state-wide partners deliver short, medium, long term activities to help with recovery and
  resilience building following disaster events or economic shocks
- adopt a business disruption management good practice guide (e.g. working with small business to minimise disruption during local capital works projects).

#### We will simplify administration and regulation for small business (red tape reduction)

- limit unnecessary administration and implement business improvement processes
- support small businesses to achieve regulatory compliance
- apply licences and regulations in a consistent manner in collaboration with other councils and relevant agencies
- regularly review administration and regulatory requirements, policies and procedures to reduce red tape
- maintain a timely and cost effective internal review and complaint process in relation to council decisions.

#### We will ensure fair procurement and prompt payment terms for small businesses

- implement a procurement policy that provides a fair opportunity to provide goods and services
- help find local council procurement opportunities to assist in tendering
- pay all valid invoices from small business suppliers within a stated reasonable period

#### We will develop and promote place-based programs for small businesses

 identify, develop and promote a minimum of two placed-based programs which are important for start-ups, growing businesses and building resilience (these may include existing or new programs).

#### We will promote and showcase small businesses

- promote participation via marketing and communication channels (e.g. in collaboration with local chamber of commerce)
- create awareness by promoting the SBFC initiative (e.g. SBFC branding online and across marketing and communication materials)
- sharing successes, ideas and learnings with other councils and partners
- allow the Queensland Small Business Commissioner to promote council programs and activities related to the SBFC initiative.

#### We will measure and report on our performance

- seek regular feedback from our small businesses to help drive business improvement
- monitoring the commitments in this Charter to ensure we fulfill these obligations
- publish a report in relation to council's performance in relation to the SBFC initiative within six months of signing the Charter and once every 12 months thereafter.

#### An initiative of the Queensland Small Business Commissioner

## AIRPORT

Councillor Portfolio – Councillor Fisher

No items for consideration

COMMUNITIES AND HERITAGE					
Councillor Portfolio – Councillor Wickerson					

#### 10.4 COMMUNITY ASSISTANCE PROGRAM - ROUND 1

File No:	12535
Attachments:	Nil
Authorising Officer:	Alicia Cutler - General Manager Community Services
Author:	Kerri Dorman - Administration Supervisor

#### SUMMARY

Round 1 of the 2021/2022 Community Assistance Program closed on Monday 19 July 2021 with a total of 13 applications received. Five under the Minor Scheme, three under the Grants Scheme, two under the Major Scheme, two applications deemed ineligible and one withdrawn. Accordingly, 10 applications have been assessed and recommendations for funding are presented for Council consideration.

#### OFFICER'S RECOMMENDATION

THAT Council approves the Assessment Panel's recommended allocation of funding from the 1st Round of the Community Assistance Program for the following:

Applicant	Purpose of Grant/Sponsorship	Amount
AM Media Consultants T/A Special Children's Christmas Parties	2021 CQ Special Children's Christmas Party Proudly Supporting Make-A-Wish Australia. <i>(in-kind hire of venue)</i>	2,487.39
Australian Caravan Club Limited	Australian Caravan Club 14th National Muster ('Rockin' in 'Rocky' in '21')	10,000.00
Golden Mount Shooters Association Inc	Safe Road Access and Target Equipment	3,500.00
Mount Morgan Promotion and Develop Inc	Soundscaping the Mount Morgan Railway Museum	6,505.00
Mount Morgan Promotion and Develop	Mount Morgan Wattle Day Festival	6,420.25
Mount Morgan Rodeo Association Inc	Mt Morgan Junior Rodeo	3,500.00
Mount Morgan Agricultural Show Society Inc	Mount Morgan Show 2021	11,000.00
Rockhampton Little Theatre	CQ All Schools Battle of the Bands (in- kind hire of venue)	6,059.71
Upper Ulam Recreation Grounds	Fence replacement on Creek Boundary	2,831.40

Variety – The Children's Charity (NSW/ACT)	Variety NSW Brydens Lawyers Bungarribee to Bakers Creek Bash- Dinner	1,050.00
		\$53,353.75

## COMMENTARY

Round one of the Community Assistance Program for the 2021 - 2022 financial year closed on 19 July 2021. Applications were assessed for 10 events/projects for the requested amount of \$54,900.41.

- 5 related to minor sponsorship
- 3 related to grant funding for capital/equipment projects
- 2 related to major sponsorship

#### Assessment

In accordance with the adopted Policy and Procedure applications received were assessed against the following criteria with an average funding amount recommended from the four independent assessments undertaken:

### Minor Sponsorship Scheme

- Applicant's capacity to undertake the event including any experience with similar events and ability to obtain relevant approvals and permissions:
- Wide community need for the event and how this was determined:
- Community outcomes expected from the event, including number of participants'
- Positive promotional outcomes for the local area; and
- Value for money, including realistic budget and cost recovery, with quotes for all items to be funded.

#### Community Grants Scheme

- Community need for the project and potential for use by other groups;
- Community outcomes expected from the project, including any positive promotion of the local area; and
- Value for money with realistic scope and at least two quotes for all works

#### Major Sponsorship Scheme

- Applicant's capacity to undertake the event including any experience with similar events, relevant approvals and permissions required;
- Community need or desire for the event and how this was determined;:
- Economic and community outcomes anticipated from the event;
- Number of participants, including out of area visitors; and
- Value for money, including realistic budget with projected cost recovery, and quotes for items of expenditure.

#### PREVIOUS DECISIONS

No previous decisions.

#### BUDGET IMPLICATIONS

Independent assessment by a panel of 4 have indicated an average sponsorship amount for each of the projects/events, which is within Council's Community Assistance Program Operational Budget, as well as taking into consideration the community value of events.

## LEGISLATIVE CONTEXT

Administered under the Grants and Minor Sponsorship Policy and Procedure.

### LEGAL IMPLICATIONS

No legal implications for this non-Council project.

### STAFFING IMPLICATIONS

No staffing implications for this non-Council project.

#### **RISK ASSESSMENT**

Non-Council projects therefore risk assessment will be conducted by the organising bodies.

Successful applicants will be required to contact Council's Rocky Advanced Events Supervisor for COVID-19 requirements pertaining to their event.

#### CORPORATE/OPERATIONAL PLAN

1.4.1 – Streamline Council's funding for community not for profit organisations to ensure fairness and equity.

#### CONCLUSION

Upon assessment of the information provided in the application against the rating tool it is recommended Council approve the Assessment Panel's recommended allocation for each event/project. A copy of the applications have been supplied separately to Councillors for consideration, along with the rating tool as adopted by Council and spreadsheet of recommendations.

#### 10.5 SILO REJUVENATION PROJECT - FOLLOW-UP REPORT

File No:	8034						
Attachments:	<ol> <li>Silo Rejuvenation Project Proposal</li> <li>Site Aerial and Development Graphics</li> </ol>						
Authorising Officer:	Alicia Cutler - General Manager Community Services						
Author:	Drew Stevenson - Manager Community Assets and Facilities						

#### SUMMARY

Presenting the follow-up report on the Silo Rejuvenation Project proposal presented by the JRT Group at the Lily Place Industrial Precinct, 777 Yaamba Road Parkhurst.

#### OFFICER'S RECOMMENDATION

THAT Council consider a contribution towards the place-making artwork at the Lily Place Precinct Silos.

#### COMMENTARY

Councillor Kirkland presented a Notice of Motion (*Notice of Motion – Councillor Donna Kirkland – Silo Artwork Project*) at the 13 July 2021 Ordinary Council Meeting. An alternative motion was adopted requesting "*That a report be presented to Council providing further information on the Silo artwork project*."

This report provides additional information relating to the Silo Rejuvenation Project Proposal (Attachment 1).

#### BACKGROUND

Council Officers had a meeting with Mr Brad Neven (JRT Group Executive Manager) on 28 July 2021, with the objective of clarifying details relating to the proposal.

The clarifying details as follows:

- The six former cement silos are situated on property at 777 Yaamba Road Parkhurst (Attachment 2, Pg 1).
- The property is owned by Parkhurst Holdings Pty Ltd (JRT Group).
- The silos and proposed carpark area are located within Lot 11 (Stage 1) and will eventually be in Lot 12 (Stage 2 development). Refer Attachment 2, pages 2 and 3 respectively (car park area to be confirmed by JRT Group).
- The intention of the proposal is to present place-making artwork on all six silos and make the car park and silos available to the public as part of the Australian Silo Art Trail. The proposal is seeking \$100K grant funding.
- Whilst the plan is to make the area of the car park and silos accessible to the public, there is no plan to transfer ownership / maintenance responsibility to Council. JRT Group will maintain ownership of the property and hold the necessary public liability insurance.
- The plan is for a designate portion of Lot 12 to be set aside for public car parking. The proposal envisages parking requirements for single vehicles, RV's and car / caravan combos.
- The artwork would remain intact on the silos for an agreed period (suggested 15 years, to be confirmed by JRT Group).
- Initial community engagement relating to the artwork suggests references to first nation's heritage and culture, Fitzroy River, the Keppels / reef, beef, agriculture,

barramundi, crocodiles and other elements of local history. As part of the artwork development, JRT Group has agreed that grant funding providers would have creative input to the silo art.

- The project plan will be revised to include milestone dates for engagement, design, commencement onsite and completion.
- Along with site / car park works, JRT Group will be providing in-kind support for the art project, including elevated platforms and lifting equipment.
- Conditions for the funding (enduring period of art, RRC's creative input, agreed car park size, public liability insurance) would be addressed via a deed of agreement.
- The proposal has also been presented to Livingstone Shire Council and commercial entities.

#### PREVIOUS DECISIONS

13 July 2021 Ordinary Council Meeting - "That a report be presented to Council providing further information on the Silo artwork project."

#### BUDGET IMPLICATIONS

There is no operating budget allocation relating to this proposal. If Council considers this a desirable project, allocation will need to be made in Council's operational budget and as such, increase Council's deficit position.

### LEGISLATIVE CONTEXT

Nil.

LEGAL IMPLICATIONS

Nil.

**STAFFING IMPLICATIONS** 

Nil.

### **RISK ASSESSMENT**

Nil.

## CORPORATE/OPERATIONAL PLAN

Economic Development

Tourism, Marketing and Events

Enhancing liveability and visitability of our Region and delivering economic growth through city building events.

Community

Our sense of place, diverse culture, history and creativity are valued and embraced.

#### CONCLUSION

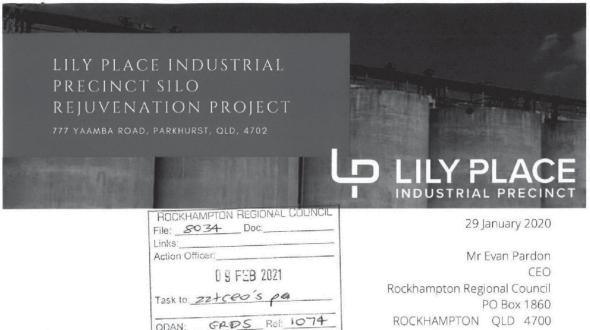
Based on the attached proposal and details clarifying the proposal, it is recommended Council consider a contribution towards the place-making artwork at the Lily Place Precinct Silos.

# SILO REJUVENATION PROJECT -FOLLOW-UP REPORT

# **Silo Rejuvenation Project Proposal**

Meeting Date: 10 August 2021

Attachment No: 1



Dear Mr Pardon,

I am writing to you seeking your support for the Silo Rejuvenation Project at the old Cement Australia site in Parkhurst, now Lily Place Industrial Precinct.

Years:

2

#### Benefits of a Rockhampton Regional Council Partnership

Box No:

AAcross regional towns of Australia there is a burgeoning new genre of tourist attraction – public, and very localised art. Silo art projects continue to draw thousands of tourists and have recently been recognised in some of the world's most popular international travel guides. We envisage that the Lily Place Silo Rejuvenation will assist in extending visitors stay in the Central Queensland Region.

We envisage showcasing the Rockhampton Regional Council across the silos by incorporating barramundi fishing on the Fitzroy River, the Gold Mining in Mt Morgan and the history of agriculture in the Rockhampton Region within the artwork. We can see from the Rockhampton Regional Council Economic Action Plan that increasing Tourism in the Rockhampton Region is a key to the success of the plan and we believe that not only will these completed silos extend visitation to the region, it may also bring new visitors to the region.

#### The Background

The site is being repurposed and reignited as a premier industrial precinct – Lily Place Estate; however, it has been proposed to retain the 6 massive silos on the site and restore them with murals.

The site is located on the Bruce Highway and is the northern entrance to the City of Rockhampton and the Capricorn Coast.

The silos are being donated back to the community and will incorporate a public carpark with room for tourists to stop and visit and take their photos.

For further information please contact Brad Neven on 0419 303 211



#### The Vision

Our goal is to find partners to assist in restoring the silos with murals that represent what the Capricorn Region has to offer, and to compliment what already exists within this great Region.

Artwork under consideration for the silos include: references to our beef and agriculture industries, our local indigenous heritage and culture, the Fitzroy River including the first class barramundi fishing or crocodiles, the coast with the Keppels and the southern Great Barrier Reef, The Caves and their wildlife and geological history, and our mining industry which has long supported our local community.

These Silos will be the Northern most silos in Australia and will bring national awareness to all Australians and international visitors to Regional Australia.

Once completed, the silos will be submitted to be added to the Australian Silo Trail.

Examples of murals can be found here: <u>Australian Silo Art Trail</u> (https://www.australiansiloarttrail.com/). The Silo Trail website and facebook pages have over 75,000 followers and had close to 1,000,000 views.

#### **Our Process So Far**

In order to reach our goal we have two key factors to distinguish, the 'who' and the 'what'!

Firstly the 'who' - we undertook an expression of interest process to find local artists interested in painting the silos.

This process resulted in local artists Bill and Luke Gannon being appointed as the preferred artists. Their art can be found all over Central Queensland, and artwork samples have been attached for your reference.

For further information please contact Brad Neven on 0419 303 211



Secondly the 'what' - we have recently completed a community consultation process to seek input from the community on what they believed should be painted as murals on the silos.

This has generated considerable interest and support. We are currently working with the artists to develop draft images for consideration.

This will resolve the design of the silos.

We are also in discussions with the CQ Rescue helicopter service regarding their involvement in the community and we believe they can be incorporated in the silos.

The next step for us is to fund this exciting project for the community of Central Queensland.

This is where you can assist. We are looking to raise \$100,000 to get this project completed. The estimated costs are as follows:

Total Expenditure	\$100,000
Mural Execution - each silo has a surface area of approx. 160m <sup>2</sup> . Thus 6 silos = 960m <sup>2</sup> .	\$89,000
Mural Design	\$6,000
Project Budget Estimate	\$2,000
Surface Analysis	\$1,500
Public Consultation	\$1,500

For further information please contact Brad Neven on 0419 303 211



#### Benefits of a Partnership

As a partner of the Lily Place Silo Rejuvenation Project we have a number of ideas about how you can recognised for your contribution to the project.

- A plaque at the Lily Place Silos viewing area / site
- A media release detailing your contribution will be distributed to local media
- An invitation to the launch of the Lily Place Silos
- Acknowledgement on the Lily Place Industrial Precinct Silo video to be released at the launch
- Featured on the Lily Place Industrial Precinct Website
- Featured on the Lily Place Industrial Precinct Facebook Page
- Featured on the information of the silos to be submitted to the Australian Silo Trail website

The Schedule: See attachment A

Community Benefits and positive outcomes: See attachment B

Bill and Luke Gannon Work Samples: See attachment C

With your support, we can resolve how we are funding this exciting project for the region. I would love the opportunity to discuss this with your further on how you can partner and assist.

Kind regards

Brad Neven Executive Manager JRT Group of Companies

For further information please contact Brad Neven on 0419 303 211



	OCT-20	NOV-20	DEC-20	JAN-21	FEB-21	MAR-21	APR-21	MAY-21	JUN-21	JUL-21
EOI & appoint artist	*									
Scope of project and budget		+ Preliminary	budget							
Seek and secure funding						🛉 🛧 Secure f	unding			
Consultation										
Media Updates										
Analysis of surface / treatment				*	Recommendation		*	Undertake surfac	e treatment	
Draft images										
Finalise images										
Ordering of materials										
Priming / sealing										
Painting				6						
Opening										*

For further information please contact Brad Neven on 0419 303 211

# ATTACHMENT B: COMMUNITY BENEFITS & POSITIVE OUTCOMES



#### Community Benefit Kimba Silo Art - Annette Green

The community and travelling public have gained an appreciation for the incredible talent required to paint a 25 metre high, 60 metre wide landscape on cylinders. The beauty of the final artwork is incredible and is receiving accolades from right across Australia and internationally via our Facebook site. School students often went to the Silo Art Viewing Area after school to check out progress and some of the school buses made detours at the end of the school day so out of town children could also appreciate the evolving art works. Artist Cam Scale took time after work to talk with the children and answer their questions about producing art work on such a challenging canvas.

Community pride and hope is at an all-time high. Young and old have been reminded of what a great community we are and how we can do almost anything we set our minds on when everyone comes together for a shared goal. Youth have seen how leadership, passion and hard work can deliver great outcomes. The District Council of Kimba has extended the area in the town's free camping zones to accommodate the increased number of 1 -3 day stays of the travelling public. One of the local cafes reported their busiest two weeks either side of the Silo Art Opening since they opened their doors for business three years ago.



For further information please contact Brad Neven on 0419 303 211

Page (32)

# ATTACHMENT B: COMMUNITY BENEFITS & POSITIVE OUTCOMES

Interview Extract from Dr Amelia Green - Griffith University What are some of the benefits of the silo art trail and the impact it an have on the communities and regional tourism?

"My research illustrates the potential for silo art projects, and development of silo art trail, to:

- Engage local communities and enable co-authorship of place identities, through both (1) design/concept development in cases where the community works together and with artists, curators etc., and (2) conversations amongst residents and tourists about the murals and towns that continues well after the paint dries.
- Celebrate uniqueness of individual towns and distinctive rural and regional Australian identities in ways that resonate with present day communities and other contemporary audiences (e.g. tourists looking to engage with local cultures).
- Provide A 'face' that enlivens landscapes by introducing often emotive and striking creative stimuli (even when no person is depicted).
- Re-activate and meaningfully re-interpret grain silos, a physically distinctive and socio-historically significant symbol of collective community achievement and Australian farming culture.
- Establish towns 'on the map' and signify that a community 'lives here'.
- Start new conversations, not just for size and visual impact of each mural, but also the messages contained within (e.g. consider how the Water Diviner silos by artist Fintan Magee in Barraba invites the question What is Water Divining?, broader discussions about the community and other stories about traditional ways of life).
- Invoke relationships to the environment (connections to the land, the sea and the local fauna have remained common threads since the first silos in Northam, Western Australia).
- Encourage face-to-face social interactions amongst the community and tourists around base of the silos, other areas in viewing distance, nearby camping sites etc.
- Stimulate surrounding public space upgrades (e.g. General beautification, public seating improvements, dedicating viewing infrastructure) in response too increased usage.
- Introduce world-class artists to rural and regional towns and forge opportunities for community members to collaborate with these unique 'creative visitors' skilled in artistic visioning of symbolic everyday behaviours and place identities.

For further information please contact Brad Neven on 0419 303 211

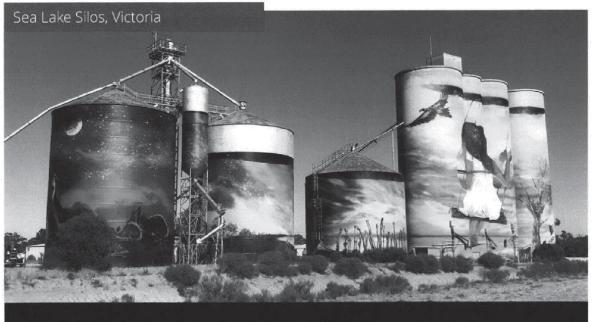
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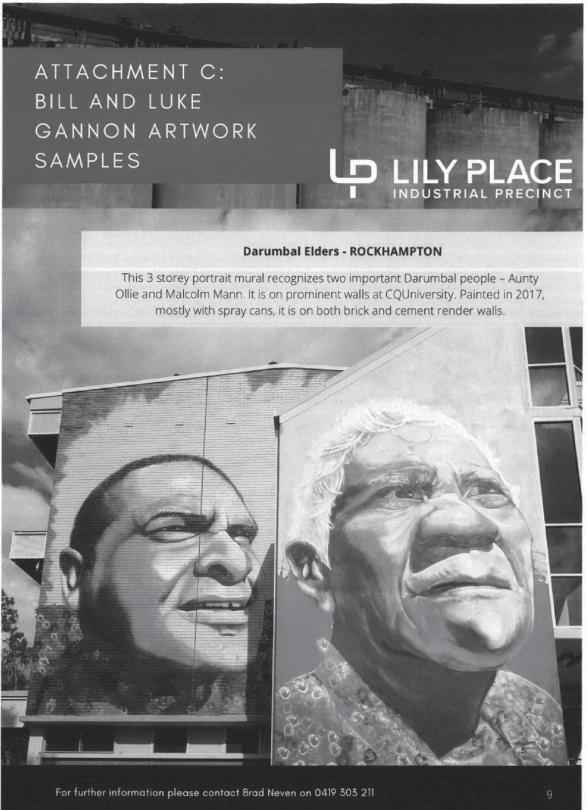
Broader re-enchantment with rural and regional Australia (and the 'regional Australia' place brand) represents another theme within my research. For instance, when people talk about silo art, they often refer to individual towns, 'rural' places and 'regional Australia' in positive tones. The place branding capacity of silo art stems from the capacity of this art to:

- Help energise and activate places on a 'ground-level' through integration of art into the public space and ensuing social interactions, while also;
- Sparking public interest and conversations through which people engage with (and potentially revise their perceptions of) the towns involved.

The bourgeoning websites, newspaper coverage and social media surrounding silo art also convey messages about the joys and challenges of everyday life in these parts of the country. Greater awareness of drought conditions and interrelated issues (amongst metropolitan Australia especially) therefore represents another potential 'unintentional' and longer-term benefit."



For further information please contact Brad Neven on 0419 303 211



# ATTACHMENT C: BILL AND LUKE GANNON ARTWORK SAMPLES

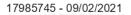
#### **Busby Marou - YEPPOON**

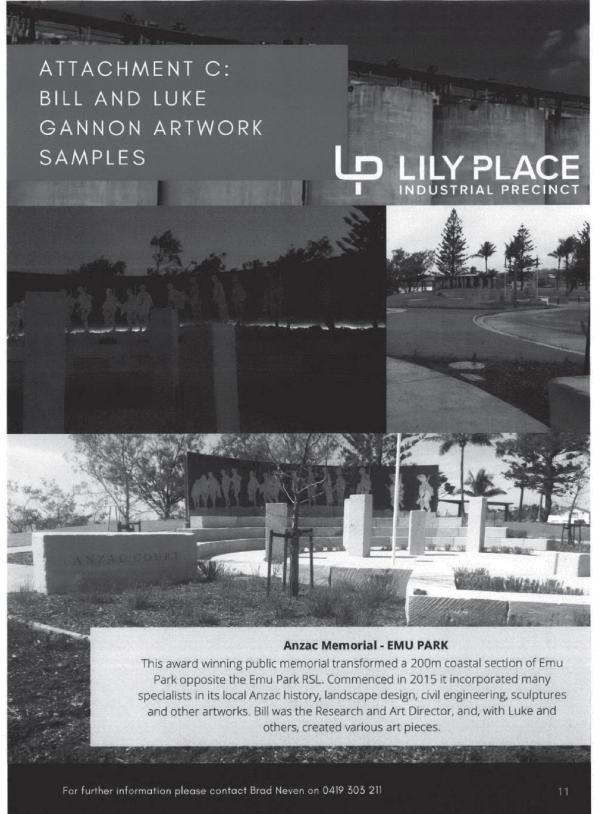
Completed in August 2017 this mural is one of many at the Yeppoon public carpark. It celebrates local musicians, Tom Busby and Jeremy Marou, who are now on the national stage. It is about 5m high and was mostly a spray can project.



For further information please contact Brad Neven on 0419 303 211

10





# SILO REJUVENATION PROJECT -FOLLOW-UP REPORT

# **Site Aerial and Development Graphics**

Meeting Date: 10 August 2021

Attachment No: 2





TEMPORARY-

100-0 2

3 1.007 ha

SERVICE ROAD

79.0

10

4.661 ha

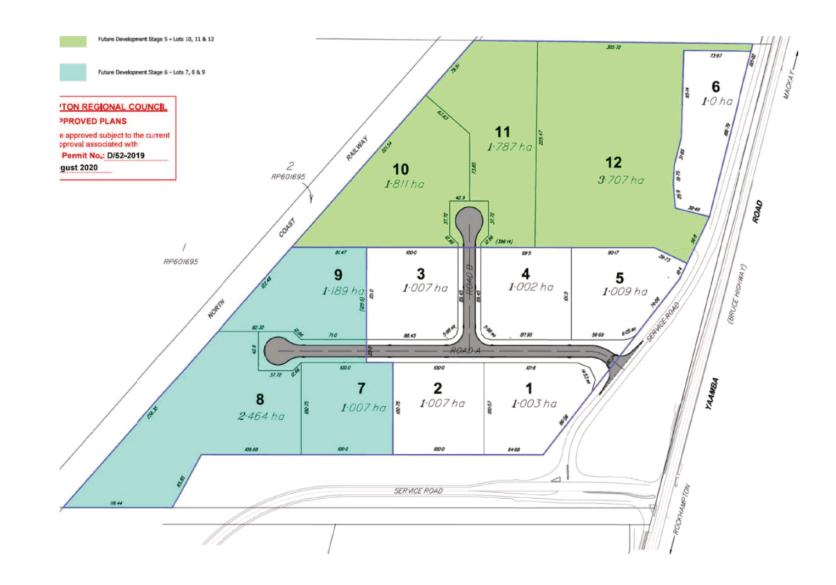
209.58

- DA APPLICATION

KHAMPTON REGIONAL COUNCIL

plans are approved subject to the current ons of approval associated with opment Permit No.: D/52-2019 : 11 August 2020

APPROVED PLANS



### 10.6 TENDER CONSIDERATION PLAN - ROCKHAMPTON MUSEUM OF ART

File No:	5883		
Attachments:	1. Community Services Committee Report - 12 February 2020		
Authorising Officer:	Alicia Cutler - General Manager Community Services		
Author:	Damon Morrison - Project Manager Art Gallery - Operations Jacob Weir - Project Manager Art Gallery - Technical		

### SUMMARY

The purpose of this report is to seek approval under section 230 of the Local Government Regulation 2012 (Qld), for the engagement of artists, artist educators and artist exhibition designers for the operations of the Rockhampton Museum of Art.

#### **OFFICER'S RECOMMENDATION**

THAT Council receives the report and adopts the Tender Consideration Plan as outlined in this report.

### COMMENTARY

A range of exhibitions and public engagement programs are proposed for the 2021-2022 and 2022-2023 financial years scheduled to begin on the commencement of operations of the Rockhampton Museum of Art.

A report was presented to the former Community Services Committee on 12 February 2020 and subsequently endorsed by Council on 18 February 2020 for a number of sole supplier providers for the period 2020-2022.

With COVID-19 impacting the operations of the Rockhampton Art Gallery during 2020 and preparations progressing for the opening of Rockhampton Museum of Art, engagements for exhibitions and programs to be presented at the Rockhampton Museum of Art have been updated and this report seeks the approvals necessary for procurement purposes to facilitate engagement.

### BACKGROUND

Rockhampton Museum of Art requires the engagement of artists, artist educators and artist exhibition designers as part of its initial exhibition program and public engagement program.

When contracting to present these exhibitions and programs it is, by the nature of the activity, not possible to obtain more than one quotation for the supply of the production or exhibition.

Detailed below, in no particular order, are the proposed artists, artist educators and artist exhibition designers to be engaged throughout 2021 – 2023 as part of the Rockhampton Museum of Art exhibition program and public engagement program recommended to be subject to the Tender Consideration Plan.

Supplier	Service(s)
Dale Harding	Artwork commission, curation, exhibition, program and publication, as per agreed commissioning brief.
Michael Zavros	Artwork commission, curation, exhibition, program and publication, as per agreed commissioning brief.
Tobias DeMaine (Bayton Award Winner 2018)	Artwork commission, curation, exhibition, program and publication, as per agreed commissioning brief.
Erin Dunne (Bayton Award Winner 2019)	Artwork commission, curation, exhibition, program and publication, as per agreed commissioning brief. Facilitate public engagement program, as per call out EOI.
Luke Roberts	Artwork commission, curation, exhibition, program and publication, as per agreed commissioning brief.
Anita Gigi Budai	Artist exhibition design services for the planned exhibitions in Gallery 1 and Gallery 2.

The following list of artist educators who all have submitted a response and a proposed education program brief as part of a call out earlier this year:

- Ainslie McMahon
- Alana Read
- Benjamin Scott
- Brendon Tohill
- Caje Goves
- Charlotte Fisher
- Elena Churilova
- Gail Meyer
- Helen Kavanaugh
- Jacky Ming How Chan
- Jayne Cho
- Jemica Ostrofski
- Jenny Hilker
- Jodie van de Wetering
- Karen Milder
- Lexi Maller
- Lyn Diefenbach
- Marion Hughes
- Nellie Lovegrove
- Noel Brady
- Oliver Skrzypczynski
- Phillip Hore
- Peta Lloyd
- Rosalie Campbell
- Shelly McArdle
- Tracy McPherson
- Trudie Leigo
- Tric Grienke
- Veronika Zeil
- Wilma La

### PREVIOUS DECISIONS

On 12 February 2020, Council's Community Services Committee recommended 'THAT it is satisfied that there is only one supplier who is reasonably available and that because of the specialised nature of the services that are sought, it would be impractical for Council to invite quotes for the supply of the productions, exhibition and services as detailed in the report.'

On 18 February 2020 Council resolved to adopt the recommendation from the Community Services Committee.

A copy of the report to the Community Services Committee is attached to this report.

### BUDGET IMPLICATIONS

Costs associated with artistic engagement and public engagement programs for the upcoming financial year are proposed to be funded within the current capital and operational budget allocations.

Some of the artist engagements will be funded through the Rockhampton Museum of Art Philanthropy Board programs, such as the Commission Collective and other donations made towards the museum.

### LEGISLATIVE CONTEXT

Section 230 of the Local Government Regulation 2012 (Qld):

### "Exception if quote or tender consideration plan prepared

(1) A local government may enter into a medium-sized contractual arrangement or largesized contractual arrangement without first inviting written quotes or tenders if the local government-

- (a) decides, by resolution, to prepare a quote or tender consideration plan; and
- (b) prepares and adopts the plan.

#### (2) A quote or tender consideration plan is a document stating

- (a) the objectives of the plan; and
- (b) how the objectives are to be achieved; and
- (c) how the achievement of the objectives will be measured; and
- (d) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and
- (e) the proposed terms of the contract for the goods or services; and

(f) a risk analysis of the market from which the goods or services are to be obtained

### Tender Consideration Plan:

**Objective**: The objective of this tender consideration plan is to provide Council and the Rockhampton Museum of Art with opportunities to directly engage with artists and artist educators across different mediums as part of the initial exhibition and education program of the Rockhampton Museum of Art.

*How the Objective will be achieved*: An on-going call out for artist and artist educators has been established for interested artists and artist educators to submit a proposed brief for evaluation and assessment by the Rockhampton Museum of Art. The criteria for this evaluation may include but is not limited to price, availability, artist/artist educator recognition, location, alignment with museum collection/education policy and so on.

*How the achievement of the objectives will be measured*: Achievement of the objectives will be measured through tracking and monitoring attendance numbers at various exhibitions and education programs to inform future decision-making and engagements.

Alternative ways of achieving the objective: Issuing invitations to quote/tender to multiple artists and artist educators for a specific medium/program, however, it is difficult to evaluate these tenders in a fair, transparent and cost effective manner, as the skill level and cost can vary significantly across artists and artist educators. It would create significant time delays

and inefficiencies through undertaking multiple invitations to quote/tender; and to contractually manage these engagements.

**Proposed term of contract**. The proposed term of contract for the nominated artists and artist educators are for the period 2021 - 2023. Another report will be presented to Council in the future for the next proposed term of contract.

*Risk analysis of the market*. There are many artist and artist educators both locally, nationally and internationally who could be available for the initial exhibition and education program. Council have managed this risk by releasing a call-out for interested parties to submit a proposed brief for consideration by the Rockhampton Museum of Art. The call-outs will continue on an on-going basis and will be evaluated as submissions are made. Variations to this tender consideration plan will be submitted to Council with amended artists and artist educators as appropriate.

### LEGAL IMPLICATIONS

There are no legal implications relevant to the Tender Consideration Plan being presented for consideration.

### STAFFING IMPLICATIONS

The engagement and implementation of exhibitions and public engagement programs will be overseen by the Rockhampton Museum of Art.

### **RISK ASSESSMENT**

The engagement of artists and artist educators is critical to ensure the successful operation of Rockhampton Museum of Art. By not endorsing this tender consideration plan, it will introduce a significant risk that the initial exhibitions and public engagement programs are not in alignment with the expectations of the local community.

### CORPORATE/OPERATIONAL PLAN

2021-2022 Operational Plan – Section 1.2.3 - Commence operations of the Rockhampton Museum of Art, including the activation of the gallery space and surrounds, by 31 March 2022.

### CONCLUSION

It is recommended that Council approves the proposed Tender Consideration Plan detailed in this report in accordance with section 230 of the *Local Government Regulation (2012)*.

# TENDER CONSIDERATION PLAN -ROCKHAMPTON MUSEUM OF ART

# Community Services Committee Report - 12 February 2020

Meeting Date: 10 August 2021

Attachment No: 1

### **REPORT TO COMMUNITY SERVICES COMMITTEE MEETING 12 FEBRUARY 2020**

### 8.1 SOLE PROVIDER PROVISION ROCKHAMPTON ART GALLERY

File No:	7104
Attachments:	Nil
Authorising Officer:	John Webb - Manager Communities and Culture Alicia Cutler - Acting General Manager Community Services
Author:	Bianca Acimovic - Gallery Director

### SUMMARY

Council presents an annual program of exhibitions and performances for which it is necessary to resolve that it would be impractical for Council to invite quotes for the supply of the exhibition content and physical productions.

### **OFFICER'S RECOMMENDATION**

THAT Council resolve that 'it is satisfied that there is only one supplier who is reasonably available' and that 'because of the specialised nature of the services that are sought, it would be impractical for Council to invite quotes for the supply of the productions, exhibition and services' as detailed in the report.

### COMMENTARY

Council provides for the presentation of a range of exhibitions and programs at Rockhampton Art Gallery.

Rockhampton Art Gallery activities include the annual exhibition program and public engagement program developed by Rockhampton Art Gallery present throughout the Rockhampton Region.

When contracting to present these exhibitions and programs it is, by the nature of the activity, not possible to obtain more than one quotation for the supply of the production or exhibition and therefore it is necessary, under Chapter 6 Part 3 Division 3 Clause 235 of the Local Government Regulation 2012 to have Council resolve both or either "that it is satisfied that there is only one supplier who is reasonably available" and "because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders".

Detailed below are the major artistic engagement for exhibitions and programs to be presented at the Rockhampton Art Gallery over the 2020 year not previously report to and approved by Council.

Date	Company	Production / Exhibition	Supplier
Art Gallery Exh	ibitions / Programs		
		Artist fee – Exhibition	
		Artist fee – Programs, events and learning	Todd Fuller, Catherine O'Donnell, Kellie
2020 - 2022	Hardenvale	Artist Fee – Artist in Resident (AIR)	O'Dempsey
	Untitled (Luke Roberts	Artist fee – Exhibition Artist fee – Programs, events and learning	Luke Roberts Michele Helmrich
2020 - 2022	X Pope Alice)	Artist Fee – Artist in	Milani Gallery

		Resident (AIR)	
		Curators fee – exhibition and exhibition publication	
2020 - 2022	<i>Untitled</i> (Erin Dunne Bayton Award Winner 2019)	Artist fee – Exhibition Artist fee – Programs, events and learning Artist Fee – Artist in Resident (AIR)	Erin Dunne
2020 - 2022	Untitled (Andrew Rewald)	Artist fee – Exhibition Artist fee – Programs, events and learning Artist Fee – Artist in Resident (AIR)	Andrew Rewald
2020 - 2022	Untitled (Scenocosme)	Artist fee – Exhibition Artist fee – Programs, events and learning Artist Fee – Artist in Resident (AIR)	Gregory Lasserre Anais met den Ancxt
2020 - 2022	Untitled (teamLAB)	Artist fee – Exhibition Artist fee – Programs, events and learning Artist Fee – Artist in Resident (AIR) Curators fee – exhibition and exhibition publication	Martin Browne Contemporary teamLab
2020 - 2022	Untitled (Bill Yaxley)	Artist fee – Exhibition Artist fee – Programs, events and learning Curators fee – exhibition and exhibition publication	Bill Yaxley Bruce Heiser Projects
2020 - 2022	Confluence	Artist fee – Exhibition Artist fee – Programs, events and learning Artist Fee – Artist in Resident (AIR) Curators fee – exhibition and exhibition publication	Dale Harding Milani Gallery Jacob McQuire Darumbal Enterprise Michelle Black
2020 - 2022	Untitled (Tobias De Maine)	Artist fee – Exhibition Artist fee – Programs, events and learning	Tobias DeMaine
2020 – 2022	Curious Affections	Artist fee – Exhibition Artist fee – Programs, events and learning	Queensland Art Gallery / Gallery of Modern Art Patricia Piccinini Studio
2020 - 2022	Untitled (Richard Bell, Gold Award 2018 winner)	Artist fee – Exhibition Artist fee – Programs, events and learning	Richard Bell Darumbal Enterprise

		Artist Fee – Artist in Resident (AIR)	Milani Gallery
		Curators fee – exhibition and exhibition publication	
		Artist fee – Programs,	LeLarnie Hatfield
		events and learning	Aunty Nicky Hatfield
2020	Darumbal Storytime		Darumbal Enterprise
2020	Messy Monday	Artist fee – Programs, events and learning	Ainslie McMahon
2020	Yoga in the Gallery	Artist fee – Programs, events and learning	Shelley McArdle

As the Local Government Regulations 2012 require Council to make a specific resolution in regard to these decisions and that this decision making power is unable to be delegated, this report will be presented to Council on an annual basis.

### CONCLUSION

As the Local Government Regulations 2012 require Council to make a specific resolution in regard these decisions and that this decision making power is unable to be delegated, this report will be presented to Council on an annual basis.

#### INFRASTRUCTURE Councillor Portfolio – Councillor Smith

No items for consideration

### PARKS, SPORT AND PUBLIC SPACES Councillor Portfolio – Councillor Rutherford

### 10.7 RESOURCES COMMUNITY INFRASTRUCTURE FUND - MOUNT MORGAN POOL

File No:	12534
Attachments:	<ol> <li>Resources Community Infrastructure Fund, Round 1 Guidelines<u></u></li> </ol>
Authorising Officer:	Ross Cheesman - Acting Chief Executive Officer
Author:	Ann Davie - Grants and Policy Advisor

### SUMMARY

Through the Resources Community Infrastructure Fund, the Queensland Government has made available \$100 million to resource communities over two funding rounds of \$50 million each. The first round is open and will close 27 August 2021.

It is proposed to submit an application for the Mount Morgan Swimming Pool refurbishment.

### OFFICER'S RECOMMENDATION

THAT Council submit an application for funding through the Resources Community Infrastructure Fund, Round 1 for the Mount Morgan Swimming Pool refurbishment.

### COMMENTARY

The Queensland Government launched the Resources Community Infrastructure Fund (RCIF) on 13 July 2021. The \$100 million Fund is split into two rounds of \$50 million each. Round 1 is open now and will close 27 August 2021.

The Fund is a voluntary partnership between government and the resources industry and seeks to support infrastructure that is in addition to existing planned State and resource company funded community infrastructure.

The Fund is available to resource communities, which are defined as:

Communities in Queensland which host significant coal and minerals production, or which have significant coal and mineral operations in close proximity.

The Rockhampton LGA is eligible as it provides significant support to resource operations in Central Queensland.

The Fund's guidelines state that eligible projects include "physical economic and social infrastructure which allows a Resource Community to access services to meet that community's needs, maximises its potential or enhances community wellbeing. This includes new infrastructure as well as upgrade, extension or replacement of existing infrastructure."

The Fund has two streams:

- Minor infrastructure \$100,000 \$1 million
- Major infrastructure \$1 million \$8 million

The Fund can cover 100% of project costs, although an assessment criteria relates to "the applicant's commitment and financial and/or in-kind contribution to the project". As such, a

financial contribution to the project is likely to be looked upon favourably. Multiple applications can be submitted.

Eligible project expenditure includes detailed design as well as construction costs.

The Mount Morgan Swimming Pool refurbishment project has been identified as the project that best fits the Fund's criteria and is at a stage compatible with the Fund's timeframes.

### BACKGROUND

The Mount Morgan Pool is at end of life and requires significant works to extend its life span and meet compliance requirements. A report presented to the Parks Portfolio Workshop on 1 June 2021 discussed the current issues with the Mount Morgan Pool and potential options to resolve those issues.

### **BUDGET IMPLICATIONS**

Council has committed the net sum of \$2.5m over two years to this project. Council's 2021-22 Budget makes an initial commitment of \$500,000 for Mount Morgan Pool refurbishment (subject to 50% grant funding). Forward budgets estimates (22/23) include a \$4.5 million provision for completion and is also subject to securing grant funding of 50%. Cost estimates for completion of the proposed works will be refined during the application process however preliminary project cost estimates are \$6.5 million. The balance will be the sum sought in this application.

### CORPORATE/OPERATIONAL PLAN

Aligns with 1.1 and 1.2 of the Corporate Plan 2017-2022

### CONCLUSION

Funding through the Resources Community Infrastructure Fund will support a project to significantly upgrade the facility and provide the community of Mount Morgan with a valuable community resource. This objective aligns with those of the Fund and this report proposes to submit an application for funding.

# RESOURCES COMMUNITY INFRASTRUCTURE FUND – MOUNT MORGAN POOL

# Resources Community Infrastructure Fund, Round 1 Guidelines

Meeting Date: 10 August 2021

Attachment No: 1

# Resources Community Infrastructure Fund Round 1 Applicant Guidelines



The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Source number D21/105821

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# Glossary

Term	Definition
Applicant	An Eligible Organisation submitting an application for funding under Round 1 of the Resources Community Infrastructure Fund.
Applicant Guidelines	These Resources Community Infrastructure Fund Round 1 Applicant Guidelines as updated from time to time.
Application	An application (or relevant part of an application) made to the State for funding from the Fund and includes an Application Form and any other supporting or additional information in whatever form provided by the Applicant in connection with its enquiry or application to the Fund (including but not limited to its detailed project plan).
Approved Project	The Project scope of works approved for funding and as defined in a Project Funding Agreement.
Assessment Criteria	The criterion set out in section 4.4.1 of these Applicant Guidelines.
Benefits	The measurable improvement resulting from the delivery of the Approved Project
Community Infrastructure	Physical economic and social infrastructure which allows a Resource Community to access services to meet that community's needs, maximises its potential or enhances community wellbeing;
Construction Commencement or Commenced Construction	Construction is considered to commence when physical changes are made to the Project Site, or when works commence on another site (e.g. manufacture/fabrication of major project components in a factory) as agreed with the Department.
Construction Commencement Date	The date by which the Applicant intends to commence construction.
DSDILGP / the Department	The Queensland Department of State Development, Infrastructure, Local Government and Planning.
Eligible Organisations	An entity that meets the requirements set out in section 3.1.1 of these Applicant Guidelines.
Estimated Total Project Cost	The estimated total Project expenditure plus the contingency. A contingency of up to 15% of total Project expenditure may be included in the Estimated Total Project Cost.
Ineligible Organisation	An entity set out in section 3.1.2 of these Applicant Guidelines.
The Fund	Resources Community Infrastructure Fund
Project Partner	Applicant's Project Partner/s required to deliver the Project and its outcomes
Project	A Project includes the entire scope of works identified in the Application commencing from the Project Start Date through to Project completion, e.g. for a construction Project this may include relevant identified pre-construction activities (e.g. final design, tendering), all construction related activities and commissioning.
Project Funding Agreement	The agreement formed between the successful Applicant and the State that details the terms and conditions for payment of grant funding.
Project Infrastructure	The completed infrastructure that results from the delivery of an Approved Project.

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Department of State Development, Infrastructure, Local Government and Planning

Term	Definition
Project Site	The land on which the Project Infrastructure is located.
Project Start Date	The date from which Eligible Project Costs may be reimbursed for an Approved Project. The Project Start Date may not be prior to the expected earliest date for official notification of Round 1 funding approval as set out on the Fund website.
QRC	Queensland Resources Council Ltd ACN 050 486 952.
Resource Communities	Communities in Queensland which host significant coal and minerals production or which have significant coal and mineral operations in close proximity.
Coal and mineral resources	Has the same meaning as "minerals" as defined in section 6 of the Mineral Resources Act 1989 excluding "coal seam gas" as defined in section 318AC of the Mineral Resources Act 1989.
State	The State of Queensland

# 1. About the Fund

The Resources Community Infrastructure Fund (the Fund) is a partnership between the government and the resources industry that seeks to supplement existing resources industry investment in Community Infrastructure.

The \$100 million Fund represents a voluntary partnership between coal and mineral resource companies through the QRC and the Queensland Government. Coal and mineral resource companies will be contributing \$70 million and the State contributing \$30 million over the life of the Fund.

The Fund is managed by the Department and funding will be distributed through a competitive application and assessment process across two funding rounds. These Applicant Guidelines relate to Round 1.

# 2. Fund overview

### 2.1. Fund objectives

The Fund Objectives are to:

- Increase a Resource Community's access to services to meet that community's needs, maximise its potential or enhances community wellbeing and
- (2) Enhance community safety, reduce social inequality or benefit disadvantaged communities and
- (3) Supplement planned Community Infrastructure investment by the State and resources sector by delivering new projects as soon as possible that provide additional benefits to Queensland's Resource Communities.

### 2.2. Funding Allocation

The Fund will distribute at least \$100 million to approved Community Infrastructure Projects.

Funding of up to \$50 million will be available under Round 1.

Funding will be allocated to Projects through two funding streams:

- » Minor infrastructure Projects seeking funding of at least \$100,000 (excluding GST) to a maximum of \$1 million (excluding GST)
- » Major infrastructure Projects seeking funding of over \$1 million (excluding GST) to a maximum of \$8 million (excluding GST).

Applicants may apply for funding to reimburse 100 percent of their Eligible Project Costs up to the maximum funding threshold of \$8 million (excluding GST). All Ineligible Project Costs must be met by the Applicant or a thirdparty contributor to the Project. Applications with Project costs that exceed the funding sought from the Fund must provide the State with evidence confirming it has sufficient funding (or has secured funding from a third party) to meet the Estimated Total Project Cost.

# 3. Application requirements3.1. Who can apply?

### 3.1.1. Eligible Organisations

To be eligible to apply for funding from the Fund an organisation must be:

- » a non-government not-for-profit organisation that is a legal entity and:
  - is incorporated
  - has an active Australian Business Number (ABN)
  - is registered for the Goods and Services Tax (GST)
  - has not-for-profit objectives
  - has a bank account in the name of the legal entity
  - has been operating in Queensland for at least 12 months prior to the application closing date
  - for Major Infrastructure Projects, is registered with the Australian Charities and Not-for-profits Commission (ACNC)

OR

- » a local government body constituted under the Local Government Act 2009 or
- » Weipa Town Authority

#### AND

- » will own and operate the Project Infrastructure that is the subject of the Eligible Project or
- » have a Project Partner that will own and/or operate the Project Infrastructure that is the subject of the Eligible Project.

Eligible Organisations may collaborate with local parties such as chambers of commerce, regional economic development organisations, industry groups and local businesses to progress infrastructure projects that will provide eligible Community Infrastructure Projects in Resource Communities. In such circumstances, the Eligible Organisation must submit the Application and will be the Project lead and responsible for delivery of the Project. If multiple Eligible Organisations are involved, one of the Eligible Organisations will be responsible for submitting the Application as the Project lead and managing delivery of the Project.

### 3.1.2. Ineligible Organisations

The following entities are considered Ineligible Organisations under these Applicant Guidelines:

- » State and Federal Government agencies
- » chambers of commerce, regional economic development organisations, remote area boards
- » proprietary limited or public companies limited by shares where the shareholders are individuals, trusts or companies that trade for profit
- » individuals and sole traders
- » organisations trading for profit.

### 3.2. What will be funded?

Applications must be for the construction of Community Infrastructure in a Resource Community, as defined in these Applicant Guidelines.

Eligible Organisations may seek funding for more than one Project. Each Project requires submission of a separate Application.

It is expected that Approved Projects will Commence Construction within six months of a Project Funding Agreement being executed.

### 3.2.1. Eligible Projects

Eligible Projects must:

- » be for the construction of Community Infrastructure which may include construction of new infrastructure as well as the upgrade, extension or replacement of existing infrastructure
- » be located in Queensland
- » be a new Project that is:
  - not already fully funded through an approved Applicant budget or similar approved funding commitment, e.g.an approved local government budget.
  - not already have full project funding approved through another funding program in Queensland, or by the Commonwealth
  - not already Commenced Construction or where Construction Commencement is planned to occur prior to the expected official notification of Round 1 funding approval
- » be seeking funding within the following ranges:
  - for a Major infrastructure Project over \$1 million up to and including \$8 million
  - for a Minor Infrastructure Project \$100,000 up to and including \$1 million

### 3.2.2. Ineligible Projects

Projects that are not eligible for funding under the Fund include:

- » Projects (including pre-construction activities) that have already Commenced Construction or been completed at the time of submission of the Application, or where Construction Commencement is planned to occur prior to expected earliest date for official notification of Round 1 funding approval
- » Projects that will only involve the repair, or routine or ongoing maintenance of existing infrastructure
- » state infrastructure projects that would usually be funded through the normal business of Queensland Government agencies
- » Projects or assets that are owned in anyway by resource companies participating in the Fund
- » non-construction projects, including but not limited to feasibility studies, business cases, mapping, and research activities, or projects that include or require feasibility studies, planning studies, conceptual design and business case development.

## 3.3. Eligible Project Costs

Eligible Organisations whose Applications are approved for funding will be responsible for all Ineligible Project Costs and any Eligible Project Costs over and above the approved funding amount. Eligible Organisations approved for funding will also be responsible for meeting any Project cost increases that occur over the course of delivering an Approved Project.

Approved funding may only be applied towards 'Eligible Project Costs'.

Eligible Project Costs include the following:

- » construction costs including:
  - all site works required as part of the construction
  - the costs of construction-related labour, materials, equipment hire
- » detailed design, i.e. production of final 'For Construction' designs or equivalent
- » costs of conducting a tender for the approved works
- » project management costs including remuneration of the Eligible Organisation's technical, professional and/or administrative staff for time directly related to managing the construction of approved works (for

example the salary of a project manager for the Approved Project), but excluding executive duties and overhead charges

» purchase and installation of fixed plant and equipment required to fully commission the infrastructure; that relate to an Approved Project.

### 3.3.1. Ineligible Project Costs

Ineligible Project Costs include:

- » costs incurred prior to the Project Start Date identified in the signed Project Funding Agreement, including any otherwise Eligible Project Costs
- » feasibility studies, planning studies, business cases
- » conceptual design
- » legal expenses
- » temporary works, other than those required to enable completion of the Approved Project
- » official opening expenses (including permanent signage)
- » ongoing costs for administration, operation, maintenance or engineering
- » remuneration of employees for work not directly related to the Approved Project
- » overhead charges for internal costs of the Eligible Organisation, e.g. stores, plant and equipment
- » portable assets e.g. computers, furniture, desks, whitegoods

The above list identifies the most common examples of ineligible costs and is not intended to be comprehensive and other expenses not included in the above list will be considered by the State on a case by case basis.

For the avoidance of doubt, all Ineligible Project Costs, and any costs over and above the funding sought must be met by an Applicant or third-party contribution. Applicants are required to demonstrate sufficient funding contributions to meet the Estimated Total Project Cost as identified in the Application.

# 4. How will applications be assessed?

## 4.1. Advisory Committee

An Advisory Committee has been established to ensure the needs of Resources Communities across the state will be properly considered when making funding recommendations.

Committee members have a broad mix of skills and experience in mining logistics, regional, remote and indigenous communities, regional and remote health and public administration.

### 4.2. Assessment process

Applications will be assessed on a competitive basis relative to the merit of other Applications eligible for funding. The process will be undertaken as follows:

- (a) Eligibility check once Applications have been received, they will be checked for eligibility and only Applications that have been made by Eligible Organisations that are for Eligible Projects will proceed to further assessment.
- (b) Application assessment assessment of the Application against the Assessment Criteria and moderation of Applications will be undertaken by the Department. The assessment process may include consultation with other relevant Queensland government agencies. Applications and assessments will be provided to the Advisory Committee for their consideration.

(c) Selection and recommendation – once the Advisory Committee has determined the potential successful Applications, recommendations will be compiled for consideration and approval of the Deputy Premier and Minster for State Development, Infrastructure, Local Government and Planning.

In conjunction with Applications being assessed against the Assessment Criteria, due diligence and probity checks may also be undertaken by the Department. The level of due diligence, and Benefits, and economic and value for money assessments to be undertaken will be commensurate with the quantum of assistance sought, the assessed risk for the Project to meet the Fund's objectives and the potential Benefits of the proposed Project.

# 4.3. Approval process

On receipt of recommendations from the Advisory Committee, the Deputy Premier and Minster for State Development, Infrastructure, Local Government and Planning will determine and approve the Projects which will receive allocations from the Fund.

# 4.4. Assessment Criteria

Applications from Eligible Organisations for Eligible Projects will be assessed based on how well the Project addresses the Fund's objectives and how strongly each objective is supported.

The Advisory Committee will assess these Applications against the following criteria to determine the relative merit of each Project.

Priority may be given to Projects in communities that are impacted by significant coal and mineral operations in close proximity.

### 4.4.1. Criterion

Assessment Criteria	Weighting
(a) How well the Project demonstrates it will increase access to services that meet the Resource Community's need, maximise its potential or enhance the community's wellbeing.	30%
<ul> <li>(a) How well the Application clearly demonstrates the Project will: <ul> <li>i. Enhance community safety; or</li> <li>ii. Reduce social inequality; or</li> <li>iii. Benefit disadvantaged communities</li> </ul> </li> </ul>	30%
<ul> <li>(a) The Applicant, its Project Partners (if relevant), and preferred contractors, have the capacity, capability and track record to deliver the Community Infrastructure Project.</li> <li>(b) The readiness of the Project to commence construction and how quickly the infrastructure will be delivered.</li> <li>(c) The extent the Project has stakeholder and community support.</li> <li>(d) The Applicant's commitment and financial and/or in-kind</li> </ul>	20%
<ul> <li>contribution to the Project.</li> <li>(e) The extent that the required detailed project plan details the scope, need, Benefits, outcomes, adequate financing arrangements, and value for money of the Project</li> </ul>	20%
	<ul> <li>services that meet the Resource Community's need, maximise its potential or enhance the community's wellbeing.</li> <li>(a) How well the Application clearly demonstrates the Project will: <ul> <li>i. Enhance community safety; or</li> <li>ii. Reduce social inequality; or</li> <li>iii. Benefit disadvantaged communities</li> </ul> </li> <li>(a) The Applicant, its Project Partners (if relevant), and preferred contractors, have the capacity, capability and track record to deliver the Community Infrastructure Project.</li> <li>(b) The readiness of the Project to commence construction and how quickly the infrastructure will be delivered.</li> <li>(c) The extent the Project has stakeholder and community support.</li> <li>(d) The Applicant's commitment and financial and/or in-kind contribution to the Project.</li> <li>(e) The extent that the required detailed project plan details the scope, need, Benefits, outcomes, adequate financing</li> </ul>

# 5. Application process

# 5.1. Key dates

Key dates will be published on the Fund website. All dates are indicative and any changes to dates will be noted on the Fund website. Eligible Organisations should check the Fund website for updates.

Applications and all supporting documentation must be received by the Application closing date and time, however the Department, may, at is discretion, accept or reject late Applications as set out in the Terms and Conditions.

# 5.2. How to apply

Applications and all required supporting documentation, must be received by the identified closing date.

Applicant requests to change its Application after the closing date will not be accepted and the Department is under no obligation to allow an Applicant to provide any additional information. However, if an Applicant discovers an error after submitting its Application, please contact the department immediately on (07) 3452 7377 or via email on <u>reif@dsdilgp.qld.gov.au</u>.

The Applicant's accountable officer is responsible for ensuring that the Application is complete and accurate.

### 5.2.1. How to submit an Application

Eligible Organisations submitting an Application will be required to complete an Application Form and submit to the Department.

- » Include any identified supporting documentation (evidence) that supports statements made in the Application (unless web addresses are provided in your responses)
- » read and accept the Applicant acknowledgement prior to submitting the Application (refer to section 8.8 of the Terms and Conditions in these Applicant Guidelines) and
- » assign a priority to each application submitted.

Applicants will be notified in writing of the outcome of the assessment of their Application.

### 5.2.2. Evidence and supporting information

Eligible Organisations will be expected to provide substantive documentary evidence to support statements made in their Applications. Evidence should be directly relevant to the Project.

For supporting evidence to be considered it should be properly referenced in responses provided with the Application. References to evidence should include the document name or attachment number, and the section or page numbers. Failure to properly reference supporting evidence may result in supporting evidence not being considered during assessment.

For more information on using evidence to support an Application, please refer to the relevant guidance material provided by the Department.

### 5.2.3. Application assistance

Enquiries may be directed to the department via email at rcif@dsdilgp.qld.gov.au.

Resources to assist you with your Application are available from <u>www.statedevelopment.gld.gov.au/rcif</u> and include:

- » Applicant checklist and guidance
- » Application form
- » Frequently Asked Questions (FAQs)

If you have any questions after reading the resources, email rcif@dsdilgp.qld.gov.au.

The Department's regional officers are also available to assist Eligible Organisations identify projects that may be eligible.

Regional officers will not be involved in the assessment of Applications from Applicants within their regions or in the selection of successful Projects, and provision of support by a regional officer does not guarantee that an Application will be successful. Applicants acknowledge that they must form their own views as to the content and submission of their Application and cannot rely on any assistance provided by regional officers as being support of their Application by the Department.

Contact information for the office that services each region is available at <a href="https://www.statedevelopment.qld.gov.au/about-us/contact-us">https://www.statedevelopment.qld.gov.au/about-us/contact-us</a>.

Please note that any question, request for clarification or request for further information from any Applicant that does not contain confidential or personal information and any relevant responses may be provided by the State to all or any other Applicants.

The State has absolute discretion in determining whether it will disclose the question, request for clarification or request for further information and any response.

Further details about Conditions of Funding are set out below and in section 9.

# 6. Approved construction Projects

Eligible Organisations that are approved for funding will be required to ensure that the resulting Project Infrastructure continues in operation or use, as per its intended purpose at the time of application, for a period of time that may be up to 10 years after Project completion.

In most cases it is expected that the Applicant will own the land on which the funded infrastructure is to be constructed. If the Applicant does not own or have control over the land for the purpose of constructing, operating and maintaining the infrastructure, the Applicant will be required to enter into a formal arrangement with the land owner to guarantee access for these purposes, prior to entering a Project Funding Agreement.

It is also expected that the Applicant will own and operate the Project Infrastructure. If this is not the case, the Applicant will be required to enter into a formal arrangement (such as an enterprise works agreement) with the intended owner/operator to guarantee the continued operation of the infrastructure, to the satisfaction of the department, prior to entering a Project Funding Agreement.

# 6.1. Project savings

Funding will be provided to reimburse the actual Eligible Project Costs of the Approved Project. If actual total Project costs at Project completion are less than the Estimated Total Project Cost (as identified in the Project Funding Agreement), the difference between these two amounts will be considered Project savings.

If an Approved Project has contributions from the Applicant or a third party, Project savings will be apportioned between the contributors as per the ratio of the approved funds to the Estimated Total Project Cost. Approved funding for the Project may therefore be reduced by the Department by the amount of Project savings apportioned to the Fund. Should the Applicant have received milestone payments that exceed the relevant share of total Project costs after savings are apportioned, the Applicant will be required to refund the relevant amount to the Department within sixty days of the Project completion date.

# 6.2. Project evaluation

All Approved Projects will be monitored and evaluated by the Department to ensure the Fund is achieving its objectives.

Successful Applicants must comply with the reporting and audit obligations outlined in these Applicant guidelines and the Project Funding Agreement.

# 7. Communications

### 7.1. Communications with the media

All media enquiries or public announcements relating to the Fund will be coordinated and handled by DSDILGPs media team.

Where possible, all media and communications about Projects will be undertaken jointly with successful Applicants. You will be required to:

- » seek and obtain the Department's approval before making public statements, or contacting or responding to the media, regarding successful or unsuccessful Applications through the Fund;
- » provide the Department with at least 25 business days' notice of any proposed media event; and
- » provide any proposed media or public statement to the Department for approval prior to its release as well as making any changes or amendments to the form, content or manner reasonably requested by the Department.

Except as expressly permitted in these Applicant Guidelines, Applicants must not contact the State, its associates any Queensland Government agency or any of the State's advisers with a view to providing or obtaining information in respect of any part of the assessment process, or their Application for their proposed Project or attempting to support of enhance their prospect of their Application being successful.

# 7.2. Confidentiality

The State will maintain controls in relation to the management of confidential information provided by Applicants and all internal documentation produced in relation to the administration of the Fund. Applicants should specifically mark any information the Applicant considers to be confidential.

Applicants must keep confidential any dealings with the Department about their Application, including any funding offered, but may make disclosures to advisors who are under an obligation of confidentiality or if required by law.

The State reserves the right to publicly disclose the names of Applicants, general information about Projects and the funding provided and details about the anticipated economic outcomes and Benefits of the Project to the State. The State may also disclose confidential information of, or provided by, the Applicant:

- if required to be disclosed by law;
- » to its advisors, consultants and contractors;
- » to any government agency;
- » to comply with or meet applicable standards of accountability of public money or established government policies, procedures or protocols.

# 7.3. Compliments and complaints

If an Applicant has any feedback or concerns about the outcome of their Application, you are invited to provide your feedback in writing by contacting the Department as follows:

Phone, online or in person through the Queensland Government portal

Email: complaints@dsdmip.qld.gov.au

Correspondence: Director, Ethics

Department of State Development, Infrastructure, Local Government and Planning PO Box 15009, City East Qld 4002

An overview of the Department's compliments and complaints process is available at Compliments and complaints.

### 7.4. Contact details

Enquiries about the Fund can be directed to the Department of State Development, Infrastructure, Local Government and Planning via email at rcif@dsdilgp.qld.gov.au.

General information on the Fund is available at www.statedevelopment.gld.gov.au/rcif.

# 8. Terms and conditions

## 8.1. Reservation of rights

Despite any provision of these Applicant Guidelines to the contrary, the State reserves the right to administer the Fund and conduct the process for the assessment and approval of Applications to the Fund in such manner as it thinks fit, in its absolute discretion.

Without limiting the above paragraph, the State retains all rights and powers to make all decisions and actions in order to achieve the Fund objectives and the State reserves the right, in its absolute discretion and at any time, to:

- change the structure, procedures, nature, scope or timing of, or alter the terms of participation in the process or overall Fund (including submission and compliance of Applications), where in such circumstances notice will be provided to Applicants on the Fund website;
- consider or accept, or refuse to consider or accept, any application which is lodged other than in accordance with these Applicant Guidelines, or is lodged after the relevant date for lodgement, or which does not contain the information required by these Applicant Guidelines or is otherwise non-conforming in any respect;
- (iii) vary or amend the eligibility or Assessment Criteria;
- take into account any information from its own and other sources (including other Government agencies and other advisors);
- accept or reject any Application, having regard to these Application Guidelines, the eligibility criteria, the Assessment Criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Fund;
- (vi) give preference by allocating weighting to any one or more of the eligibility criteria or Assessment Criteria over other criteria;
- seek clarifications or additional information from or provide clarifications or additional information to any Applicant, or to negotiate or deal with or seek presentations or interviews from any Applicant;
- (viii) conduct due diligence investigations in respect of any Applicant and subject Applications to due diligence, technical, financial and economic appraisals;
- (ix) require an Applicant to clarify or substantiate any claims, assumptions or commitment contained in an Application or provide any additional information;
- (x) terminate the further participation of any Applicant in the application process;
- (xi) terminate or reinstate the Fund or any process in the Fund;
- (xii) not proceed with the Fund in the manner outlined in these Applicant Guidelines, or at all;
- (xiii) allow the withdrawal or addition of an Applicant after the closing date; and
- (xiv) take such other action as it considers in its absolute discretion appropriate in relation to the Fund processes.

Where, under these Applicant Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including an Applicant).

If the State does exercise any of its rights under these Applicant Guidelines, the State may inform any or all of the Applicants. The State will not, however, be required under any obligation to do so.

# 8.2. Relationship

The State's obligations in connection with the application process are limited to those expressly stated in these Applicant Guidelines.

Subject to clause 8.7, no contractual or legal relationship exists between the State and an Applicant in connection with the Fund, these Applicant Guidelines or the application process or any stage of the Fund.

An Applicant, or its representatives:

- has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
- (ii) must not hold itself out or engage in any conduct or make any representation which may suggest to any
  person that the Applicant is for any purpose an employee, agent, partner or joint venturer with the State;
  and
- (iii) must not represent to any person that the State is a party to the proposed Project other than as a potential funder, subject to the competitive application process detailed in these Applicant Guidelines.

## 8.3. Participation at Applicant's cost

Each Applicant participates in the application process at its own cost and risk.

To the extent permitted by law, no Applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:

- any costs, expenses, losses or liabilities suffered or incurred by the Applicant in preparing and submitting its Application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Fund;
- (ii) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Fund; or
- (iii) any of the matters or things relevant to its Application or the Fund in respect of which the Applicant must satisfy itself under these Applicant Guidelines.

Without limiting the above paragraph, if the State cancels or varies the Fund at any time or does not select any Applicant following its assessment of the Applications, or does (or fails to do) any other thing referred to under clause 8.1 of these Applicant Guidelines, no Applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the Applicant in preparing and submitting its Application or otherwise in connection with or in relation to (whether directly or indirectly) the Fund.

# 8.4. Applicant to make own enquires

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the Fund, and do not contain all of the information that Applicants may require in reaching decisions in relation to whether or not to submit an Application. Applicants must form their own views as to what information is relevant to such decisions.

Applicants must make their own independent investigations of the information contained or referred to in these Applicant Guidelines. Applicants must obtain their own independent legal, financial, tax and other advice in relation to information in these Applicant Guidelines, or otherwise made available to them, during the application process.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the information provided by it in connection with the Fund or interpretations placed on that information by Applicants.

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# 8.5. Intellectual property

Any intellectual property rights that may exist in an Application will remain the property of an Applicant or the rightful owner of those intellectual property rights. Any part of an Application considered to contain intellectual property rights should be clearly identified by an Applicant.

The Applicant grants to the State (and will ensure relevant third parties grant) a non-exclusive, royalty free and irrevocable licence to use and reproduce the intellectual property for the purpose of administering the Fund.

### 8.6. Privacy

In this section, Personal Information has the meaning given to that term in the Information Privacy Act 2009 (Qld).

Personal Information provided by Applicants may, in the course of and for the purposes of assessment of the Application, be disclosed to the State's associates (including other government agencies), advisors, consultants and contractors, and project stakeholders. Personal Information may also be disclosed where required for purposes associated with undertaking assessment of the Application, including due diligence enquiries.

If any Applicant collects or has access to any Personal Information in connection with its Application or the Program, the Applicant must comply, in relation to that Personal Information:

a) (as if it were the State) with the Information Privacy Principles in the Information Privacy Act 2009 (Qld); and
 b) with all reasonable directions of the State.

### 8.7. Law

These Applicant Guidelines are governed by the laws applicable in Queensland.

### 8.8. Acceptance

By submitting an Application, each Applicant:

- (a) warrants to the State that the information contained in its Application is accurate and complete as at the date on which it is submitted and not by omission misleading, and may be relied on by the State in assessing the Application and determining whether or not to provide funding to the Applicant under the Fund;
- (b) undertakes to promptly advise the State if the Applicant becomes aware of any change in circumstances which causes the information contained in its Application to become inaccurate or incomplete in a material respect;
- (c) acknowledges that the State will rely on the above warranty and undertaking when evaluating the Application;
- (d) acknowledges that the State may elect to remove an Application at any stage as a result of material changes to the information presented in its Application;
- (e) acknowledges that the State may suffer loss or damage if the Applicant breaches the above warranty and undertaking; and
- (f) is taken to have accepted these Applicant Guidelines, including these Terms and conditions.

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Department of State Development, Infrastructure, Local Government and Planning

# 9. Conditions of funding9.1. Project Funding Agreement

Successful Applicants will be required to execute a Project Funding Agreement with the State.

The State has no obligation to provide Project funding to an Applicant until a Project Funding Agreement has been properly executed by the Applicant and the State. Successful Applicants should not make financial commitments until the Project Funding Agreement has been properly executed by both parties.

The Project Funding Agreement will set out the arrangements for payment of funding to a successful Applicant in accordance with a Milestone Schedule.

#### 9.1.1. Tax

Grants may be treated as assessable income for taxation purposes. The State does not provide advice to Applicants and recommends that Applicants seek independent professional advice on their tax obligations.

# 9.2. Project Reporting

#### 9.2.1. Progress and completion reporting

The Project Funding Agreement will specify requirements for the submission of progress reports and a Project completion report. Templates for these reports will be provided by the Department.

Progress reports will require the successful Applicant to provide information about progress in delivering the Approved Project including details of any delays or risks, Project expenditure and financial contributions received, regulatory approvals, implementation of signage requirements, evidence of funding acknowledgement and Project-related media, and other requirements as determined by the Department.

The Project completion report will require the successful Applicant to provide an overview of the Approved Project's delivery including actual Project dates, budget and costs, regulatory approvals, photographs of completed works and signage, evidence of funding acknowledgement and Project-related media, and other requirements as determined by the Department.

### 9.2.2. Project Benefits reporting

To fully capture how the Fund is contributing to Resource Communities, successful Applicants will be required to report on Project Benefits which may include economic, social and environmental Benefits. Ongoing Benefits monitoring requirements following Project completion may also be required.

Departmental officers will provide guidance to successful Applicants in developing these reports.

## 9.3. Delivery of the Project

### 9.3.1. Confirmation of ownership of the Project Site

In certain circumstances, a Project may be approved for funding where the Applicant will not:

- » own the Project Site upon which the Project Infrastructure will be built
- » operate the resulting Project Infrastructure.

In these cases, the Applicant must obtain and must maintain all relevant permissions or agreements in order to ensure that:

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- » the Applicant has the right to access the Project Site in order to construct, operate and maintain the proposed Project Infrastructure
  - Evidence that right to access the Project Site in order to construct, operate and maintain the proposed Project Infrastructure has been agreed in-principle must first be provided with submission of an Application. A formal agreement for the right to access the Project Site in order to construct, operate and maintain the proposed Project Infrastructure is required prior to entering a Project Funding Agreement, or as a condition of obtaining funding under a Project Funding Agreement.
- » the Project Infrastructure will be operated in accordance with its intended purpose at the time of Application for a period of up to 10 years following Project completion.
  - Evidence that ongoing operation of the Project Infrastructure following Project completion has been agreed in-principle must first be provided with submission of an Application. A formal agreement for the operation of the Project Infrastructure for a period of time following Project completion (to be negotiated with the Department) is required prior to entering a Project Funding Agreement, or as a condition of obtaining funding under a Project Funding Agreement.

#### 9.3.2. Local industry content

The Queensland Government is committed to maximising local content through greater participation of capable local industry in major government procurements.

To the extent possible, procurement undertaken for all Approved Projects should meet the intent of the Queensland Procurement Policy.

In addition, Approved Projects that have total Queensland Government funding contributions greater than \$2.5 million (exclusive of GST) are subject to the Queensland Government's Charter for Local Content. To fulfil the Charter, successful Applicants whose Approved Projects meet the above criteria will be required to provide details about how they have applied the Charter's principles and submit a Project Outcome Report on completion of the Approved Project. This will be detailed further in the Project Funding Agreement.

More information is available at: https://www.statedevelopment.qld.gov.au/industry/industry-support/qld-charter-for-local-content\_

**Resources Community Infrastructure Fund Round 1** 

Department of State Development, Infrastructure, Local Government and Planning PO Box 15009 City East Qld 4002 Australia Tel 13 QGOV (13 74 68) info@dsdilgp.qld.gov.au www.statedevelopment.qld.gov.au Connect with us @GrowingQld





#### 10.8 FREEHOLD LEASE AND TRUSTEE LEASE RENEWALS FOR PARKS

File No:	374	
Attachments:	Nil	
Authorising Officer:	Aaron Pont - Manager Parks Alicia Cutler - General Manager Community Services	
Author:	Justin Bulwinkel - Supervisor - Sports and Administration	
Previous Items:	10.4 - Freehold Lease and Trustee Lease Renewals for Parks - Ordinary Council - 27 Jul 2021 9:00am	

#### SUMMARY

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought to commence the renewal of Freehold and Trustee Leases that currently hold a status of 'expired'.

#### OFFICER'S RECOMMENDATION

#### THAT

- 1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) Council approve the renewal of the Freehold Leases and Trustee Leases as identified in the report; and
- 2. Council authorises the Chief Executive Officer (Supervisor Sports and Administration) to negotiate the terms and conditions of the agreements with the organisations listed in the report in preparation for execution by the delegated officer.

#### COMMENTARY

Many of our community groups hold a Freehold or Trustee Lease over land owned or controlled by Council for the purpose of sport, recreation and/or community activities.

All agreements listed hold a status of expired, as the custodian of the relevant land and assets, Parks now seek Council support to proceed with the renewal of each Lease agreement outlined in report.

#### BACKGROUND

The following organisations hold a Freehold or Trustee Lease that are due for renewal. On Council resolution the renewal process will commence and each organisation will be invited to apply for a further tenure. It is proposed that tenure be granted under the following conditions:

- 1. Terms:
  - a. Six (6) year period (all renewals will be amended to ensure the expiry dates falls on 30 June of the relevant year) with an exception to;
  - b. Rockhampton Racing Pigeon Club who will be offered a tenure term of six
    (6) years, with providing them an option to terminate annually if they find alternative premises.
- Fees and Charges: Will be set in accordance with Parks Sports & Rec adopted fees and charges, adjusted on the 1<sup>st</sup> July each year.
- 3. Special Conditions: As set or required.

Agreement Type	Organisation	Expiry Date	Lot and Plan (Address)
Trustee Lease	Rockhampton Mallet Sports Club	30/06/2020	Lot 521 on SP 120476 (Botanical Gardens)
Trustee Lease	Athelstane Tennis Club Inc	30/06/2021	Lot 521 on SP 120476 (Botanical Gardens)
Trustee Lease	Rotary Club of Rockhampton South Inc	30/06/2021	Lot 521 on SP 300242 (Botanical Gardens)
Trustee Lease	North Rockhampton Cricket Club Inc	30/06/2021	Lot 100 on 860388 (Juds Park)
Trustee Lease	Rockhampton Radio Control Car Club Inc	30/06/2020	Lot 439 on LN 2827 (Rosel Park)
Trustee Lease	Capricorn Community Radio 4 YOU Inc	30/06/2020	Lot 10 on SP 246217 (Mount Archer)
Freehold Lease	Rockhampton Woodworkers Guild Inc	30/06/2021	Lot 1 on SP 255291
Trustee Lease	Rockhampton Dog Obedience Club Inc	30/06/2018	Lot 202 LN 2700 (Duthie Park)
Trustee Lease	Victoria Park Gymnastic and Trampoline Club Inc	30/06/2021	Lot 40 on SP 240869 (Victoria Park Precinct)
Trustee Lease	CQ Aquajets Swim Club Inc	30/06/2020	Lot 2 on SP 175995 (Robinson St, Frenchville)
Trustee Lease	Rockhampton Racing Pigeon Club Inc	30/06/2018	Lot 1 on RP 607856 (Church Park)
Freehold Lease	Wanderers Hockey Club Inc	30/06/2021	Lot 1 on LN 2893 (Birdwood Park)
Freehold Lease	CQU Berserker Soccer Club Inc	30/06/2021	Lot 202 LN 2700 (Elizabeth Park)
Freehold Lease	Rockhampton Tigers Junior Rugby League Inc	30/06/2021	Lot 1 on SP 255291 (Elizabeth Park)
Trustee Lease	Rockhampton Cricket Inc	30/06/2021	Lot 134 on LN 1166 (Rocky Cricket Grounds)
Trustee Lease	Rockhampton Horse Riding for the Disabled Association Inc	30/06/2020	Lot 221 on LN 2565 (Boundary Rd, Parkhurst)
Freehold Lease	Gracemere Hack & Pony Club Inc	30/06/2021	Lot 2 on LN 2815 (Capricorn St, Gracemere)
Freehold Lease	Mt Morgan Rugby Union Club Inc	30/06/2021	Lot 4 on SP 124256 (Newman Oval)

For those organisations with a lease that has already expired, most have defaulted to a month-to-month lease and have been continuing to pay fees as if they were renewed.

If the organisations do not wish to renew the lease, the matter will be brought back to Council with further options.

Note that the nature of these renewals do not facilitate multi-use of other sporting clubs, which could be beneficial when other clubs are looking for a home.

#### **PREVIOUS DECISIONS**

On 27 July 2021, Council resolved:

"That the matter lay on the table for a future workshop on lease terms."

#### **BUDGET IMPLICATIONS**

No financial implications imposed on Council.

All Leases will be subject to an annual fees set by Councils 2021/2022 Fees and Charges schedule.

#### LEGISLATIVE CONTEXT

Section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)* allows a Local Government to renew a Lease to the existing tenant, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

#### LEGAL IMPLICATIONS

It is proposed that Council will enter in to a Trustee Lease with the Tenant which satisfies the requirements of the Land Act 1994(Qld).

#### STAFFING IMPLICATIONS

Existing resources within Park and Property & Insurance can adequately manage the required legal documentation.

#### **RISK ASSESSMENT**

No risk assessment was completed nor necessary in relation to this matter.

#### CORPORATE/OPERATIONAL PLAN

Lease renewals impose no impact on set corporate or operational objectives.

#### CONCLUSION

It is recommended that Council approve the renewal of the Leases identified in the report and that the Chief Executive Officer (Supervisor Sports & Administration) negotiate the terms and conditions of each in preparation for the consideration and execution by the delegated officer.

#### PLANNING AND REGULATION Councillor Portfolio – Councillor Mathers

#### 10.9 PROPOSED ANIMAL INSPECTION PROGRAM

File No:	11741
Attachments:	<ol> <li>Notice of Proposed Inspection Program for all Non-Renewed Animals from the 2020/2021 Registration Period <u></u></li> </ol>
Authorising Officer:	Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Clint Swadling - Coordinator Local Laws

#### SUMMARY

This report presents an Animal Inspection Program for consideration by Council. Before Rockhampton Regional Council Officers undertake an inspection program, to monitor compliance with the Animal Management (Cats and Dogs) Act 2008, Rockhampton Regional Council Local Law 1 (Administration) 2011, and Rockhampton Regional Council Local Law 2 (Animal Management) 2011 the program must be approved by Council.

#### OFFICER'S RECOMMENDATION

THAT in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Local Government Act 2009*, Council approves a Selective Inspection Program for all properties within the Rockhampton Regional Council where a dog/s had been registered up to 31 August 2021 and Council has not received a renewal for that registration, to be undertaken between 4 October 2021 and 12 December 2021.

#### COMMENTARY

The Animal Management (Cats and Dogs) Act 2008 ('The Act') places a mandatory requirement throughout Queensland for all dogs over the age of twelve weeks to be registered with the Local Authority in which the dog(s) reside.

Dog registration identifies the animal owner and their key contact information together with a description of the registered dog on the corporate animal management system. In the event the dog escapes, gets lost or wanders, identification (registration tag and microchip) is vital to ensuring prompt reunification with the owner. Registration also assists to identify the number and type of dogs residing within the Rockhampton Regional Council and their demographic location.

Under Section 113 of the *Act* and Section 134 of the *Local Government Act 2009*, Council may, by resolution approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with, or aspect of, the Act and local government acts.

It is proposed to undertake a selective inspection program of all properties within the Rockhampton Regional Council area where a dog had been registered up to 31 August 2021, and Council has not received a renewal for that registration. The program is to be undertaken between 4 October 2021 and 12 December 2021 by visiting, and if necessary entering yards of premises to monitor compliance with the *Act* with regards to registration and microchipping requirements, *Rockhampton Regional Council Local Law 1 (Administration) 2011,* and *Rockhampton Regional Council Local Law 2 (Animal Management) 2011* concerning the keeping of animals (dogs) requirements including the number of animals kept.

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

If non-compliances are identified, compliance notices and/or infringement notices may be issued.

#### BUDGET IMPLICATIONS

The program falls within Local Laws operational budget 2021/2022 expectations.

#### LEGISLATIVE CONTEXT

The Local Government is responsible for the administration of the Animal Management (Cats and Dogs) Act 2008 (the Act) and Council's Local Laws.

#### STAFFING IMPLICATIONS

Nil.

#### **RISK ASSESSMENT**

An assessment regarding Workplace Health and Safety considerations has identified all activities associated with the implementation of the Selective Inspection Program as low risk.

#### CORPORATE/OPERATIONAL PLAN

The Systematic Inspection Program has been identified as an action within Council's previous Operational Plan.

#### CONCLUSION

This report presents to Council a Selective Inspection Program for consideration and approval. The implementation of this Selective Inspection Program assists Council to fulfill its responsibilities under the *Animal Management (Cats and Dogs) Act 2008 and Local Government Act 2009* by allowing the Council to monitor compliance with the requirements of the *Animal Management (Cats and Dogs) Act 2008, Rockhampton Regional Council Local Law 1 (Administration) 2011, and Rockhampton Regional Council Local Law 2 (Animal Management) 2011.* 

# PROPOSED ANIMAL INSPECTION PROGRAM

# Notice of Proposed Inspection Program for all Non-Renewed Animals from the 2020/2021 Registration Period

Meeting Date: 10 August 2021

Attachment No: 1



#### PUBLIC NOTICE OF APPROVED SELECTIVE INSPECTION PROGRAM ROCKHAMPTON REGIONAL COUNCIL

Animal Management (Cats and Dogs) Act 2008 Section 113 and Local Government Act 2009 Section 134.

Survey Area: Property inspections will be conducted throughout the Rockhampton Regional Council area where a dog had been registered up to 31 August 2021 and Council has not received a renewal for that registration.

Area Selection Criteria: The focus area is a portion of Rockhampton Regional Council for which inspection by authorised persons is feasible within ten weeks and are considered a high priority for monitoring compliance with the *Animal Management* (*Cats and Dogs*) *Act 2008, Rockhampton Regional Council Local Law* 1 (*Administration*) 2011 and *Rockhampton Regional Council Local Law* 2 (*Animal Management*) 2011.

Program Purpose: To monitor compliance with the Animal Management (Cats and Dogs) Act 2008, Rockhampton Regional Council Local Law 1 (Administration) 2011, and Rockhampton Regional Council Local Law 2 (Animal Management) 2011 concerning the registration, microchipping, and keeping of animals.

Properties Inspected: Inspections will be conducted on all properties within the above-stated survey area.

Commencement and Duration of Survey: This survey will commence on 4 October 2021 and will be in force for ten weeks expiring on 12 December 2021. Properties will be inspected from 7:00 am to 6:00 pm Monday to Sunday.

A copy of the program may be purchased at the public offices of Rockhampton Regional Council until the end of the program. The price of a copy of the program is \$2. By resolution of Rockhampton Regional Council Meeting on <u>Day/Month/2021</u>

CHIEF EXECUTIVE OFFICER ROCKHAMPTON REGIONAL COUNCIL

# 10.10 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

File No:	D/31-2021	
Attachments:	<ol> <li>D31-2021 - Locality Plan<u>↓</u></li> <li>D31-2021 - Overall Proposed Plan - SK-004<u>↓</u></li> <li>D31-2021 - 3D Views - SK-011<u>↓</u></li> </ol>	
Authorising Officer:	Tarnya Fitzgibbon - Coordinator Development Assessment Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services	
Author:	Kathy McDonald - Planning Assistant	

#### SUMMARY

Development Application Number:	D/31-2021
Applicant:	Fitzroy Community Hospice Ltd
Real Property Address:	Lot 2 on SP125014
Common Property Address:	38 Agnes Street, The Range
Area of Site:	4,947 square metres
Planning Scheme:	Rockhampton Region Planning Scheme 2015 (version 2.1)
Planning Scheme Zone:	Low Density Residential Zone
Planning Scheme Overlays:	Airport Environs Overlay; and
	Steep Land Overlay.
Existing Development:	Loreto Convent
Approval Sought:	Development Permit for a Material Change of Use for a Residential Care Facility
Level of Assessment:	Impact Assessable
Submissions:	Four (4)
Referral Agency:	Nil
Infrastructure Charges Area:	Charge Area 1

#### **OFFICER'S RECOMMENDATION**

#### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Residential Care Facility, made by Fitzroy Community Hospice Ltd, located at 38 Agnes Street, The Range, described as Lot 2 on SP125014, Council resolves to provide the following reasons for its decision:

Description of the development	The proposed development is for a Material Change of Use for a Residential Care Facility
Reasons for Decision	a) The proposed development directly addresses the need for palliative care facilities within Rockhampton.
	<ul> <li>b) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates</li> </ul>

#### STATEMENT OF REASONS

	that the proposed dev	elopment will not cause significant adverse	
	impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and		
	c) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.		
Assessment Benchmarks	The proposed developmer assessment benchmarks:	ent was assessed against the following	
	Strategic Framework	rk;	
	Low Density Reside	ential Zone Code;	
	Steep Land Overlay	y Code;	
	<ul> <li>Access, Parking An</li> </ul>	d Transport Code;	
	<ul> <li>Filling and Excavati</li> </ul>	ion Code;	
	Landscape Code;		
	Stormwater Manage	ement Code; and	
	Water and Sewer C	Code.	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.		
	Assessment Benchmark	Reasons for the approval despite non- compliance with benchmark	
	Low Density Residential	PO18	
	Zone	The proposed development does not comply with Acceptable Outcome 18.1, which requires the use to be within 200 metres of a centre, park or hospital.	
		The subject site is located in proximity to recreational facilities and a major hospital. Georgeson Oval and Agnes Street Lookout are located approximately 600 metres to the south of the site, while the Rockhampton Base Hospital is located approximately 300 metres to the north-east. It is considered that the proposed development is located within a reasonable distance to community facilities and serviced regularly by public transport, bus route 404 along Agnes Street with a bus stop located directly outside the subject site.	
		Therefore, the proposed development is considered to comply with this Performance Outcome.	
	PO19		
		The proposed development does not comply with Acceptable Outcome 19.3, which requires a minimum of one (1) habitable room overlooking the primary street frontage.	

		The proposed habitable rooms do not overlook the primary street frontage and are facing the northern boundary of the subject site. Despite this, the boundary line is screened with fencing and landscaping which will provide for privacy. Furthermore, the front façade of the development is maintained and the improvements to the rear of the site are designed and sited in a manner that is not envisioned to compromise the character and amenity of the surrounding area. Therefore, the proposed development is considered to comply with this Performance
		Outcome.
		PO21
		The proposed development does not comply with Acceptable Outcome 21.1, which requires non-residential land uses to operate between the hours of 07:00 and 22:00.
		The operating hours of the facility generally comply with this acceptable outcome. However based on the nature of the development which provides palliative care, there are provisions to allow for 24-hour visiting. Appropriate boundary screening and rear carparking will minimise the effects such as car lighting on potential after hour's visitors. Furthermore, the Residential Care Facility is being created to be a quiet and peaceful environment focused on discretion and privacy.
		Therefore, the proposed development is considered to comply with this Performance Outcome.
Matters raised in submissions	Issue	How matter was dealt with
	Bulk, Scale and Amenity	Submitters raised concerns with the level of
		hardstand and general layout and amenity of the proposed development.
		hardstand and general layout and amenity
		hardstand and general layout and amenity of the proposed development. The development maintains a high level of residential amenity and complies with the built form acceptable outcomes of the Low

	on site and the relocation of the carpark from the front of the site to the rear of the site is an improved amenity outcome and will increase the landscaping along Agnes Street Road frontage.
Land Use	Submitters raised concerns regarding a non-residential use located in a Low Density Residential Zone.
	The overall outcomes of the Low-Density Residential Zone Code support the development of Residential Care Facilities within the zone where they are situated in proximity to major community facilities, have access to a higher-order road and public transport.
	The Rockhampton Base Hospital is located approximately 300 metres to the north-east and is considered a major community facility;
	The development has access to Agnes Street which is a Minor Urban Collector road and considered a higher order road; and
	The development is serviced regularly by public transport, bus route 404 along Agnes Street with a bus stop located directly outside the subject site.
	Furthermore, submitters identified the Community Facilities Zone Code should be an assessment benchmark. The proposed development generally complies with the assessment benchmarks contained in the Community Facilities Zone Code.
Traffic Management	Submitters identified concerns that the proposed development would increase the traffic along Agnes Street and provides for insufficient carparking on site.
	The proposed development sets out provisions for 27 car parking spaces to appropriately service the proposed Residential Care Facility. The proposed number of parking spaces exceeds the requirements set out in the Access, Parking, and Transport Code. Eight (8) on-street car parking spaces will remain along the Agnes Street frontage, resulting in no loss of on- street car parking.
	It is understood that the previous facility serviced up to 10 guests with 4 staff members. The new development proposal includes total bed numbers of 12 plus 12 staff. This does represent an increase in site activities however the increase is considered insignificant in relation to its impact on the adjacent transport network.
	Updated traffic data for Agnes Street shows an annual average daily traffic of 2,037 vehicles per day with peak hour volumes of

		up to 247 vehicles per hour (assuming 124 vehicles per hour in each direction). Based on these volumes the road is well under capacity for a two lane two way road of this standard and can comfortably accommodate significant increases in through traffic. The development daily volumes will not likely exceed 5% of background traffic. There is an existing pedestrian footpath on the eastern side of Agnes Street. The footpath provides a pedestrian link between Archer Street and North Street and ensures safety for pedestrians and reduces conflict points with vehicles.
	Environmental Health	Submitters raised concerns regarding the general operations of a Residential Care Facility 'end of life' service and the affects within the neighbourhood. It is not anticipated that the establishment of a Residential Care Facility will have a negative psychological impact on neighbours, including children. Ambulances are a common sight around Agnes Street being a common thoroughfare between the Rockhampton Base Hospital and the Mater Hospital. While ambulances will be arriving and departing from time to time, they will not be attending the facility in an emergency situation. Therefore, the use of lights and sirens will not be required, causing limited disturbance and attention.
		Furthermore, the proposed development does not propose any hazardous materials that are harmful to humans and surrounding environments to be stored onsite. No medical procedures will be conducted onsite. A small volume of clinical waste will be packaged, labelled, handled and transported as per the Queensland Government guidelines. No cytotoxic waste is anticipated.
Matters prescribed by regulation		<i>on Planning Scheme 2015</i> (version 2.1); and I, being the material submitted with the

#### **RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Residential Care Facility, made by Fitzroy Community Hospice Ltd, located at 38 Agnes Street, The Range, described as Lot 2 on SP125014, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or

discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,

unless otherwise stated.

- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Operational Works:
    - (i) Roadworks;
    - (ii) Access and Parking Works;
    - (iii) Stormwater Works;
    - (iv) Roof and Allotment Drainage;
    - (v) Site Works; and
    - (vi) Landscaping Works.
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 Building Works:
    - (i) Demolition Works; and
    - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

#### 2.0 <u>APPROVED PLANS AND DOCUMENTS</u>

2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Plan/Document Name	Prepared by	<u>Date</u>	<u>Reference</u> <u>No.</u>	<u>Version/</u> Issue
Overall Existing Site Plan	Tony Madden Architects	10 March 2021	SK-001	P2
Existing Ground Floor Plan	Tony Madden Architects	05 March 2021	SK-002	P1

	1	F		
Existing First Floor Plan	Tony Madden Architects	05 March 2021	SK-003	P1
Overall Proposed Plan	Tony Madden Architects	22 April 2021	SK-004	P4
Proposed Ground Floor Concept Plan	Tony Madden Architects	11 March 2021	SK-005	P3
Proposed Lower Floor Concept Plan	Tony Madden Architects	11 March 2021	SK-006	P3
Elevations	Tony Madden Architects	05 March 2021	SK-007	P1
Elevations	Tony Madden Architects	11 March 2021	SK-008	P3
Elevations	Tony Madden Architects	05 March 2021	SK-009	P1
Elevations	Tony Madden Architects	10 March 2021	SK-010	P2
Elevations	Tony Madden Architects	10 March 2021	SK-011	P2
Sun Study	Tony Madden Architects	10 March 2021	SK-012	P1
Existing Impervious Areas	Tony Madden Architects	10 March 2021	SK-200	P2
Proposed Impervious Areas	Tony Madden Architects	10 March 2021	SK-201	P2
Stormwater Management Plan Statement	McMurtrie Consulting Engineers	09 June 2021	083-20-21	

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of the use submission of an application for a Development Permit for Operational Works.

#### 3.0 STAGED DEVELOPMENT

- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages in accordance with the approved plans (refer to condition 2.1), namely:
  - 3.1.1 Demolition of existing asphalt driveway, car parking and carport located along the Agnes Street frontage, the rear portion of the building, consisting of enclosed walkways, verandahs, kitchen and dining area and the dwelling unit on the lower ground level. Building extension to the west (rear) and vehicle access and off-street parking area to accommodate the redevelopment and proposed new use. (Stage One). The Stage One use must commence within six (6) years of the date this approval takes effect; and
  - 3.1.2 Development of the accommodation unit within the lower ground level of the building.(Stage Two), The Stage Two use must commence within twelve (12) years of the date this approval takes effect.
- 3.2 Stage One must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.

3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

#### 4.0 ROAD WORKS

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Traffic signs and pavement markings must be provided in accordance with the *Manual* of *Uniform Traffic Control Devices Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual* of *Uniform Traffic Control Devices Queensland*.

#### 5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 The existing northern access to the development must be closed.
- 5.5 The existing southern access to the development must be closed.
- 5.6 A new access from Agnes Street to the development must be provided at the southern boundary.
- 5.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.8 All vehicles must ingress and egress the development in a forward gear.
- 5.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveway in accordance with *Australian Standard AS2890.2 "Parking facilities Off street commercial vehicle facilities"*.
- 5.10 A minimum of twenty-seven (27) parking spaces must be provided on-site. This includes three (3) covered car parking spaces, two (2) service bays and one (1) People with disability (PWD) parking space.
- 5.11 Any application for a Development Permit for Operational Works (road works) must include the provision of on-street parking spaces for the full frontage of Agnes Street in accordance with *Australian Standard AS2890 "Parking facilities".*
- 5.12 Universal access parking spaces must be provided on-site in accordance with Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities".
- 5.13 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.14 Any application for a Development Permit for Operational Works (access and parking

works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements and swept paths of the largest vehicle to access the development site including refuse collection vehicles.

- 5.15 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices" and Australian Standard AS2890.1 "Parking facilities Off-street car parking".
- 5.16 Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".
- 5.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.18 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.*
- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.7 If required, sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

#### 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
  - 7.3.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines,* stormwater management design objectives in State Planning

Policy 2017, and sound engineering practice;

- 7.3.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual;*
- 7.3.3 the volume of detention is sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance probability flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 7.3.4 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017;*
- 7.3.5 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
- 7.3.6 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.5 The detention basin/bio basin must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:
  - 7.5.1 be suitable to the climate and incorporate predominately native species;
  - 7.5.2 maximise areas suitable for on-site infiltration of stormwater;
  - 7.5.3 incorporate shade trees; and
  - 7.5.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin, must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

#### 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.4 The development must not increase peak stormwater runoff for a selected range of

storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

- 9.0 <u>SITE WORKS</u>
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
  - 9.2.1 the location of cut and/or fill;
  - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 9.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".*
- 9.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

#### 10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works (demolition) must be obtained prior to the commencement of any demolition works on the development site.
- 10.2 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 10.3 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 10.4 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 10.5 Impervious paved waste storage areas must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
  - 10.5.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 10.5.2 aesthetically screened from any road frontage or adjoining property;
  - 10.5.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 10.5.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

10.6 A minimum 1.8 metre high screen fence must be erected between the subject development site and adjacent residential properties to the north, west and south of the development.

#### 11.0 LANDSCAPING WORKS

- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 11.2 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the Concept Plan (refer to condition 2.1).
- 11.3 A Landscaping Plan must be submitted with any application for a Development Permit for Operational Works (landscaping works). The landscaping plans must be designed in accordance with the requirements of *Planning Scheme Policy SC6.12 Landscape Design and Street Trees Planning Scheme Policy*.
- 11.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency.
- 11.5 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy.*
- 11.6 Shade trees shown on the Concept Plan (refer to condition 2.1) must be retained and maintained.
- 11.7 The landscaped areas must be subject to:
  - 11.7.1 a watering and maintenance plan during the establishment moment; and
  - 11.7.2 an ongoing maintenance and replanting programme.

#### 12.0 ASSET MANAGEMENT

- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 12.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC).*

#### 13.0 ENVIRONMENTAL

- 13.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
  - 13.1.1 implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
  - 13.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

14.0 ENVIRONMENTAL HEALTH

- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 14.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

#### 15.0 OPERATING PROCEDURES

- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Agnes Street.
- 15.2 Access to, and use of, the loading area must be limited to between 0700 and 1900 hours, Monday to Friday (inclusive) and 0900 and 1400 Saturday, Sunday and Public holidays.
- 15.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
  - 15.3.1 the area is kept in a clean and tidy condition;
  - 15.3.2 fences and screens are maintained;
  - 15.3.3 no waste material is stored external to the waste storage area/s;
  - 15.3.4 the area is maintained in accordance with *Environmental Protection Regulation 2019.*

#### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website <u>www.datsip.qld.gov.au</u>.

#### NOTE 2. <u>Asbestos Removal</u>

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act* 2011 and *Public Health Act* 2005.

#### NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

#### NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

#### NOTE 5. General Safety Of Public During Construction

The Work Health and Safety Act 2011 and Manual of Uniform Traffic Control Devices must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

#### **RECOMMENDATION C**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Residential Care Facility, made by Fitzroy Community Hospice Ltd, located at 38 Agnes Street, The Range, described as Lot 2 on SP125014, Council resolves to issue an Infrastructure Charges Notice for the amount of \$177,012.33.

#### BACKGROUND

#### PROPOSAL IN DETAIL

The proposal is to redevelop the existing Loreto Convent facilities to establish a Residential Care Facility located at 38 Agnes Street, The Range. The Residential Care Facility (community hospice) will provide a 24-hour end-of-life care service in a home like environment including a 12 bedroom facility and ancillary activities. The hospice in-the-home service will provide extended support and enable patients who wish to stay at home with their families to receive quality care and services. The development will be delivered over two (2) stages.

Stage one will involve the demolition works of the existing car parking, carport and rear portion of the building. Following the demolition works, the building will be extended to accommodate the ground floor (street level) development of a left and right-wing. The right-wing will accommodate twelve (12) individual rooms each with private ensuites and a balcony. A nurses station, procedure room, office space, a private family room as well as private and general lounge areas. The left-wing makes provisions for several ancillary service areas including reception, amenities, kitchen and storage room as well as retaining the existing chapel.

The lower ground level, located at the rear of the building, will accommodate the main entry lobby, elevator and internal staircase, staff office, meeting rooms, amenities and service areas that include storerooms and a laundry. The proposed car park as part of stage one makes provision for 27 onsite car parking spaces and two (2) designated delivery bays.

Stage two of the development is to incorporate an accommodation unit within the existing lower ground level of the building. The accommodation unit will enable families to stay onsite with patients, allowing them to have a space to reside and rest. The unit will consists of three (3) bedrooms, two (2) private ensuites, a lounge area with a dividing door that can be used to separate the room into two (2) units and an outdoor deck.

#### SITE AND LOCALITY

The subject site is located in the Low Density Residential Zone under the Rockhampton Region Planning Scheme 2015 and comprises an area of approximately 4,947 square metres. Surrounding the site are residential Dwelling Houses, the Rockhampton Base Hospital is 300 metres to the north east and Rockhampton Girls Grammer School 350 metres to the south east. The lot is an irregular configuration and while presents as generally flat to the Agnes Street road frontage, has a substantial downward slope to the western rear of the site which is affected by the Steep Land Overlay.

#### PLANNING ASSESSMENT

#### MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

#### **Development Engineering Comments**

Support, subject to conditions.

#### Public and Environmental Health Comments

Support, subject to conditions.

#### Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

#### TOWN PLANNING COMMENTS

#### State Planning Policy 2017

Section 2.1 of *Rockhampton Region Planning Scheme 2015* noted the *State Planning Policy 2017* is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the *Rockhampton Region Planning Scheme 2015*.

#### Central Queensland Regional Plan 2013

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

#### Rockhampton Region Planning Scheme 2015

#### Strategic framework

This application is situated within the Urban designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

#### (i) Settlement pattern

- (1) Urban infill and intensification areas are designated for higher density and walkable neighbourhoods that accommodate a wide range of different dwelling choice. These areas include older suburbs in proximity to centres located at Gracemere and Rockhampton, as shown on the strategic framework maps (SFM-1 to SFM-4).
- (2) Urban infill and intensification areas are characterised by residential uses, providing ready access to a range of shopping, community and other local services and facilities. Long-term and short-term residential land uses are within easy walking and cycling distance to non-residential uses and public transport.
- (3) Urban infill and intensification areas provide for low-medium and high density developments that are consistent with the low-medium and high density residential zone codes. These neighbourhoods have a sense of enclosure at the street level provided by small building setbacks, with the built environment part of its character usually dominant. Streets are characterised by street trees which provide shade and character, footpaths for walking trips, and through pavements shared by cars and bikes. These streets are usually grid-based and well connected, reducing the need to drive.

- (4) The expansion of industrial areas and centres (including specialised centres) into the urban infill and intensification area will not occur.
- (5) Development provides for land uses consistent with the zone outcomes, densities and urban form which supports walkable, self-contained communities that:
  - (a) provide choice of housing types and contributes to "affordable living" by including smaller and inexpensive options close to centres;
  - (b) reduce vehicle-based trip making and travel costs;
  - (c) provide access to employment, retail and commercial services, recreational opportunities and community facilities; and
  - (d) protect residential amenity commensurate with its location.

#### Complies.

#### (ii) Natural environment and hazards

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
  - (a) the natural functioning of floodplains;
  - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
  - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.
- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

#### Not applicable.

#### (iii) **Community identity and diversity**

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

#### Complies.

(iv) Access and mobility

- Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

#### Complies.

#### (v) Infrastructure and services

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
  - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
  - (b) the long-term needs of the community, industry and business are met; and
  - (c) the desired standards of service in Part 4 Local government infrastructure plan are achieved.

#### Complies.

#### (vi) Natural resources and economic development

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* strategic outcomes.

#### Low Density Residential Zone

The subject site is situated within the Low Density Residential Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Low Density Residential Zone identifies that: -

- (a) development provides for predominantly single detached dwelling houses on individual lots of varying sizes and dual occupancies, maintaining a generally a low-rise, 1-2 storey built form and low density character with small scale, detached buildings;
- (b) residential development within the zone is of a type which primarily provides for the long-term accommodation of residents and not for short-term accommodation, except in the circumstances stated in (d);
- (c) low-rise multiple dwellings, relocatable home parks, residential care facilities and retirement facilities develop in the zone when they are situated in proximity (convenient walking distance) to parks, centres, major community facilities (hospital, university, etcetera) and have access to higher order roads (minor urban collector or higher) or public transport;
- (d) short-term accommodation only occurs where it:
  - (i) is established in an existing dwelling;
  - (ii) does not adversely impact on the amenity of the surrounding residential area;
  - (iii) maintains the appearance of an ordinary dwelling that is consistent with the intentions of the zone; and
  - (iv) is limited in scale and duration;
- (e) non-residential uses only occur within the zone where they:
  - (i) do not compromise the residential character and existing amenity of the surrounding area;
  - (ii) are small-scale and consistent with the surrounding urban form;
  - (iii) primarily function to service the needs of the immediate local residential community;
  - (iv) do not detract from the role and function of centres;
  - (v) do not result in the expansion of a centre zone; and
  - (vi) have direct access to higher order roads (minor urban collector or higher) and are in proximity to public transport;
- (f) no expansion of existing centres or industrial areas will occur into the low density residential zone. In addition, no additional local centres or higher order centres are required within the low density residential zone;
- (g) neighbourhood centres do not expand to service a wider local centre catchment. South Gracemere is to accommodate a neighbourhood centre commensurate with the population of the immediate catchment;
- (h) new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;
- (i) development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;

- (j) development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;
- (k) new residential developments are not located in proximity to existing incompatible uses such as rural uses, industrial uses and major community facilities without separation distances, landscaping and screening that minimise impacts on amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;
- (I) new residential developments are located and integrated with existing neighbourhoods;
- (m) development is sited and designed to respond to the region's climate (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints;
- (n) development provides connection to pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;
- (o) development is serviced by infrastructure that is commensurate with the needs of the use; and
- (p) the establishment of one (1) precinct within the zone where particular requirements are identified:
  - (i) Fitzroy River accommodation precinct; and
  - (ii) Residential stables precinct.

This application is consistent with the purpose of the Zone.

#### Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Low Density Residential Zone Code;
- Steep Land Overlay Code;
- Access, Parking And Transport Code;
- Filling and Excavation Code;
- Landscape Code;
- Stormwater Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. An assessment of the Performance Outcome/s which the application is in conflict with, is outlined below:

Low Density Residential Zone				
Performance Outcomes		Officer's Response		
PO18	Development for a multiple dwelling, relocatable home park, residential care facility or retirement facility is located at highly accessible sites:	The proposed development does not comply with Acceptable Outcome 18.1, which requires the use to be within 200 metres of a centre, park or hospital.		
	<ul><li>(a) that provide for the safety and convenience of people using the premises;</li><li>(b) in proximity to centres of activity</li></ul>	The subject site is located in proximity to recreational facilities and a major hospital. Georgeson Oval and Agnes Street Lookout are located approximately 600 metres to the south of the site, while the Rockhampton		

	<ul> <li>containing shopping, community facilities, and recreation and entertainment areas;</li> <li>(c) in proximity to public transport facilities and public transport routes; and</li> <li>(d) that can minimise impacts on local amenity and the local street network.</li> </ul>	Base Hospital is located approximately 300 metres to the north-east. It is considered that the proposed development is located within a reasonable distance to community facilities and serviced regularly by public transport, bus route 404 along Agnes Street with a bus stop located directly outside the subject site. Therefore, the proposed development is considered to comply with this Performance Outcome.
PO19	<ul> <li>Residential development is designed and sited in a manner that:</li> <li>(a) is of an appropriate scale and size that reflects the purpose of the zone;</li> <li>(b) is attractive in appearance, climate responsive and functional in design, and safe for residents;</li> <li>(c) has regard to streetscape and street function, privacy, passive recreation and living space needs of residents; and</li> <li>(d) does not compromise the character and amenity of the surrounding area.</li> </ul>	The proposed development does not comply with Acceptable Outcome 19.3, which requires a minimum of one (1) habitable room overlooking the primary street frontage. The proposed habitable rooms do not overlook the primary street frontage and are facing the northern boundary of the subject site. Despite this, the boundary line is screened with fencing and landscaping which will provide for privacy. Furthermore, the front façade of the development is maintained and the improvements to the rear of the site are designed and sited in a manner that is not envisioned to compromise the character and amenity of the surrounding area. Therefore, the proposed development is considered to comply with this Performance Outcome.
PO21	The development minimises adverse impacts on the amenity of adjoining land uses and the surrounding area.	The proposed development does not comply with Acceptable Outcome 21.1, which requires non-residential land uses to operate between the hours of 07:00 and 22:00. The operating hours of the facility generally comply with this acceptable outcome. However based on the nature of the development which provides palliative care, there are provisions to allow for 24-hour visiting. Appropriate boundary screening and rear carparking will minimise the effects such as car lighting on potential after hour's visitors. Furthermore, the Residential Care Facility is being created to be a quiet and peaceful environment focused on discretion and privacy. Therefore, the proposed development is considered to comply with this Performance Outcome.

Based on a performance assessment of the abovementioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Outcomes and where there is deviation from the codes, sufficient justification has been provided.

#### INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column 2 Charge Area	Ador Infrastr	Column 3 Adopted Infrastructure Charge		lumn 4 lopted cture Charge ormwater twork	Calculated Charge
			(\$)	Unit	(\$)	Unit	
Essential Services	All uses as per AICN 5/14 Table 2.2.1	Areas 1 and 2	119	per m <sup>2</sup> of GFA	8.50	per m <sup>2</sup> of impervious area	\$227,430.42 GFA \$29,002.00 impervious area
Total					\$256,432.42		
Less Credit				\$79,420.09			
TOTAL CHARGE				\$177,012.33			

This is based on the following calculations:

- (a) A charge of \$227,430.42 for Gross Floor Area being 1,911.18 square metres charged at \$119.00 per square metre for Essential Services (accommodation units, nurses station, consultation rooms, office space and general areas);
- (b) A charge of \$29,002.00 for Impervious Area being 3,412 square metres charged at \$8.50 per square metre (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$96,007.50, made up as follows:
  - \$60,465.09 Infrastructure Credit applicable for the existing structures (1,016.22 square metres charged at \$59.50 per square metre for Places of Assembly); and
    - (ii) \$18,955.00 Infrastructure Credit applicable for the existing impervious roof area, hardstand areas, access, and parking areas charged at \$8.50 per square metre (2,230 square metres).

Therefore, a total charge of \$177,012.33 is payable and will be reflected in an Infrastructure Charges Notice for the development.

#### CONSULTATION

The proposal was the subject of public notification between 30 April 2021 and 21 May 2021, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and four (4) properly made submissions were received.

The following is a summary of the submissions lodged, with Council officer comments:

Issue	Officer's Response
Inconsistency with the Low-Density Residential Zone Code	The overall outcomes of the Low-Density Residential Zone Code support the development of Residential Care Facilities within the zone where they are situated in proximity to major community facilities (Rockhampton Base Hospital) and have access to higher-order roads (Agnes Street – Minor Urban Collector) and public transport (Bus Route 403, 404 & 407).

Issue	Officer's Response
	The development maintains a high level of residential amenity. The development will retain the existing buildings and does not alter the bulk and scale from the street frontage (Agnes Street). All of the proposed extensions occur at the rear of the block and maintain the existing setbacks of the original building along the northern boundary of the development. The side setbacks along the southern boundary are increased due to the demolition of the existing verandah.
Increased traffic generated from the development	Traffic Advice provided by McMurtrie Consulting Engineers delivered that the previous facility serviced up to ten (10) guests with four (4) staff members. The new development proposal includes total bed numbers of 12 plus 12 staff. This does represent an increase in site activities however the increase is considered insignificant in relation to its impact on the adjacent transport network. Updated traffic data for Agnes Street shows an annual average daily traffic of 2,037 vehicles per day with peak hour volumes of up to 247 vehicles per hour (assuming 124 vehicles per hour in each direction). Based on these volumes the road is well under capacity for a two (2) lane two (2) way road of this standard and can comfortably accommodate significant increases in through traffic. The development daily volumes will not likely exceed five (5) per cent of background traffic.
Increased pedestrian safety concern	There is a constructed pedestrian footpath on the eastern side of Agnes Street. The footpath provides a pedestrian link between Archer Street and North Street and ensures safety for pedestrians, and reduces conflict points with vehicles. The proposed development is located on the western side of Agnes Street and makes provision for onsite parking and internal walkways a significant distance away from the Agnes Street frontage.
Insufficient proposed parking spaces	The proposed development sets out provisions for 27 car parking spaces to appropriately service the proposed Residential Care Facility. The proposed number of parking spaces exceeds the requirements set out in the Access, Parking, and Transport Code. Table 9.3.1.3.2 sets out the parking requirements for a Residential Care Facility and sets out provisions for two (2) spaces

Issue	Officer's Response
	<ul><li>per three (3) full-time employees and one</li><li>(1) space per six (6) beds for visitors.</li><li>Number of full-time employees: 12</li></ul>
	Number of proposed Beds: 12
	If the proposed Residential Care Facility was to follow the required number of parking spaces set out in table 9.3.1.3.2, the development would only require ten (10) off- street vehicle parking spaces.
	The proposed development exceeds the number of required off-street vehicle parking spaces by 17 to ensure effective vehicle manoeuvring for visitors as well as service and delivery vehicles to easily enter and traverse through the site.
	The relocation of the access driveway will require the modification of the existing line- marked on-street car parking in Agnes Street. Eight (8) on-street car parking spaces will remain along the Agnes Street frontage, resulting in no loss of on-street car parking.
Detrimental psychological impact	It is not anticipated that the establishment of a Residential Care Facility will have a negative psychological impact on neighbours, including children. Ambulances are already a common sight around Agnes Street due to its proximity to the Rockhampton Base Hospital and being a common thoroughfare between the Mater and Rockhampton Base Hospital. While ambulances will be arriving and departing from time to time, they will not be attending the facility in an emergency situation. Therefore, the use of lights and sirens will not be required, causing limited disturbance and attention.
	Churches, aged care facilities and hospitals throughout Rockhampton are nestled in residential areas, surrounded by families and schools, where ambulances, hearses and funeral services are a common sight.
Increased noise pollution	The Residential Care Facility is being created to be a quiet and peaceful environment focused on discretion and privacy. The proposed development ensures all vehicle parking and deliveries are located at the rear of the development to ensure noise generated from visitors and traffic is located away from the road frontage. While ambulances will be arriving and departing from time to time, they will not be attending the facility in an emergency situation. Therefore, the use of lights and

Issue	Officer's Response
	sirens will not be required, causing limited noise nuisance.
Increase of hazardous materials	The proposed development does not propose any hazardous materials that are harmful to humans and surrounding environments to be stored onsite. No medical procedures will be conducted onsite. A small volume of clinical waste will be packaged, labelled, handled and transported as per the Queensland Government guidelines. No cytotoxic waste is anticipated.
Devaluation of surrounding properties	This is not a planning ground and cannot be considered in assessing this development application.
Non-compliance with community facilities zone code	As identified in the <i>Rockhampton Region</i> <i>Planning Scheme 2015</i> , the subject site is identified as being located in the Low- Density Residential Zone and not the Community Facilities Zone. The application has been assessed against the relevant zone code. However, the proposed development generally complies with the assessment benchmarks as contained in the Community Facilities Zone Code.

#### CONCLUSION

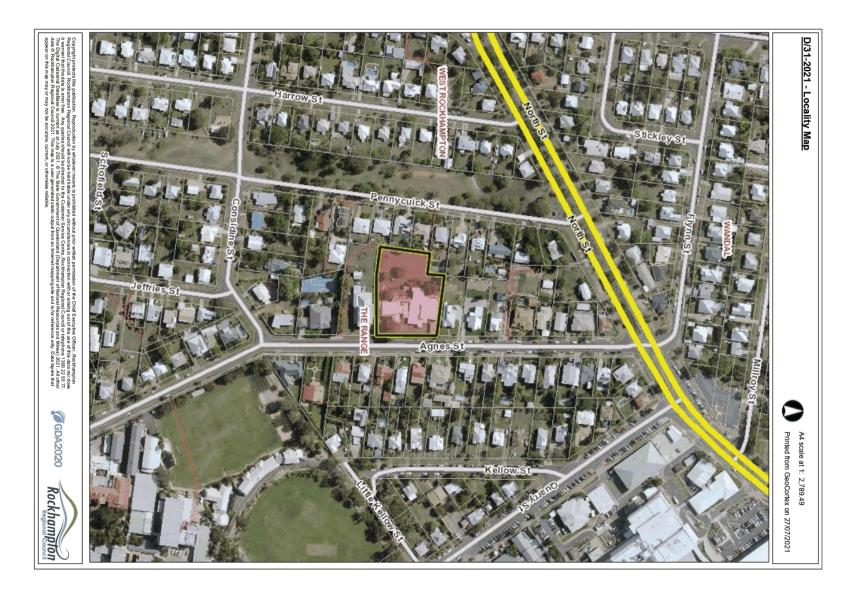
The proposed development is for a Residential Care Facility, redeveloping the existing Loreto Convent. It is considered that the proposed development will not compromise the residential character and existing amenity of the surrounding area. As such, the proposed development is recommended for approval.

# DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

# D31-2021 - Locality Plan

Meeting Date: 10 August 2021

Attachment No: 1



# DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

## D31-2021 - Overall Proposed Plan - SK-004

Meeting Date: 10 August 2021

Attachment No: 2



ORDINARY MEETING AGENDA

# DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

## D31-2021 - 3D Views - SK-011

## Meeting Date: 10 August 2021

**Attachment No: 3** 



## 10.11 D/8-2017 - AMENDMENT APPLICATION UNDER THE REGIONAL PLANNING INTERESTS ACT FOR MOUNT MORGAN MINE PROJECT

File No:	D/8-2017	
Attachments:	Nil	
Authorising Officer:	Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services	
Author:	Tarnya Fitzgibbon - Coordinator Development Assessment	

### SUMMARY

Heritage Minerals has applied for an amendment to their Regional Interest Development Approval over the Mount Morgan Mine Site under the Regional Interest Planning Act.

## OFFICER'S RECOMMENDATION

THAT in relation to the application for an Amendment to Assessing Agency Response for Regional Planning Interests Act Application for Mount Morgan Mine Project, made by Heritage Minerals Ltd - ABN 23112287797, on Lot 118 Burnett Highway, Lot 203 Creek Street, 39 Gordon Lane; 108 Gordon Lane; 14 Randwick Lane; 17 Randwick Lane; and Lot 103 Shamrock Street, Mount Morgan - Described as Lot 107 on CP881492, Lot 1 on MPH11169, Lot 3 on RP601353, Lot 5164 on MPH10386, Lot 3192 on MPH10386, Lot 17, 18 and 19 on RP602104, Lot 1 on MPH25494, Lot 3 on USL42977, Lot 1463 on MPH10760, Lot 1 and 2 on MPH11057, Lot 2 on MPH25461, Lot 3912 and 5164 on MPH10386; Lot 1463 on MPH10760; Lot 2452 on MPH11067; Lot 3469, Lot 3273, Lot 3274, Lot 3275 and Lot 3276 on MPH11435; Lot 1197, Lot 1341 and Lot 1342 on MPH25518; Lot 118 on USL42984; Lot 203 on RN1556; Lot 17 on 602104; Lot 1 on RP860374; Lot 1 on MPH10396; Lot 1 on MPH10479; Lot 1 on MPH10729; Lot 1 on MPH10827; Lot 1 and Lot 2 on MPH10850; Lot 1 on MPH10966; Lot 1 and Lot 2 on MPH11057; Lot 1 on MPH11115; Lot 1 on MPH11627; Lot 1 on MPH11642; Lot 1 on MPH11780; Lot 1 on MPH12108; Lot 1 on MPH12202; Lot 1 on MPH25348; Lot 1 and Lot 2 on MPH25461; Lot 1 on MPH2547; Lot 90 on P42319; Lot 6, Lot 60, Lot 63, Lot 64, Lot 65, Lot 66, Lot 67, Lot 68, Lot 69, Lot 77 and Lot 102 on USL42977; Lot 12 on USL47036; Lot 103 on USL42977, Parish of Calliungal, Council resolves to provide the following conditions and comments to the Department of Infrastructure, Local Government and Planning as an assessing agency:

Condition No.	Condition	Timing
1.	Prior to the commencement of haulage of material on the local government roads, Heritage Minerals must carry out the following works:	
	a. Sealing of the internal road from the property boundary access for a distance of 350m along the internal haul access road is required.	
	b. Construction of mine access, signage, and widening works to a BAR/BAL standard on Gordon Lane, generally in accordance with McMurtrie Consulting Engineering Drawing 1021617-1009 Rev A dated 13/04/2017.	
	c. Alteration of line marking at the intersection of Gordon Lane / Burnett Highway	

	<ul> <li>generally in accordance with the McMurtrie Consulting Engineering Drawing Number 1021617-5002 Rev A dated 13/04/2017.</li> <li>d. Provide road widening and sealing at the north eastern corner of the intersection of Burnett Highway / Creek Street / Razorback Road to facilitate right turn movements out of Creek St / Razorback Road, generally in accordance with McMurtrie Consulting Engineers Drawing Number 1021617-7002 Rev A dated 13/04/2017.</li> </ul>	
2.	The developer must notify Rockhampton Regional Council at <u>enquiries@rrc.qld</u> .gov.au when the transportation of material extracted from the site commences under application D/8-2017.	Prior to commencement of material transportation
3.	The developer must document the verifiable quantity of material extracted from the site that is transported. A report must be provided to Rockhampton Regional Council documenting actual transported quantities. A road maintenance levy of \$0.0523 per tonne must be paid by the developer in accordance with the Amended Traffic Impact Assessment (Rev A) by McMurtrie Consulting Engineers dated 21 May 2021.	First day of every sixth month period of the mine operations from the commencement of the haulage operations until the haulage operations cease.
	Note: This monetary contribution shall be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427 Series ID A2333727L).	
4.	There must be no worsening to the water quantity and quality coming out of the mine site post development compared to that of the pre-development scenario in accordance with the Environmental Authority Amendment approval.	At all times
5.	The applicant must provide to the Chief Executive Officer a copy of the Environmental Authority and/or Environmental Management Plan that details the erosion and sediment control measures to be implemented at the approved sites.	At least thirty (30) days prior to the commencement of construction

## BACKGROUND

The original Regional Interests Development Approval for the Mount Morgan Mine Site was given in 2017. The applicant has changed to Heritage Minerals and there have been some changes to the proposed operation which has resulted in application to amend the original Regional Interest Planning Approval.

## PROPOSAL IN DETAIL

The proposal is for the commencement of operations at Mount Morgan Mine to undertake tailings retreatment activity to retrieve gold and copper by Heritage Minerals.

### PLANNING ASSESSMENT

### MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the *Regional Planning Interest Act 2014* and *Regional Planning Interest Regulation 2014*, based on consideration of the relevant State Government guidelines, *Rockhampton Region Planning Scheme 2015*, as well as other documents as considered relevant.

## **Development Engineering Comments –** 14 June 2017

Support, subject to conditions / comments.

#### TOWN PLANNING COMMENTS

## Central Queensland Regional Plan 2013

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is required to be assessed against the regional plan. The regional plan identified the Mount Morgan Priority Living Area.

## Other Acts

The Regional Planning Interest Act 2014 regulates certain areas of State interest nominated through a Regional Plan. In this situation, the Mount Morgan Priority Living Area is identified in the Central Queensland Regional Plan. As an activity is proposed within the Priority Living Area, an approval is required to be given by the State for that activity. Council is an assessing agency for the application (with a role similar to that of a concurrence agency under the *Planning Act 2016*). Council is required to advise the State whether it supports the activity and provide conditions / comments for approval.

### Regional Planning Interests Act Assessment Criteria

Section 7 of the *Regional Planning Interest Regulation 2014* sets out the assessment criteria and prescribed solution for the activity. The activity:

- a) is unlikely to adversely impact on development certainty
  - (i) for land in the immediate vicinity of the activity; and
  - (ii) in the PLA generally.
- b) Carrying out the activity in the Priority Living Area, and in the location stated in the application, is likely to result in community benefits and opportunities, including, for example, financial and social benefits and opportunities.

To understand whether an activity may adversely impact on development certainty, the applicant has undertaken and submitted an analysis that demonstrates the extent to which the activity would or would not:

Prescribed solution	Applicant's response to prescribed solution
a. Result in the loss of land available for urban development as identified in a local government planning scheme, development scheme or other applicable statutory planning instrument.	The activity will be contained within the existing footprint of the old Mount Morgan Mine and within the existing granted mining lease. The Site is managed by the Department of Natural Resources and Mines as an abandoned mined land site. The area of proposed operations is contained within the land zoned as Mine Precinct-Constrained Land under the <i>Rockhampton Region Planning Scheme 2015.</i> There are no future urban development plans identified under the <i>Rockhampton Region Planning Scheme 2015.</i> Areas outside of the mining lease and

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	within the Priority Living Area generally will remain unaffected apart from an expected improvement in Dee River water quality for landowners adjacent to the Dee River.
b. Prevent or delay the orderly expansion of planned urban development as identified in a local government planning scheme, development scheme or other applicable statutory planning instrument (for example, the life of the proposed resource activity may delay access to land and preventing its timely development)	There are no planned urban developments in the <i>Rockhampton Region Planning Scheme</i> <i>2015</i> that will prevent or restrict the activity. When Heritage's activity ceases the mine site will remain under the management of the Department of Natural Resource and Mines Abandoned Mine Land Program.
c. Result in the discontinuation of an activity that is lawfully in existence under a local government planning scheme, development scheme or other applicable statutory planning instrument.	The mine lease owner is required to provide continued site access for tourism purposes under an existing agreement with the State. The activity may lead to enhanced tourism opportunities for the current authorised tour operator with viewing access and interpretive descriptions of the tailings retreatment facility.
d. Increase the cost of planned development (for example, changes to the existing landform could make the land more difficult or costly to develop)	The activity will not increase the cost of planned development. Heritage is obliged to rehabilitate its operational areas after mining activity ceases. The historical environmental and heritage management legacies from former mining will continue to be addressed by the State through its Abandoned Mine Land Program. Heritage's post mining activity is expected to make a substantial contribution to reducing the State's environment and heritage management liabilities. Expected improvements in water quality in the Dee River downstream, of the mine site may lead to enhanced utilisation of public areas adjacent to the river.
e. Damage or otherwise affect existing infrastructure (for example, structural damage cause by subsidence)	The tailing's retreatment process will not affect existing infrastructure. The proposal is to not connect to Council existing infrastructure networks apart from the transport network. No existing Council owned infrastructure is in the vicinity of the site again apart from the transport network. Any required road upgrades will be subject to negotiation with the relevant road authority (Council or Department of Transport and Main Roads).
<ul> <li>Result in additional demand on existing infrastructure or services (for example, town water)</li> </ul>	Heritage does not propose to use town water for mining or mineral processing purposes. There are adequate sources of water available within the mine site for the activity. There is existing road infrastructure to the

	mine site. Any required road upgrades will be subject to negotiation with the relevant road authority (Council or Department of Transport and Main Roads).
g. Negatively impact on the amenity of the PLA in general and on land in the immediate vicinity of the activity.	The increased activity at the former Mount Morgan Mine site may have some impact on residents and businesses within the Priority Living Area generally. Negative impacts could include noise, vibration, dust, vehicle movements and changes to the existing mine views. Noise, dust and vibration limits are set within the Environmental Authority governing the operation. The Environmental Authority requires Heritage to mitigate these impacts to comply with the conditions of the Environmental Authority. Tailings excavation will have restricted hours of operation (12 hour days 5 days per week and one half day once a week). Any changes to heritage listed buildings are subject to heritage development applications. Although views of the mine site will change, the view will still be that of an historical mine site with heritage buildings including the iconic smelter stack. Heritage's post mine rehabilitation will include revegetation of former tailings areas which will enhance green space and views for parts of the site.

To determine the impact on amenity, the proposed activity should be evaluated against the following factors:

Prescribed solution	Applicant's response to prescribed solution
i. The compatibility of the activity with surrounding activities.	The Mount Morgan township grew up around the mine, which operated from 1882 until 1990. As such, the history and character of the town is intertwined with the mine. TMC Tours operated tours of the mine generally twice a day. The activity may substantially improve the degraded environmental condition of the mine and improve water quality in the Dee River by removing acid mine drainage forming sulphide minerals. Improving the Dee River water quality is expected to enhance the amenity of residential and rural residential properties within the Priority Living Area adjacent to the Dee River. The <i>Rockhampton Region</i> <i>Planning Scheme 2015</i> has the mine site zoned as Mine Precinct and includes the proposed activity of "mining and mineral processing" in that zone.
<ul> <li>The nature and scale of the proposed activity and the extent of its intrusions on the predominant character of the surrounding area.</li> </ul>	The tailings retreatment project is not expected to change the character of the surrounding area or the nature of current or historical activities that have taken place on

	the mine site because the activity is being conducted on areas that have traditionally been disturbed by mining. It is expected that the proposed activity will fit in with the State rehabilitation plan for the site. The <i>Rockhampton Region Planning Scheme</i> 2015 recognises this with provision for mining and mineral processes at the mine site providing impacts on the surrounding community, scenic amenity and environment are properly managed. These matters are also subject to other approvals such as the Environmental Authority and heritage approvals.
iii. The extent of change to the volume or nature of traffic on the roads in the PLA.	There will be higher levels of impact with increased traffic through Mount Morgan township during the nine (9) month construction phase. Existing road traffic to the mine site currently includes contractor's access and heavy vehicle movements. Periodic construction activity has taken place at the mine site in recent years without conflict. The former owner Carbine had discussions with the Department of Natural Resources and Mines, Department of Transport and Main Roads and Council regarding impacts on roads under their jurisdiction. Heritage will be required to comply with any road use conditions. There will be an additional thirty-six (36) heavy vehicle movements per day for Council roads – Gordon Lane, Creek Street and Razorback Road as a result of this development. A number of upgrades are proposed for sections of Council's roads that are impacted by the additional volumes to ensure that the haulage route is safe. A Pavement Impact Contribution of \$0.433 per tonne has been determined for the future maintenance of the Council Controlled Roads that are impacted. This is conditioned in Council's amended assessing agency response.
iv. The effect on the existing linkages between various parts of the PLA (for example, between residential areas and employment areas).	The town is separated from the mine by the Dee River and Dairy Creek to the east of the site. The <i>Rockhampton Region Planning Scheme 2015</i> identifies the Mine Precinct separately from current and future residential areas. There is one main access to the mine site, being Meyenberg Crossing. There is provision for vehicular and pedestrian access to the mine site via Meyenberg Crossing over the Dee River. There will be suitable car parking and laydown areas for the construction and workforce. Work hours will be 6am to 6pm so additional movements at

	the start and end of the day will be outside of school and normal business hours. Heavy equipment used during construction (cranes etc) will remain on site during construction and will not be part of traffic movements.
<ul> <li>v. Changes to the outlook from key vistas, nearby sensitive uses (example, residential areas or public facilities, parks) and tourist attractions.</li> </ul>	The character of the view will not change as it will continue to be that of a mine site with historic buildings and waste dumps. Tailings reprocessing changes will not include significant changes to major waste dumps. Post mine rehabilitation will increase vegetation cover blending in with the current bushland and rural landscapes. The processing plant location is shielded from public view and will not be visible from the town.
vi. The effect on the sense of place, local cultural heritage values and perceptions of safety.	Mount Morgan township identifies with the historic and iconic smelter stack visible from the residential community and surrounding areas. This iconic smelter stack will not be impacted. The aesthetic character of the area will not change from that of a mining and mineral processing location. Public and community feedback given to the former owner Carbine is that the re-initiation of mining activities at the former mine site will strengthen community views of the importance of both historical and new mining activities to demonstrate the pride the town has in its mining related identity.
vii. The visual prominence of the site	The visual prominence of the site will not be increased as a result of the activity. Small parts within the landscape may change, however, the overall view will remain as that of an historically disturbed mine site. Post mine rehabilitation will improve vegetation cover and visual amenity.
viii. Proposed landscaping and enhancements.	Post mine revegetation and landscape rehabilitation including site drainage will be negotiated with the Department of Environmental and Heritage Protection under the Environmental Authority. Heritage has regulatory obligations to rehabilitate operational areas according to current practice. Heritage has also committed to undertake restorative work to some of the heritage listed items as part of the Heritage Development Approval.

In carrying out the activity in the Priority Living Area, and in the location stated in the amended application, is likely to result in community benefits and opportunities, including, for example, financial and social benefits and opportunities, the proposed activity should be evaluated against the following factors:

Prescribed solution	Applicant's response to prescribed solution
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	The economic and social benefits that will be associated with the additional workforce (during both the construction and operation phases).	It is estimated that there will be over 100 people employed during construction, with a large number of employees (up to 80) being required for the operation. Skilled and unskilled workers are proposed to be drawn from the local and regional population. There will be no fly in fly out or drive in drive out. Employees choosing to live in Mount Morgan, Gracemere and Rockhampton or other surrounding districts, will add to the social fabric of the community. The project will have a positive impact on the economy of the local region and the State through payment of rates, purchase of consumables, use of service industries and payment of royalties and taxes. It is estimated that the direct operating expenditure will contribute into the local economy for the 10 years under the current operating plan. This is planned to be injected into the local economy where supply and service capability are available. The <i>Rockhampton Region Planning Scheme 2015</i> acknowledges Mount Morgan Mine associated tourism as a driver for economic growth. The tour operator facilitating tourism visits to the historic mine site (approximately 5,000 people per annum). The activity is expected to support and enhance the mine site tours. There will also be royalties paid to the State. Heritage will make other community in-kind contributions to the community during the period of operations.
b.	Direct contributions (monetary or in kind work) towards: The improvement of trunk infrastructure (whether it be the capacity or the quality of the infrastructure)	Road upgrades will be required at some locations along the selected parts of the road haulage route. These upgrades will benefit all road users. Heritage will also be required to contribute to the maintenance of these roads.
C.	Direct contributions (monetary or in kind work) towards: Public infrastructure (including public transport, health and education services, and cultural and social infrastructure such as parks, sport and recreation facilities, bikeways and walkways)	End of mine life will provide an opportunity for the State to facilitate the public use of rehabilitated State land for recreational and heritage activity and will support the long term aspirations of the Mount Morgan community for the rehabilitated mine site to be used for industrial tourism. The removal of acid mine drainage will make a significant contribution to improved water quality in the Dee River for the benefit of downstream land users.
d.	Direct contributions (monetary or in kind work) towards:	Heritage has liaised with the local Mount Morgan community and is likely to provide

A community initiative or facility (for example public artwork, community notice board, community centre).	
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## Amendments to approval

There are a number of amendments to the RIDA approval. These include:

- A change in mine lease ownership and planned project ownership from Norton/Carbine to Heritage Minerals;
- A reduction in mine lease area to excise key areas with tourism potential and accommodate future tourism proposals;
- A change in planned project operator from Carbine Resources to Heritage Minerals;
- Mine life reduced from 10+ years to 5+ years although there could be extensions based on future economic evaluations of remaining resources;
- Increase in planned production rate from 1Mt per annum to 2Mt per annum;
- Gold and copper production without pyrite production;
- No pyrite haulage to the Port of Gladstone;
- No requirement for Road Use Notification under the *Mineral Resources Act* for mineral product haulage;
- Changed process plant location to that currently approved in the Environmental Authority;
- Process plant is now 900m from closest residence but location has visual and noise mitigating topography;
- One Tailings Storage Facility at Sandstone Gully at the junction of the open cut pit and Sandstone Gully. Water in the open cut pit will be treated before release to the Dee River;
- Augmentation of DNRME's existing water treatment plant with Heritage Minerals water treatment to boost treatment rate to 1,000ML per annum for the initial four years;
- Increase in project workforce number up to 80 personnel;
- No immediate plan for tourism but potential to support Council and other tourism stakeholder projects;
- Reduced impact on existing mine heritage listed structures;
- Reconfiguration of planned internal haul routes;
- Increase in daily delivery truck movements for reagents and supplies;
- DNRME require 20t per day of truck delivered quicklime (one truck per day) for their water treatment plant. Heritage Minerals will require about 100t of quicklime per day (5 truckloads per day);
- Some changes to post mine rehabilitation; and
- An off-lease carpark.

These amendments will result in an amendment to the conditions of approval to remove reference to Road Use Notification under the *Mineral Resources Act* as this Notification is no longer required. Specifically two conditions will be deleted. These are:

Condition No.	Condition	Timing	
1	The road upgrade works must be completed in accordance with the Road Use Notification approval.	Prior commencement material transportation	to of
2	A maintenance levy must be paid as per the Road Use Notification approval.	Every six months	(6)

## Reasons for support

The proposed amended activity can be supported for the following reasons:

- a) The activity is unlikely to adversely impact on development certainty for land in the immediate vicinity of the activity and in the Priority Living Area generally.
- b) Carrying out the activity in the Priority Living Area, and in the location stated in the amendment application, is likely to result in community benefits and opportunities, including financial and social benefits and opportunities.

## CONCLUSION

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed activity favourably as there are considered to be sufficient grounds to justify a decision that favours the amended activity proposed herein.

## 10.12 D/125-2017 - OTHER CHANGE TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR HOTEL (EXTENSIONS)

File No:	D/125-2017
Attachments:	<ol> <li>Locality Plan<u>↓</u></li> <li>Site Plan and Elevations Plan (Stage 2)<u>↓</u></li> <li>Site Plan, Elevations Plan and Floor Plan (Stage 3)<u>↓</u></li> </ol>
Authorising Officer:	Tarnya Fitzgibbon - Coordinator Development Assessment Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Bevan Koelmeyer - Acting Senior Planning Officer

#### SUMMARY

Development Application Number:	D/125-2017
Applicant:	Red Lion Property Holdings Pty Ltd
Real Property Address:	Lot 100 on SP300289 (previously known as Lots 1 and 2 on RP600326), and Lot 1 on RP602347
Common Property Address:	138 and 142 Denham Street, Allenstown
Area of Site:	2,450 square metres
Planning Scheme:	Rockhampton Region Planning Scheme 2015 (version 2.1)
Planning Scheme Zone:	Low-Medium Density Residential Zone
Planning Scheme Overlays:	Acid Sulfate Soils Overlay; and
	Airport Environs Overlay.
Existing Development:	Hotel (138 Denham Street, Allenstown) and a Health Care Service (142 Denham Street, Allenstown)
Approval Sought:	Other Change to Development Permit D/125- 2017 for a Material Change of Use for a Hotel (extensions)
Level of Assessment:	Impact Assessable
Submissions:	Nil
Referral Agency:	Nil
Infrastructure Charges Area:	Charge Area 1

#### **OFFICER'S RECOMMENDATION**

#### **RECOMMENDATION A**

THAT in relation to the application for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions), made by Red Lion Property Holdings Pty Ltd, located at 138 and 142 Denham Street, Allenstown, described as Lot 100 on SP300289 and Lot 1 on RP602347 - Council resolves to provide the following reasons for its decision:

## STATEMENT OF REASONS

**Description of** The proposed development is for an Other Change to Development

the	Permit D/125-20	017 for a Material Change of Use for a Hotel (extensions)							
development									
Reasons for Decision		ed development will not compromise the strategic n the <i>Rockhampton Region Planning Scheme</i> 2015 ;							
	planning sch that the pro impacts on	<ul> <li>b) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</li> </ul>							
	circumstance application e	, the application should be approved because the es favour Council exercising its discretion to approve the even though the development does not comply with an e assessment benchmarks.							
Assessment Benchmarks	The proposed assessment ber	development was assessed against the following nchmarks:							
	Strategic	Framework;							
	Low-Med	dium Density Residential Zone Code;							
	Acid Sulf	fate Soils Overlay Code;							
	Airport E	nvirons Overlay Code							
	• Access,	Parking And Transport Code;							
	Filling ar	nd Excavation Code;							
	Landsca	pe Code;							
	Stormwa	ter Management Code; and							
	Water ar	nd Sewer Code.							
Compliance with assessment		ent was assessed against all of the assessment ted above and complies with all of these with the d below.							
benchmarks	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark							
	Strategic Framework; and Low- Medium Density Basidential	Despite the extensions in Stage 2 and 3 only resulting in an additional 180 square metres of gross floor area and an ancillary carpark, as the existing development is not small in scale the proposed extensions are inconsistent with the Low-Medium Density Residential Zone.							
	Residential Zone Code (PO13)	However, the proposed development is to extend the Red Lion Hotel, which is a longstanding establishment in the local area that has serviced the entertainment needs of local residents for many years. The development is anticipated to accommodate more patrons and enhance the Hotel's overall experience enjoyed by its patrons. The extension is anticipated to positively contribute to local economic growth by facilitating additional employment opportunities within the business. Primary access to the site is via Denham Street, which is a higher order road that has sufficient capacity to safely accommodate traffic generated by the							

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	by appropriate infrastructure such as water, sewer, electricity and telecommunications. The site is not constrained by any designated natural environment or natural hazards. Furthermore, the development is appropriately designed and suitable conditions have been imposed to ensure amenity in the surrounding area is protected. Therefore, the development is consistent with the Strategic Framework.
Low-Medium	<u>PO10</u>
Density Residential Zone Code	The development does not meet the recommendations of Acceptable Outcome 10.1(b) and Acceptable Outcome 10.3, as the new hotel room to be constructed in Stage 3 of the development will be built to the road frontage boundary of Denham Street and includes an exterior wall exceeding a length of 15 metres.
	The hotel room will be constructed by enclosing the outdoor dining area established in Stage 2 of the development and will only be seven (7) metres in width along the Denham Street road frontage. However, the proposed building setback is consistent with the existing Hotel building's setback to the road frontage boundaries of both Denham Street and West Street. Additionally, there is a landscaping area established approximately five (5) metres from the hotel room along the proposed carpark.
	The new hotel room represents a small extension and integrates with the built form of the existing Hotel. Furthermore, the landscaping areas provided on-site are anticipated to assist in softening the appearance of the development while positively contributing to the overall appearance of the Hotel along Denham Street.
	<u>PO21</u>
	The development does not meet the recommendations of Acceptable Outcome 21.1, as it will operate between the hours of 10:00 to 00:00. However, it is noted that the operating hours for the Hotel extensions are consistent with the longstanding Hotel's existing operating hours.
	Furthermore, the applicant undertook a Noise Impact Assessment for Stage 2 of the development for the outdoor dining area with recommendations including roof treatment for acoustic absorption, noise limits on amplified music, as well as general administrative controls including accepting deliveries and using the waste bins only during daytime hours to minimise and reduce annoyance during the night-time. These same general administrative controls have also been imposed for Stage 3 of the development. Furthermore, suitable conditions have been imposed to ensure light, odour or dust does not become an environmental nuisance. Additionally, should a genuine complaint be received in relation noise, the owner will be required to undertake nuisance monitoring supported by a report with mitigation measures.
	Additionally, the development does not meet the

	recommendations of Acceptable Outcome 21.2, as a 1.8 metres high screen fence has not been provided along the side boundary adjacent to the Oxford Street access handle and Lot 14 on RP600325. The existing fence will be maintained along this boundary, which is a mixture of screened and transparent fencing. However, it is noted that use of this access is limited to only service and delivery vehicles, which will use this access during daytime hours only. Therefore, the development has demonstrated it will minimise adverse impacts on the amenity of adjoining
	land uses and the surrounding area.
	PO24 The development does not meet the recommendations of Acceptable Outcome 24.1, as landscaping has not been provided for 10 per cent of the total site area. However, the existing Hotel located at Lot 100 on SP300289 includes approximately 51.5 square metres of landscaping and the subject extensions to the Hotel development will include an additional 78 square metres of landscaping being a 'vertical garden' located with the proposed carpark for Stage 2 of the development along the common boundary shared with Lot 13 on RP600325. Furthermore, it is noted that additional landscaping within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, the landscaping areas provided are anticipated to provide an attractive environment and enhance the overall appearance of the development.
Landscape Code	PO6         The development does not meet the recommendations of Acceptable Outcome 6.5, as a three-tier landscaping treatment has not been provided. However, this is not considered necessary for the subject development, which is only for an extension to the existing Hotel. Furthermore, the landscaping areas that have been provided for the development are anticipated to be of a suitable size to complement the subject development and will include the use of suitable, local plant species that have a low water dependency.         PO11
	The development does not meet the recommendations of Acceptable Outcome 11.1 as no shade trees are being provided within the car parking area. It is noted that shade trees within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, landscaping areas have been provided along the carpark's common boundary with Lot 13 on RP600325 and adjacent to car parks numbered between 10 through to 18. Both areas will be established with vegetation which creates a 'vertical garden' appearance, with vegetation which is a

	minimum of 1.8 metres in height and this will include locally native plant species, which have a low water dependency. The landscaping areas provided for the development are anticipated to reduce the visual appearance of the development's car park and internal access areas.
Matters	• The Rockhampton Region Planning Scheme 2015 (version 2.1); and
prescribed by regulation	<ul> <li>The common material, being the material submitted with the application.</li> </ul>

## **RECOMMENDATION B**

THAT in relation to the application for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions), made by Red Lion Property Holdings Pty Ltd, located at 138 and 142 Denham Street, Allenstown, described as Lot 100 on SP300289 and Lot 1 on RP602347 - Council resolves to Approve the application subject to the following conditions:

## PART A – Applies to All Stages

## 1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any Operational Works required by this development approval:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,

unless otherwise stated.

- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Deleted.
- 2.0 <u>APPROVED PLANS AND DOCUMENTS</u>
- 2.1 Deleted.
- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Building Works.
- 3.0 STAGED DEVELOPMENT
- 3.1 This approval is for a development to be undertaken in three (3) stages, namely:
  - 3.1.1 Cocktail room, hotel room, beer garden, storeroom, bar and grill and carpark (Stage One);
  - 3.1.2 Outdoor dining area and carpark (Stage Two); and
  - 3.1.3 Hotel room (Stage Three).

in accordance with the approved plans (refer to conditions 13.1, 23.1 and 31.1).

- 3.2 The stages are required to be undertaken in chronological order.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

## 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for both Stages One and Two. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.
- 4.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 4.3 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 4.4 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.5 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 4.6 Sewer manholes and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

## 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

## 6.0 <u>SITE WORKS</u>

6.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

## 7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 7.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction.

7.3 Access to and use of the land the subject of this application must comply with the provisions of the Disability Discrimination Act 1992 and/or the Anti-Discrimination Act 1991. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

### 8.0 LANDSCAPING WORKS

- 8.1 All landscaping must be established generally in accordance with the approved plans (refer to conditions 13.1, 23.1 and 31.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 8.3 The landscaped areas must be subject to:
  - 8.3.1 a watering and maintenance plan during the establishment moment; and
  - 8.3.2 an ongoing maintenance and replanting programme.

## 9.0 ENVIRONMENTAL HEALTH

- 9.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 9.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy 2019*.

## 10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

## 11.0 OPERATING PROCEDURES

11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or

parking of construction machinery or contractors' vehicles must not occur within Denham Street, West Street or Oxford Street.

- 11.2 The hours of operations for the development site must be limited to 1000 hours to 0000 hours from Monday to Sunday including Public Holidays.
- 11.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1). The owner of the land must ensure that the area is kept:
  - 11.3.1 in a clean and tidy condition;
  - 11.3.2 fences and screens are maintained;
  - 11.3.3 no waste material is stored external to the waste storage area/s;

11.3.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and

11.3.5 the area is maintained in accordance with *Environmental Protection Regulation* 2019.

## ADVISORY NOTES

#### NOTE 1. <u>Aboriginal Cultural Heritage</u>

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website <u>www.datsip.qld.gov.au</u>.

## NOTE 2. <u>Asbestos Removal</u>

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act* 2011 and *Public Health Act* 2005.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

## NOTE 4. General Safety of Public During Construction

The Work Health and Safety Act 2011 and Manual of Uniform Traffic Control Devices must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

## NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Amended Infrastructure Charges Notice.

#### PART B: Stage One

### 12.0 ADMINISTRATION

- 12.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 12.1.1 Operational Works:
    - (i) Access and Parking Works;

- (ii) Stormwater Works;
- (iii) Site Works;
- 12.1.2 Plumbing and Drainage Works; and
- 12.1.3 Building Works:
  - (i) Demolition Works; and
  - (ii) Building Works.

## 13.0 APPROVED PLANS AND DOCUMENTS

13.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Proposed Site Plan	Lotus	6 September 2018	Nil	F
Floor Plan & Elevations	Lotus	6 September 2018	Nil	F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK- 0001	A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil	-

## 14.0 ACCESS AND PARKING WORKS

- 14.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 14.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 14.4 The existing access from Denham Street to the development must be upgraded to a commercial access standard to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 14.5 Service and delivery vehicles including for the purpose of refuse collection, are not permitted to enter the site.
- 14.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 14.7 All vehicles must ingress and egress the development in a forward gear.
- 14.8 The access driveway to the site's proposed carpark on Denham Street must be confined within the extent of the development site's boundaries.
- 14.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities Off street commercial vehicle facilities"*.
- 14.10 A minimum of 11 parking spaces must be provided on-site.

- 14.11 Universal access parking spaces must be provided on-site in accordance with Australian Standard AS2890.6 "Parking facilities Off-street parking for people with disabilities".
- 14.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 13.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.13 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices" and Australian Standard AS2890.1 "Parking facilities Off-street car parking".
- 14.14 All vehicle operation areas must be illuminated in accordance with the requirements of Australian Standard AS1158 "Lighting for roads and public spaces".
- 14.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

## 15.0 <u>SEWERAGE WORKS</u>

- 15.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 15.2 The development must be connected to Council's reticulated sewerage network and the existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 15.3 Compliance with the Build Over Sewer Compliance Permit (Reference: 583-2017) is required, in particular:
  - 15.3.1 The space around the subject access chamber must be constructed with all new walls/gates with a minimum offset of 1.2 metres from the centre of the access chamber.
  - 15.3.2 Suitable ventilation must be provided with a minimum opening of 2.1 metres from the breezeway to the carpark.
  - 15.3.3 The subject access chamber must have a gas tight sealed lid to ensure gases are not released into the covered area.

<u>Note:</u> In the event of a sewer surcharge or the access chamber lid becoming unsealed, please contact Fitzroy River Water (FRW) immediately to rectify.

#### 16.0 WATER WORKS

- 16.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 16.2 The development must be connected to Council's reticulated water network and the existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 16.3 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

#### 17.0 STORMWATER WORKS

- 17.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 17.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 17.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy. In particular please indicate the location of the detention tank as outlined in the Stormwater Management Plan.
- 18.0 <u>Deleted.</u>
- 18.1 Deleted.
- 19.0 <u>SITE WORKS</u>
- 19.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
  - 18.2.1 the location of cut and/or fill;
  - 18.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 18.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 18.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 19.3 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 19.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 19.5 Any retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

#### 20.0 BUILDING WORKS

- 20.1 The proposed building must be designed to suit the Building Over/Adjacent to Local Government Sewerage Infrastructure Permit (Reference: 583-2017) conditions/plans.
- 20.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 13.1) and the *Environmental Protection Regulation 2019* and must be:
  - 20.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 20.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;

- 20.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor as Kerbside collection. No Waste Service Vehicles are permitted entry into the site.
- 20.2.4 setback a minimum of two (2) metres from any road frontage; and
- 20.2.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002.*

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

#### 21.0 ENVIRONMENTAL HEALTH

21.1 All recommendations included in the Noise Impact Assessment (refer to condition 13.1) are to be implemented prior to the commencement of use of Stage One and maintained thereafter.

In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed abutting the northern boundary, in accordance with the 'Floor Plan & Elevations' (refer to condition 13.1) such that the noise criteria stipulated in the 'Noise Impact Assessment' (refer to condition 13.1) at a minimum, is achieved.

<u>Note:</u> Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

#### PART C: Stage Two

#### 22.0 ADMINISTRATION

- 22.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 22.1.1 Operational Works:
    - (i) Access and Parking Works;
    - (ii) Roof and Allotment Drainage;
    - (iii) Landscaping Works;
  - 22.1.2 Plumbing and Drainage Works; and
  - 22.1.3 Building Works:
    - (i) Demolition Works.
- 22.2 Lot 100 on SP300289 and Lot 1 on RP602347 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.
- 22.3 The 'proposed carpark' must be completed prior to commencement of use of the 'proposed outdoor alfresco area' as shown on the Approved Plans (refer to condition 23.1). The existing carpark completed in Stage One of the development (refer to condition 13.1), must remain available until construction of the Stage Two carpark has been completed.

## 23.0 APPROVED PLANS AND DOCUMENTS

23.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	awing/report title Prepared Date by		Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	В
Elevations	Hartecs	Undated	1093-MCU4	А
Stormwater Management Plan	Hartecs	January 2021	1093-MCU2	В
Turn Templates	Hartecs	January 2021	1093-MCU3	В
Architects Details	Hartecs	Undated	1093-MCU4	В
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

## 24.0 ACCESS AND PARKING WORKS

- 24.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 24.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 23.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 24.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 24.4 The existing access from Denham Street, located between the new hotel room and proposed carpark, (refer to condition 23.1) must be secured with a gate and only used at times of kerbside refuse collection. Refuse collection vehicles are not permitted to enter from this point. Bollards or a similar deterrent (such as a fence or garden bed) must also be installed along the eastern edge of the carpark to prevent customer vehicle access into this existing driveway.
- 24.5 The Oxford Street access handle must be sealed and constructed in standard accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 24.6 The access from Denham Street to the proposed carpark as shown on the approved plans (refer to condition 23.1) must be constructed to a commercial standard in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 24.7 Service and delivery vehicles must only enter the site via the Oxford Street access handle between 0700 hours to 1600 hours on all days including Public Holidays. In accordance with the approved plans (refer to condition 23.1), the gate must be locked at all times outside of these hours.
- 24.8 All vehicles must ingress and egress the development in a forward gear.
- 24.9 A minimum of twenty (20) parking spaces must be provided on-site in total.

<u>Note:</u> This will replace the 11 parking spaces provided on-site in Stage One of the development (refer to condition 14.10).

- 24.10Universal access parking spaces must be provided on-site in accordance with Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities".
- 24.11 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 23.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

- 24.12All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices" and Australian Standard AS2890.1 "Parking facilities Off-street car parking".
- 24.13Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".
- 24.14All vehicle operation areas must be illuminated in accordance with the requirements of Australian Standard AS1158 "Lighting for roads and public spaces".
- 24.15Informative signage must be placed at the Oxford Street access to notify users that this access is a private access, which is only to be used by service and delivery vehicles. This access must not be used by patrons, staff or the like to access the proposed carpark as shown on the approved plans (refer to condition 23.1).

### 25.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 25.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 25.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 23.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

## 26.0 SITE WORKS

26.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

## 27.0 BUILDING WORKS

27.1 The existing building at Lot 1 on RP602347 must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

## 28.0 LANDSCAPING WORKS

- 28.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval. A Landscaping Plan must be submitted with any application for a Development Permit for Operational Works (landscaping works).
- 28.2 Landscaping within the 'vertical garden' area along the common boundary with Lot 13 on RP600325 and in the landscaping area adjacent to parking spaces numbered 10 through to 18 (refer to condition 23.1), must be established and maintained at a minimum height of 1.8 metres above ground level.

#### 29.0 ENVIRONMENTAL

29.1 An Erosion Control and Stormwater Control Management Plan prepared in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

#### 30.0 ENVIRONMENTAL HEALTH

30.1 All recommendations included in the Noise Impact Assessment (refer to condition 23.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter for the outdoor dining area.

Note: Any air-conditioning units proposed for the outdoor dining area must be located,

installed and maintained at all times, so as not to cause a nuisance.

#### 31.0 OPERATING PROCEDURES

- 31.1 A 1.8 metres high screen, double lapped and capped fencing must be established and maintained along the rear common boundary with Lot 2 on RP602347 and along the side common boundary with Lot 13 on RP600325 in accordance with the approved plans (refer to condition 23.1).
- 31.2 The existing fencing along the common boundary between the Oxford Street access handle and Lot 14 on RP600325 must be maintained. Screen fencing with a minimum height of 1.8 metres must be established and maintained along the common boundary adjacent to the Oxford Street access handle and Lot 2 on RP602347.

#### PART D: Stage Three

#### 32.0 ADMINISTRATION

- 32.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 32.1.1 Plumbing and Drainage Works; and
  - 32.1.2 Building Works.
- 33.0 APPROVED PLANS AND DOCUMENTS
- 33.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	В
Site Plan and Elevations (Stage Two) – Proposed Hotel Room	Unnamed	Undated	1093-MCU4	С
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

#### 34.0 ROOF AND ALLOTMENT DRAINAGE WORKS

34.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 33.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

## 35.0 ENVIRONMENTAL HEALTH

35.1 All 'noise limits' and 'general administrative controls' included in the recommendations of the Noise Impact Assessment (refer to condition 33.1) are to be implemented prior to the commencement of use of Stage Three and maintained thereafter for the proposed hotel room.

\_\_\_\_\_Note: Any air-conditioning units proposed for the hotel room must be located, installed and maintained at all times, so as not to cause a nuisance.

#### **RECOMMENDATION C**

THAT in relation to the application for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions), made by Red Lion Property Holdings Pty Ltd, located at 138 and 142 Denham Street, Allenstown, described as Lot 100 on SP300289 and Lot 1 on RP602347 - Council resolves to issue an Infrastructure Charges Notice for the amount of \$35,490.25.

## INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 1A Use (QPP)	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		/ Infr C	Column 4 Adopted astructure harge for ormwater network	Calculated Charge
			(\$)	Unit	(\$)	Unit	
Entertainment	All uses as per	Area 1	170	per m <sup>2</sup> of GFA			\$69,020.00
	AIĊN 4/14 Table 2.2.1				8.50	per m <sup>2</sup> of impervious area	\$15,975.75
						Total	\$84,995.75
		Less credit				\$49,505.50	
	TOTAL CHARGE				\$35,490.25		

This is based on the following calculations:

## Stage One

#### Lot 1 on RP600326:

- (a) A charge of \$38,420.00 for Gross Floor Area being 226 square metres (hotel room, cocktail bar, service area, storeroom, bar and grill);
- (b) A charge of \$4,343.50 for Impervious Area being 511 square metres (roof and hardstand areas); and
- (c) An Infrastructure Credit of \$7,505.50, made up as follows:
  - (i) \$3,162.00 Infrastructure Credit applicable for the existing storeroom structure (18.6 square metres); and
  - (ii) \$4,343.50 Infrastructure Credit applicable for the existing impervious roof and hardstand areas (511 square metres).

## Sub-Total: \$35,258.00

#### Lot 2 on RP600326:

- (d) A charge of \$3,370.25 for Impervious Area being 396.5 square metres (access and parking areas); and
- (e) An Infrastructure Credit of \$21,000.00, made up as follows:
  - (iii) \$21,000.00 Infrastructure Credit applicable for the existing allotment.

#### Sub-Total: -\$17,629.75

## TOTAL CHARGE (Stage 1) - \$17,628.25

### Stage Two

#### Lot 1 on RP602347:

(f) A charge of \$8,262.00 for Impervious Area being 972 square metres (access, parking and outdoor storage area); and

(g) An Infrastructure Credit of \$21,000.00, made up as follows:

(iv) \$21,000.00 - Infrastructure Credit applicable for the existing allotment.

#### Sub-Total: -\$12,738.00

## TOTAL CHARGE (Stage 2) - NIL

## Stage Three

Lot 100 on SP300289 (formerly Lot 1 and Lot 2 on RP600326)

- (h) A charge of \$30,600.00 for Gross Floor Area being 180 square metres (hotel room)
- (i) An Infrastructure Credit of \$12,738.00, made up as follows:
  - (v) \$12,738.00 Infrastructure Credit applicable for part of the existing allotment related to Stage Two (Lot 1 on RP602347).

## TOTAL CHARGE (Stage 3) - \$17,862.00

Therefore, a total charge of \$35,490.25 is payable and will be reflected in an Amended Infrastructure Charges Notice for the development.

## BACKGROUND

## PROPOSAL IN DETAIL

The proposal is for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions) located at 138 and 142 Denham Street, Allenstown. Council originally approved the subject Development Permit on 20 February 2018 for extensions to the Hotel, which included a beer garden, various hotel rooms and a carpark. The subject Other Change application will amalgamate the existing completed development which was formerly undertaken over two (2) stages into only one stage being 'Stage One'. The Other Change application seeks to complete the development over three (3) stages described as being:

- Stage One for the existing completed development including the beer garden, various hotel rooms and carpark;
- Stage Two for a proposed 180 square metres outdoor dining area and carpark; and
- Stage Three for a proposed 180 square metres hotel room, which will enclose the outdoor dining area provided in Stage Two.

The subject Other Change application seeks to extend the Hotel into Lot 1 on RP602347 located at 142 Denham Street, Allenstown as part of Stage Two of the development to construct a new carpark which will provide a total of 20 spaces. The existing carpark provided in Stage One will be repurposed as an outdoor dining alfresco area in Stage Two and Stage Three will enclose this area to become an additional hotel room. The proposed carpark to be provided in Stage Two will only be accessed by patrons via Denham Street, however during daytime hours, service and delivery vehicles will access the carpark via an access handle on Oxford Street. The Hotel will maintain its existing operating hours of 10.00AM to 12.00AM from Monday to Sunday including Public Holidays. The development will be connected to Council's reticulated water and sewer services as well as electricity and telecommunication services from the relevant service providers.

#### SITE AND LOCALITY

The subject site is designated in the Low-Medium Density Residential Zone and has a total area of 2,450 square metres. The site is located along three (3) road frontages being Denham Street to the south, West Street to the east and Oxford Street via an access handle to the north of the site. The area surrounding the Red Lion Hotel site is also designated in the Low-Medium Density Residential Zone, however it is characterised by a mixed land use

pattern including established residential, commercial and community uses. The existing development site of Lot 100 on SP300289 is currently occupied by the Red Lion Hotel and includes extensions such as a beer garden, various hotel rooms and a carpark, which were completed as part of the original Development Permit of D/125-2017 and will form Stage 1 of the subject 'Other Change' application. Lot 1 on RP602347, which is included as part of the subject 'Other Change' application for the Red Lion Hotel was most recently used as a commercial Health Care Service.

## PLANNING ASSESSMENT

## SUMMARY OF REPRESENTATIONS

The following section summarises the proposed representations made by the applicant and Council's response:

#### Conditions 1.8 and 22.2

## Applicant's representation and Council response

To delete condition 1.8. This condition requires the amalgamation of Lot 1 and Lot 2 on RP600326 however, as this has already been completed under the original Development Permit for D/125-2017 it is no longer applicable. The requirement for lot amalgamation however will still be applicable for Lot 100 on SP300289 being the existing Hotel and Lot 1 on RP602347 for the proposed carpark to be completed in Stage Two of the development which is to be included in condition 22.2.

The applicant's request to delete condition 1.8 and add condition 21.2 is recommended for approval.

#### Recommendation:

- Condition 1.8 is to be deleted.
- Condition 22.2 is to be added as follows:

Lot 100 on SP300289 and Lot 1 on RP602347 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.

#### Conditions 2.1, 13.1, 23.1 and 31.1

#### Applicant's representation and Council response

To delete condition 2.1 which under the existing Development Permit for D/125-2017 is related to the approved plans applying to all stages of the development. Instead, Stages One, Two and Three will have separate approved plans for each stage of the development which involves amending condition 13.1 for approved plans applicable to Stage One and adding condition 23.1 for Stage Two and condition 30.1 for Stage Three.

The applicant's request to delete condition 2.1, amend condition 13.1, and add conditions 23.1 and 30.1 is recommended for approval.

#### Recommendation:

- Condition 2.1 is to be deleted.
- Condition 13.1 is to be amended as follows:

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Site Plan (Stage 1)	Unnamed	Undated	1093-MCU Stage 1	С
Floor Plan & Elevations	Lotus	6 September 2018	Nil	F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001	А
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil	-

• Condition 23.1 is to be added as follows:

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	В
Site Plan and Elevations (Stage Two) – Proposed Car Park and Alfresco Area	Unnamed	Undated	1093-MCU4	С
Stormwater Management Plan	Hartecs	January 2021	1093-MCU2	В
Turn Templates	Hartecs	January 2021	1093-MCU3	В
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

## • Condition 33.1 is to be added as follows:

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	В
Site Plan and Elevations (Stage Two) – Proposed Hotel Room	Unnamed	Undated	1093-MCU4	С
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

## Conditions 3.1 and 3.2

Applicant's representation and Council response

To amend the wording of condition 3.1 for the staged development. The existing development which has been completed as part of Stage One and Stage Two of the original Development Permit for D/125-2017 will be amended to form Stage One of the development. The extensions included as part of the subject 'Other Change' application will represent Stage Two of the development to include the outdoor dining area and proposed carpark, and Stage Three to include the 180 square metres hotel room which will enclose the outdoor dining area, is provided in Stage Two. Additionally, the wording of condition 3.2 is amended to ensure the stages of the development are undertaken in chronological order. The applicant's request to amend this condition is reasonable so that the changes to the staged development are appropriately reflected.

The applicant's request to amend conditions 3.1 and 3.2 is recommended for approval.

#### Recommendation:

- Condition 3.1 is to be amended as follows:
  - 3.1 This approval is for a development to be undertaken in three (3) stages, namely:
    - 3.1.1 Existing development being: a cocktail room, hotel room, beer garden, storeroom, bar and grill and carpark (Stage One);
    - 3.1.2 Outdoor dining area and carpark (Stage Two); and
    - 3.1.3 Hotel room (Stage Three).

in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1).

• Condition 3.2 is to be amended as follows:

The stages are required to be undertaken in chronological order.

## Condition 4.1

#### Applicant's representation and Council response

To amend the wording of condition 4.1 which currently only references Stage One and Stage Two to be changed in order to refer to all stages of the development.

The applicant's request to amend condition 4.1 is recommended for approval.

#### Recommendation:

• Condition 4.1 is to be amended as follows:

A Development Permit for Plumbing and Drainage Works must be obtained for all stages of the development. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.

#### Conditions 4.4, 4.5 and 4.6

## Applicant's representation and Council response

The applicant and Council Officer's agreed to add conditions 4.4, 4.5 and 4.6 related to Plumbing and Drainage Works, which apply to all stages of the development.

The addition of conditions 4.4 through to 4.6 is recommended for approval.

#### Recommendation:

• Condition 4.4 is to be added as follows:

All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to conditions 13.1 and 23.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.* 

• Condition 4.5 is to be added as follows:

Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.

• Condition 4.6 is to be added as follows:

Sewer manholes and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy-duty trafficable lids.

## Conditions 7.1

#### Applicant's representation and Council response

The applicant and Council Officer's agreed to amend the wording of this condition to capture any building works, which is applicable to all stages of the development. Currently, the condition only specifically relates to Stage One and Stage Two.

#### Recommendation:

• Condition 7.1 is to be amended as follows:

A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

#### Conditions 7.2 and 7.3

#### Applicant's representation and Council response

The applicant and Council Officer's agreed to add these conditions related to Building Works, which apply to all stages of the development.

The addition of conditions 7.2 and 7.3 is recommended for approval.

#### Recommendation:

• Condition 7.2 is to be added as follows:

All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction.

• Condition 7.3 is to be added as follows:

Access to and use of the land the subject of this application must comply with the provisions of the Disability Discrimination Act 1992 and/or the Anti-Discrimination Act 1991. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

### Condition 9.3

#### Applicant's representation and Council response

The applicant and Council Officer's agreed to amend this condition to also include the word 'odour' to ensure operations on the site have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, dust and odour.

The applicant's request to amend condition 9.3 is recommended for approval.

#### Recommendation:

• Condition 9.3 is to be amended as follows:

Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.

### Condition 11.1

#### Applicant's representation and Council response

The applicant and Council Officer's agreed to make an administrative amendment to this condition to ensure the storage of construction materials, parking of construction machinery and contractor's vehicles also does not occur within Oxford Street, in addition to the existing condition which references Denham Street and West Street.

The amendment of condition 11.1 is recommended for approval.

#### Recommendation:

• Condition 11.1 is to be amended as follows:

All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Denham Street, West Street or Oxford Street.

#### Condition 11.2

#### Applicant's representation and Council response

The applicant and Council Officer's agreed to add a condition to restrict operating hours in accordance with the Hotel's existing operating hours of 10.00 AM to 12.00 AM from Monday to Sunday, including Public Holidays.

The addition of condition 11.2 is recommended for approval.

#### Recommendation:

• Condition 11.2 is to be added as follows:

The hours of operations for the development site must be limited to 1000 hours to 0000 hours from Monday to Sunday including Public Holidays.

#### Condition 11.3

#### Applicant's representation and Council response

The applicant and Council Officer's agreed to add a condition for the waste storage area to ensure it is screened, kept clean and tidy, and maintained in accordance with *Environmental Protection Regulation 2019.* 

The addition of condition 11.3 this is recommended for approval.

#### Recommendation:

- Condition 11.3 is to be added as follows:
- 11.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 23.1). The owner of the land must ensure that the area is kept:
  - 11.3.1 in a clean and tidy condition;
  - 11.3.2 fences and screens are maintained;
  - 11.3.3 no waste material is stored external to the waste storage area/s;
  - 11.3.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
  - 11.3.5 the area is maintained in accordance with Environmental Protection Regulation 2019.

#### Condition 12.1

#### Applicant's representation and Council response

The existing development which has been completed as part of Stage One and Stage Two of the original Development Permit for D/125-2017 will be amended to form Stage One of the development. As a result, the applicant requested that this condition, which refers to further Development Permits required, be amended to include Operational Works, which applied to Stage Two of the existing development.

The request to amend condition 12.1 is recommended for approval.

#### Recommendation:

- Condition 12.1 is to be amended as follows:
- 12.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

- 12.1.1 Operational Works:
  - (i) Access and Parking Works;
  - (ii) Stormwater Works;
  - (iii) Site Works;
- 12.1.2 Plumbing and Drainage Works; and
- 12.1.3 Building Works:
  - (iii) Demolition Works; and
  - (iv) Building Works.

#### Conditions 8.1, 14.2, 14.12, 15.1, 16.1, 17.2, 20.2 and 21.1

#### Applicant's representation and Council response

The Approved Plans reference has changed from condition 2.1 applying to the entire development, to condition 13.1 for Stage One, condition 23.1 for Stage Two and condition 30.1 for Stage Three of the development. As a result, the reference to the Approved Plans included in the subject conditions 8.1, 14.2, 14.12, 15.1, 16.1, 17.2, 20.2 and 21.1 also required amendment to reflect the updated references.

Therefore, the request to amend conditions 8.1, 14.2, 14.12, 15.1, 16.1, 17.2, 20.2 and 21.1 is recommended for approval.

#### Condition 18.1

#### Applicant's representation and Council response

The applicant requested this condition related to roof and allotment drainage works for Stage One the development be deleted due to the condition being superfluous given that these requirements are already covered by Stage One stormwater works conditions 17.1, 17.2, 17.3, 17.4 and 17.5.

The request to delete condition 18.1 is recommended for approval.

#### Conditions 22.1 through to 35.1 inclusive

#### Applicant's representation and Council response

The subject conditions have all been added to apply specifically for Stage Two and Stage Three of the development. Stage Two and Stage Three of the development are related to the proposed extensions associated with the subject 'Other Change' application for the outdoor dining area and proposed carpark to be completed in Stage Two, and the hotel room to be completed in Stage Three of the development.

The conditions added for these stages are related to: administration, approved plans, access and parking works, roof and allotment drainage works, site works, building works, landscaping works, environmental health and operating procedures.

Therefore, the addition of conditions 22.1 through to 35.1 is recommended for approval.

#### MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

#### **Development Engineering Comments**

Support, subject to conditions.

#### Public and Environmental Health Comments

Support, subject to conditions.

#### **Other Staff Technical Comments**

Not applicable as the application was not referred to any other technical staff.

#### TOWN PLANNING COMMENTS

#### State Planning Policy 2017

Section 2.1 of *Rockhampton Region Planning Scheme 2015* (version 2.1) noted the *State Planning Policy 2017* is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the *Rockhampton Region Planning Scheme 2015* (version 2.1).

#### Central Queensland Regional Plan 2013

The *Central Queensland Regional Plan 2013* is a statutory document, which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the *Central Queensland Regional Plan 2013*.

#### Rockhampton Region Planning Scheme 2015 (version 2.1)

#### Strategic framework

This application is situated within the Urban Infill and Intensification designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* (version 2.1) are applicable:

#### (i) Settlement pattern

#### 3.3.10 Element – Urban infill and intensification

- (1) Urban infill and intensification areas are designated for higher density and walkable neighbourhoods that accommodate different <u>dwelling</u> choice. These areas include older suburbs in proximity to centres located at Gracemere and Rockhampton, as shown on the <u>strategic framework maps (SFM-1 to SFM-4)</u>.
- (2) Urban infill and intensification areas are characterised by residential uses, providing ready access to a range of shopping, community and other local services and facilities. Long-term and short-term residential land uses are within easy walking and cycling distance to non-residential uses and public transport.
- (3) Urban infill and intensification areas provide for medium and high density developments that are consistent with the low-medium and high density residential zone codes. These neighbourhoods have a sense of enclosure at the street level provided by small building setbacks, with the built environment part of its character usually dominant. Streets are characterised by street trees which provide shade and character, footpaths for walking trips, and through pavements shared by cars and bikes. These streets are usually grid-based and well connected, reducing the need to drive.
- (4) The expansion of industrial areas and centres (including specialised centres) into the urban infill and intensification area will not be supported.
- (5) Development provides for land uses consistent with the zone outcomes, densities and urban form which supports walkable, self-contained communities that:
  - a. provide choice of housing types and contributes to "affordable living" by including smaller and inexpensive options close to centres;

- b. reduce vehicle-based trip making and travel costs;
- c. provide access to employment, retail and commercial services, recreational opportunities and community facilities; and

#### d. protect residential amenity commensurate with its location.

**Complies:** The subject site is designated within the Urban Infill and Intensification area. While residential development is the primary intent of this settlement pattern, the proposed development will extend the Red Lion Hotel, which is a longstanding establishment that has serviced the entertainment needs of residents in the local neighbourhood for many years. The subject development is anticipated to accommodate more patrons and enhance the Hotel's overall experience enjoyed by its patrons. The development is appropriately designed and suitable conditions have been imposed to ensure residential amenity in the surrounding area is protected.

Therefore, the development complies with the settlement pattern strategic outcomes.

#### (ii) Natural environment and hazards

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
  - (a) the natural functioning of floodplains;
  - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
  - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.
- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

**Not applicable:** The site is not affected by any designated natural environment or hazards strategic outcomes.

#### (iii) Community identity and diversity

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

**Not applicable:** As a private, commercial development the subject proposal is not applicable to be assessed against the community identity and diversity strategic outcomes.

#### (iv) Access and mobility

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.

#### (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.

**Complies:** The development's proposed carpark to be provided in Stage 2 will be accessed by customers and staff via Denham Street. Denham Street is designated as a Major Urban Collector Road in Council's Road Hierarchy which is a higher-order road capable of safely and efficiently accommodating vehicle movements associated with the development. Rear access to the carpark via Oxford Street will only be utilised by service and delivery vehicles during daytime hours and this access includes a gate, which will be locked outside hours. Despite Oxford Street being categorised as an Urban Access Street, which is a lower-order road, as the number of service and delivery vehicle movements using this access during daytime hours is anticipated to be minimal, the development is not anticipated to compromise the safety or efficiency of Oxford Street.

Therefore, the development complies with the access and mobility strategic outcomes.

#### (v) Infrastructure and services

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
  - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
  - (b) the long-term needs of the community, industry and business are met; and
  - (c) the desired standards of service in Part 4 Local government infrastructure plan are achieved.

**<u>Complies</u>**: The development is not anticipated to compromise the effectiveness or safety of the local area's transport network. Furthermore, the site has access to reticulated water, sewer, electricity and telecommunications services.

Therefore, the development complies with the infrastructure and services strategic outcomes.

#### (vi) Natural resources and economic development

(1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.

- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

**Complies:** The development will extend the existing Hotel to include an outdoor dining area and carpark in Stage 2 and will enclose the outdoor dining area to provide a new hotel room in Stage 3. The proposal aligns with the principles for local economic growth as it is expected to facilitate an increased number of patrons and provide additional employment opportunities within the business. Additionally, the development is anticipated to enhance the services of the Hotel and the experience of its patrons. In turn, the Hotel extensions are expected to result in the Hotel providing an increased economic contribution to the greater Rockhampton Region.

Therefore, the development complies with the economic development strategic outcomes.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* (version 2.1) strategic outcomes.

#### Low-Medium Density Residential Zone

The subject site is situated within the Low-Medium Density Residential Zone under the *Rockhampton Region Planning Scheme 2015* (version2.1). The purpose of the Low-Medium Density Residential Zone identifies that: -

- (1) The purpose of the low-medium density residential zone code is to:
  - (a) provide locations preferred for the consolidation of a range and mix of dwelling types developed at low-medium densities in the planning scheme area;
  - (b) *minimise land use conflict and ensure that uses supporting low-medium density development predominantly develop in the zone; and*
  - (c) ensure that development within the zone has appropriate standards of infrastructure and essential services.
- (2) The purposes of the zone will be achieved through the following overall outcomes:
  - (a) development provides for dwellings, dual occupancies and multiple dwellings being generally a low to medium-rise built form (up to three (3) storeys in building height) and low-medium density;
  - (b) infill development and greenfield areas are developed in a manner that makes efficient use of land and can provide for the development of a range and mix of accommodation and residential types;
  - (c) non-residential uses only occur within the zone where they:

- (i) do not compromise the residential character and existing amenity of the surrounding area;
- (ii) are small-scale and consistent with the surrounding urban form;
- (iii) primarily function to service the needs of the immediate local residential community;
- (iv) do not detract from the role and function of centres;
- (v) do not result in the expansion of a centre zone;
- (vi) have direct access to higher order roads (minor urban collector or higher); and
- (vii) provide for uses along Albert Street that can demonstrate a dependence on having a highway passing trade;
- (d) development for an office is limited in scale (200 square metres gross floor area) to ensure the primacy of the principal centre and involves the reuse of an existing building to promote renewal;
- (e) new proposed centres within greenfield areas are not intended to accommodate full-line supermarkets;
- (f) with the exception of a local centre at North Parkhurst (along William Palfrey Road on Lot 5 SP238731), no other neighbourhood or local centres are required within the low-medium density residential zone;
- (g) short-term accommodation, rooming accommodation and tourist parks occur where there is access to public transport and higher order roads (minor urban collector or higher);
- (h) development has a built form that creates an attractive and pedestrian oriented streetscape and is integrated with nearby centres, community facilities, open space and recreation facilities via pathways, cycle ways, roads and public transport infrastructure commensurate with the needs of the use;
- (i) development maximises opportunities for surveillance, activation of street fronts, integration with surrounding streetscapes, and presents an attractive appearance to the street with variations in built form, shape and colour;
- (j) development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;
- (k) new residential developments are not located in proximity to existing incompatible uses such as rural uses, industry uses and major community facilities without separation distances, buffering, landscaping and screening that minimise a loss of amenity in relation to noise, odour, dust, light, loss of privacy or other adverse impacts;
- (I) new residential developments are located and integrated with existing neighbourhoods and in proximity to existing community infrastructure;
- (m) development is sited and designed to respond to the region's climate
   (sustainable practices for maximising energy efficiency, water conservation and public/active transport use), local heritage features, natural landscape features and environmental constraints; and
- (n) development is serviced by infrastructure that is commensurate with the needs of the use.

The subject 'Other Change' application will extend the existing Hotel to include an outdoor dining area, which is 180 square metres in size and an ancillary carpark providing 20 spaces in Stage 2 of the development with Stage 3 to enclose the outdoor dining area to create a

new hotel room. The development is anticipated to service the entertainment and social needs of residents in the local residential community. The development has been appropriately designed and where necessary, suitable conditions have been imposed to ensure the development maintains residential amenity with regard to potential impacts such as: traffic, noise, light, and odour. The carpark to be provided in Stage 2 of the development will be accessed by customers and staff via Denham Street, which is a suitable higher order road to service the development. Furthermore, the development will be serviced by appropriate infrastructure such as water, sewer, electricity and telecommunications services.

However while the development's expansion only results in an additional increase in gross floor area to the Hotel by approximately 15 percent and an ancillary carpark, the existing Hotel is not a small-scale non-residential use.

Therefore, this application is not consistent with the purpose of the Zone.

#### Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Low-Medium Density Residential Zone Code;
- Acid Sulfate Soils Overlay Code;
- Airport Environs Overlay Code
- Access, Parking And Transport Code;
- Filling and Excavation Code;
- Landscape Code;
- Stormwater Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. An assessment of the Acceptable Outcomes, which the application is in conflict with, is outlined below:

Low-M	Low-Medium Density Residential Zone Code					
Perfor	mance Outcomes	Officer's Response				
PO10	The development is located and designed so that buildings and structures make provision for:	The development does not meet the recommendations of Acceptable Outcome 10.1(b) and Acceptable Outcome 10.3, as the new hotel room to be constructed in				
	<ul> <li>(a) an appropriate scale and size that reflects the purpose of the zone;</li> </ul>	Stage 3 of the development will be built to the road frontage boundary of Denham Street and includes an exterior wall exceeding a length of 15 metres.				
	<ul><li>(b) access to natural light and ventilation;</li></ul>	The hotel room will be constructed by enclosing the outdoor dining area				
	(c) landscaping;	established in Stage 2 of the development				
	(d) privacy and noise attenuation;	and will only be seven (7) metres in width along the Denham Street road frontage.				
	<ul> <li>(e) screening of materials when stored outside buildings;</li> </ul>	However, the proposed building setback is consistent with the existing Hotel building's				
	<ul><li>(f) integration with the streetscape and built form;</li></ul>	setback to the road frontage boundaries of both Denham Street and West Street. Additionally, there is a landscaping area				
	(g) orientated to the street frontage;	established approximately five (5) metres				
	<ul> <li>(h) landscape features of the site; and</li> </ul>	from the hotel room along the proposed carpark.				

	(i) access to open space.	The new hotel room represents a small extension and integrates with the built form of the existing Hotel. Furthermore, the landscaping areas provided on-site are anticipated to assist in softening the appearance of the development while positively contributing to the overall appearance of the Hotel along Denham Street.
PO13	<ul> <li>Non-residential development may locate in the low-medium density residential zone when the use can demonstrate the following:</li> <li>(a) it services the day-to-day needs of residents of the local neighbourhood or is a community or emergency facility that primarily services the needs of the local neighbourhood; or</li> <li>(b) where located on Albert Street and can demonstrate a dependence on having highway passing trade. Therefore limited to: <ul> <li>(i) products predominantly displayed outside of any enclosed building and are demonstrably dependent on high visibility for attracting customers or businesses and typically include outdoor sales; or</li> <li>(ii) products predominantly displayed inside a building, consistent with the showroom definition with gross floor area of no more than 500 square metres and is demonstrably dependent on high visibility for attracting customers or business; and</li> <li>(iii) other uses which service and support the broad range of needs of highway users and include food and drink</li> </ul> </li> </ul>	
	outlet, service station, car wash and the like; (c) it does not compromise the residential character and existing amenity of the surrounding area in relation to lighting, noise, dust and odour;	

	(d) is small in scale;	
	<ul> <li>(e) is consistent with the surrounding built form and streetscape;</li> </ul>	
	<ul> <li>(f) the use does not compromise the role and function of existing centres;</li> </ul>	
	<ul> <li>(g) does not adjoin an existing commercial centre zone;</li> </ul>	
	<ul> <li>(h) located in proximity to public transport facilities and public transport routes; and</li> </ul>	
	<ul> <li>(i) minimises impacts on local amenity and the local street network.</li> </ul>	
PO21	The development minimises adverse impacts on the amenity of adjoining land use and the surrounding area.	The development does not meet the recommendations of Acceptable Outcome 21.1, as it will operate between the hours of 10:00 to 00:00. However, it is noted that the operating hours for the Hotel extensions are consistent with the longstanding Hotel's existing operating hours.
		Furthermore, the applicant undertook a Noise Impact Assessment for Stage 2 of the development for the outdoor dining area with recommendations including roof treatment for acoustic absorption, noise limits on amplified music, as well as general administrative controls including accepting deliveries and using the waste bins only during daytime hours to minimise and reduce annoyance during the night-time. These same general administrative controls have also been imposed for Stage 3 of the development. Furthermore, suitable conditions have been imposed to ensure light, odour or dust does not become an environmental nuisance. Additionally, should a genuine complaint be received in relation noise, the owner will be required to undertake nuisance monitoring supported by a report with mitigation measures.
		Additionally, the development does not meet the recommendations of Acceptable Outcome 21.2, as a 1.8 metres high screen fence has not been provided along the side boundary adjacent to the Oxford Street access handle and Lot 14 on RP600325. The existing fence will be maintained along this boundary, which is a mixture of screened and transparent fencing. However, it is noted that use of this access is limited to only service and delivery

		vehicles, which will use this access during daytime hours only.
		Therefore, the development has demonstrated it will minimise adverse impacts on the amenity of adjoining land uses and the surrounding area.
PO24	Landscaping and streetscaping is provided to:	The development does not meet the recommendations of Acceptable Outcome 24.1, as landscaping has not been provided
	<ul> <li>(a) enhance public streets and spaces;</li> </ul>	for 10 per cent of the total site area. However, the existing Hotel located at Lot 100 on SP300289 includes approximately
	<ul> <li>(b) create an attractive environment that is consistent with, and defines, the local character of the zone;</li> </ul>	t 51.5 square metres of landscaping and the subject extensions to the Hotel development will include an additional 78 square metres of landscaping being a
	(c) enhance the appearance of the development;	'vertical garden' located with the proposed carpark for Stage 2 of the development along the common boundary shared with
	<ul> <li>(d) screen components of development from adjoining sensitive land uses or from the street;</li> </ul>	Lot 13 on RP600325. Furthermore, it is noted that additional landscaping within the carpark area was not practical as it would affect the safety and efficiency of access,
	<ul> <li>(e) separate and screen residential uses from industrial zoned land or a lawfully operating industrial use; and</li> </ul>	parking and manoeuvring within the carpark. However, the landscaping areas provided are anticipated to provide an attractive environment and enhance the overall appearance of the development.
	<ul> <li>(f) allow shading for pedestrian comfort.</li> </ul>	

Lands	Landscape Code					
Perfor	mance Outcomes	Officer's Response				
PO6	Landscaping design includes plant species that:	The development does not meet the recommendations of Acceptable Outcome 6.5, as a three-tier landscaping treatment				
	(a) suit the local climatic conditions;	has not been provided. However, this is not considered necessary for the subject				
	<ul> <li>(b) have low water usage needs or are provided with water harvested on-site;</li> </ul>	development, which is only for an extension to the existing Hotel. Furthermore, the landscaping areas that have been provided				
	(c) include locally native species;	for the development are anticipated to be of a suitable size to complement the subject				
	<ul> <li>(d) are of a suitable size and density to achieve the purposes of this code; and</li> </ul>	development and will include the use of suitable, local plant species that have a low water dependency.				
	<ul> <li>(e) complement the proposed development;</li> </ul>					
	<ul> <li>(f) are not classified as a pest species or a noxious or invasive weed;</li> </ul>					
	(g) preserve existing vegetation where desirable and protect					

	<ul><li>existing environmental values of the land; and</li><li>(h) do not exacerbate bushfire or flood hazards.</li></ul>	
PO11	<ul> <li>Car parks and internal access (both on and off-street) are landscaped to:</li> <li>(a) reduce their visual appearance;</li> <li>(b) provide shade;</li> <li>(c) reduce glare;</li> <li>(d) reduce heat stored in hard surfaces;</li> <li>(e) harvest storm water; and</li> <li>(f) be of a design that protects damage from vehicles, minimises risk of crime and contaminated stormwater runoff.</li> </ul>	The development does not meet the recommendations of Acceptable Outcome 11.1 as no shade trees are being provided within the car parking area. It is noted that shade trees within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, landscaping areas have been provided along the carpark's common boundary with Lot 13 on RP600325 and adjacent to car parks numbered between 10 through to 18. Both areas will be established with vegetation which creates a 'vertical garden' appearance, with vegetation which is a minimum of 1.8 metres in height and this will include locally native plant species, which have a low water dependency. The landscaping areas provided for the development are anticipated to reduce the visual appearance of the development's car park and internal access areas.

Based on a performance assessment of the abovementioned codes, it is determined that the proposal is acceptable and generally complies with the relevant Performance Outcomes and where there is deviation from the codes, sufficient justification has been provided.

#### CONSULTATION

The proposal was the subject of public notification between 26 February 2021 and 19 March 2021, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no properly made submissions were received.

#### CONCLUSION

The proposed development is considered to be in keeping with the purpose of the Strategic Framework. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is, therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

# D/125-2017 - OTHER CHANGE TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR HOTEL (EXTENSIONS)

## **Locality Plan**

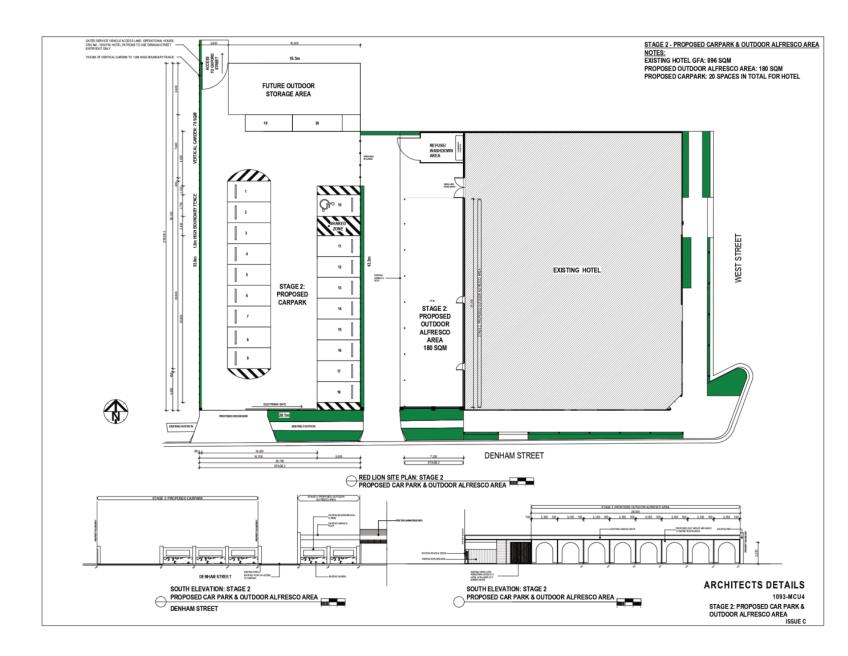
Meeting Date: 10 August 2021



# D/125-2017 - OTHER CHANGE TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR HOTEL (EXTENSIONS)

# Site Plan and Elevations Plan (Stage 2)

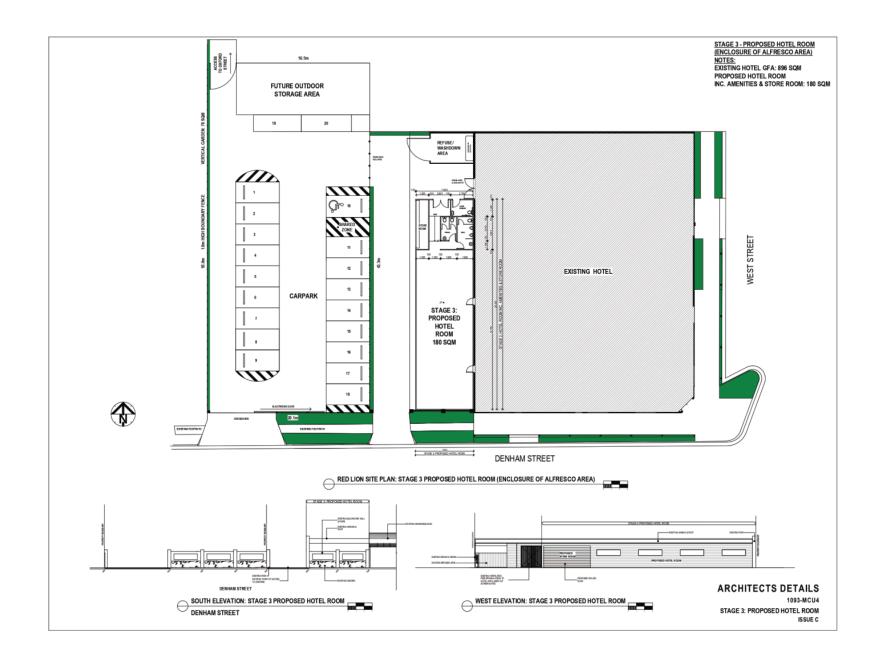
Meeting Date: 10 August 2021



## D/125-2017 - OTHER CHANGE TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR HOTEL (EXTENSIONS)

# Site Plan, Elevations Plan and Floor Plan (Stage 3)

Meeting Date: 10 August 2021



#### WASTE AND RECYCLING Councillor Portfolio – Councillor Latcham

No items for consideration

#### WATER AND ENVIRONMENTAL SUSTAINABILITY Councillor Portfolio – Councillor Kirkland

No items for consideration

#### **BUDGET, GOVERNANCE AND OTHER MATTERS**

10.13 MOTION TO BE PRESENTED TO THE 2021 LGAQ ANNUAL CONFERENCE					
File No: 11092					
Attachments:	Attachments: 1. RRC 2021 Annual Conference - Motion J.				
Authorising Officer:	Ross Cheesman - Acting Chief Executive Officer				
Author:	Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling				

#### SUMMARY

That a motion be presented to the LGAQ conference in Mackay to lobby State Government for continuation of the RRTAP funding.

#### **OFFICER'S RECOMMENDATION**

THAT the following motion be presented to the 2021 LGAQ conference:

The LGAQ calls on the Queensland Government to continue the funding of the Regional Recycling Transport Assistance Program beyond the 2020-21 year.

#### COMMENTARY

The LGAQ currently has the nomination of resolutions for the 2021 Annual Conference opened to 16 August. It is recommended this matter be considered for delegates consideration at this conference.

#### BACKGROUND

The Regional Recycling Transport Assistance Program (RRTAP) was a funding program launched in late 2019 by the Queensland Government, with the purpose of funding the transportation costs associated with recycling activities in regional communities.

This was seen as a key component of delivering the Queensland Waste Management and Resource Recovery Strategy, providing interim support to existing or emerging recycling activities in the regions that would otherwise not be financially viable due to the cost of transporting materials to secondary processing facilities.

In April 2020, Council received \$176,760 to assist with the ongoing cost of transporting sorted materials from our Rockhampton MRF to secondary markets in Brisbane, NSW and overseas. In response to the MRF fire event in November 2020, Council received an additional funding amount of \$73,240 to assist with the additional transportation costs of bulk hauling our commingled recyclables to Mackay and Brisbane. Livingstone Shire Council, Gladstone Regional Council and Central Highlands Regional Council all received their own allocation of funding for similar levels of support.

Over the 16 months of the funding contract, Council fully acquitted the grant, transporting a total of 4,023 tonnes, at a nominal transportation subsidy of \$62 per tonne. This funded project ended as of 30<sup>th</sup> June 2021.

In March 2021, Mayor Williams wrote to the Environment Minister to advocate for an extension to this funding, on the basis that the underlying structural market conditions that justified this funding support in 2019/20 have not changed as of 2021/22.

In July 2021, the Minister responded that this funding will not be continued, and that alternative support for regional recycling is currently being considered.

#### PREVIOUS DECISIONS

Nil

#### **BUDGET IMPLICATIONS**

The amount of \$250,000 in funding was received by Council to assist with the additional cost of transporting recyclables from regional areas of Queensland. By not being funded this amount of revenue has impacted Council's overall financial position.

#### LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

Nil

**STAFFING IMPLICATIONS** 

Nil

#### **RISK ASSESSMENT**

Nil

CORPORATE/OPERATIONAL PLAN

Nil

#### CONCLUSION

Ultimately the desired outcome is for the Queensland Government to continue the Regional Recycling Transport Assistance Program. Regional Queensland rely on such funding from the Queensland Government to provide some equity in the cost of recycling to regional communities. Consequently it is recommended that Council can resolve as stated in this report and submit this resolution to the LGAQ for consideration at the 2021 annual conference.

# MOTION TO BE PRESENTED TO THE 2021 LGAQ ANNUAL CONFERENCE

## **RRC 2021 Annual Conference - Motion**

Meeting Date: 10 August 2021

## 2021 Annual Conference - Motions Template

Please use this template to prepare and submit your motion using the link below. Please use text only – no images or tables.

Submitting Council (required)	Rockhampton Regional Council
Supporting ROC (if applicable)	
Category (required)	Environment and Health
Council resolution # (required)	
Date of council resolution (required)	10/08/2021
Title of motion (required)	Regional Recycling Transport Assistance Program
Motion (required)	The LGAQ calls on the Queensland Government to continue the funding of the Regional Recycling Transport Assistance Program beyond the 2020-21 year.
Background (required) 350 word limit	The Regional Recycling Transport Assistance Program (RRTAP) was a funding program launched in late 2019 by the Queensland Government with the purpose of funding the transportation costs associated with recycling activities in regional communities.
	This was seen as a key component of delivering the Queensland Waste Management and Resource Recovery Strategy, providing interim support to existing or emerging recycling activities in the regions that would otherwise not be financially viable due to the cost of transporting materials to secondary processing facilities.
	The cost of recycling in regional communities is significantly greater than in SEQ due to low economies of scale in the processing of recyclables and the additional transport distances and costs in getting separated commodities to their respective markets (i.e. typically back to SEQ).
	Regional Queensland rely on such funding from the Queensland Government to provide some equity in the cost of recycling to regional communities.
What is the desired outcome sought? (required) 350 word limit	Ultimately the desired outcome is for the Queensland Government to continue the Regional Recycling Transport Assistance Program. Regional Queensland rely on such funding from the Queensland Government to provide some equity in the cost of recycling to regional communities.

# Policy Executive endorsed motions for the 2021 LGAQ Annual Conference

## Federal Government

- 1. The LGAQ calls on the Federal Government to restore Federal Assistance Grants to at least 1% of Commonwealth Taxation Revenue to address the serious financial sustainability issues experienced by all councils.
- 2. The LGAQ calls on the Federal Government to restore the voice of local communities by giving local government full membership of the National Cabinet and a guaranteed seat in other National Ministerial forums.
- **3.** The LGAQ calls on the Federal Government to provide \$200 million per year for four years for targeted disaster mitigation and to future-proof community infrastructure.
- 4. The LGAQ calls on the Federal Government to allocate \$100 million per year for five years to increase housing supply in remote and discrete Aboriginal and Torres Strait Islander communities.

## State Government

- 5. The LGAQ calls on the State Government to amend the *Civil Liabilities Act 2003* to strengthen indemnity provisions and address concerns that the Goondiwindi v Tait case has created for councils with RMPCs.
- 6. The LGAQ calls on the State Government to urgently amend the *Local Government Act 2009* and the *City of Brisbane Act 2010* to address the unintended consequences of current Conflict of Interest requirements that continue to negatively impact the ability of councillors to effectively represent their communities.
- 7. The LGAQ calls on the State Government to maintain Works for Queensland funding at \$100 million a year for the next four years.
- 8. The LGAQ calls on the State Government to maintain SEQ Stimulus Funding at \$50 million per year for the next four years.

### ILF Motions

- 9. The LGAQ lobby the state government and the National Indigenous Australians Agency to establish and periodically release to councils the relevant data sets for each local government area against each of the Closing the Gap targets.
- 10. That the LGAQ lobby the Federal Government to work with the Office of the Registrar of Indigenous Corporations to establish a mechanism for regularly informing and educating Prescribed Bodies Corporate across Australia on any legislation, regulatory changes, governance and performance arrangements, and to ensure that a similar mechanism is in place at state level to inform Deed of Grant in Trust trustees.

## 10.14 LETTER OF SUPPORT REQUEST - DARUMBAL ENTERPRISES TUMRA APPLICATION

File No:	8034				
Attachments:	Nil				
Authorising Officer:	Ross Cheesman - Acting Chief Executive Officer				
Author:	Matthew Mansfield - Coordinator Media and Communications				

#### SUMMARY

Darumbal Enterprises has requested a Letter of Support from Rockhampton Regional Council to support their application for a Traditional Use of Marine Resources Area to the Great Barrier Reef Marine Park Authority.

#### OFFICER'S RECOMMENDATION

THAT Council retrospectively approves the letter of support that was provided to Darumbal Enterprises for an application with the Great Barrier Reef Marine Park Authority for a Traditional Use of Marine Resources Agreement.

#### COMMENTARY

Darumbal People Aboriginal Corporation Registered Native Title Body (Darumbal Enterprises) will soon be lodging an application with the Great Barrier Reef Marine Park Authority (GBRMPA) for a Traditional Use of Marine Resources Agreement (TUMRA).

TUMRAs are community-based plans between Traditional Owners and GBRMPA for management of traditional resources and describe how Great Barrier Reef Traditional Owner groups work in partnership with the Australian and Queensland governments to manage traditional use activities, such as traditional hunting take numbers and reef management, on their sea country.

The proposed TUMRA's western boundary is to the highest astronomical tide and cuts across the mouth of rivers Raglan, Fitzroy, Styx and other smaller creeks which reflects the marine park boundary.

As part of their application, Darumbal Enterprises has requested a Letter of Support from a number of stakeholders including Rockhampton Regional Council, Fitzroy Basin Association, Livingstone Shire Council and Queensland Parks and Wildlife Service.

While activities within the TUMRA are outside of the Rockhampton Local Government Area, the agreement will open up a number of opportunities for further partnerships and collaboration between Council and Darumbal Enterprises to deepen our understanding and reconciliation initiatives which Council has committed to.

#### BACKGROUND

Rockhampton Regional Council signed an Indigenous Land Use Agreement with Livingstone Shire Council and Darumbal People Aboriginal Corporation Registered Native Title Body in 2016.

S 43.1 (b) of that ILUA states; 'The Local Governments will support practical means through which recognition of the Darumbal People as Traditional Owners can become more visible and better appreciated by the community as a whole.'

Council's previously adopted Rockhampton Recreational Fishing Development Strategy includes supporting key initiatives which align with the TUMRA including the Indigenous Sea Ranger Program.

Council has also partnered with the State Government and Gladstone Ports Corporation to deliver two new boat ramps in Fitzroy Delta area at Inkerman Creek and Casuarina Creek,

which will assist with easier access into waters identified by the TUMRA that is adjacent to the Rockhampton Region.

#### **BUDGET IMPLICATIONS**

There are no budget implications.

#### CORPORATE/OPERATIONAL PLAN

Operational Plan 1.6.1 - Scope and develop relationships with local Aboriginal and Torres Strait Islander stakeholders to prepare for reconciliation initiatives across Council.

Corporate Plan 1.6 - Our sense of place, diverse culture, history and creativity are valued and embraced.

#### CONCLUSION

Supporting Darumbal Enterprises' TUMRA application is consistent with outcomes under Council's agreed Indigenous Land Use Agreement along with existing strategies and funded infrastructure detailed in this report.

A TUMRA will generate further environmental and cultural heritage protection and provides significant opportunities for reconciliation.

A letter of support is a clear sign Council recognizes the value of our relationship with our Traditional Owners and supports outcomes in the interests of all parties

#### 10.15 FEES AND CHARGES 2021-2022 AMENDMENTS

File No:	7816
Attachments:	<ol> <li>Summary of Proposed Changes 10 August 2021</li> </ol>
Authorising Officer:	Ross Cheesman - Deputy Chief Executive Officer
Author:	Marnie Taylor - Chief Financial Officer

#### SUMMARY

The intention of this report is to submit minor amendments to Council's Fees and Charges Schedule for the 2021-2022 financial year.

#### OFFICER'S RECOMMENDATION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2021-2022 financial year.

#### COMMENTARY

The proposed amendments to the Fees and Charges 2021-2022 are provided below.

#### BACKGROUND

Since Council adopted the Fees and Charges for 2021-2022 on 8 June 2021, and amended the Fees and Charges on 22 June 2021, Local Laws, Building Plumbing Compliance, Customer Service and FRW have identified issues which require amendment as per the attached summary of proposed changes to fees and charges 2021-2022.

The proposed changes for Development Compliance - Building, Plumbing Compliance are

Plumbing and Drainage Fees –

- Fee 2 amend the charge basis per unit from each 'assess site work one fee to cover shire' to 'per inspection'.
- Addition of Fee 3 Sanitary Fixture/Tundish at \$50.00 per item.
- Fee 10 (previously Fee 9) Alterations and additions to Dwelling/Duplex/Dual Occupancy/Multi Unit Dwelling (Class 1, 2, 3) – change price from POA to \$250 + POA. Update the Charge basis per unit to 'Subject to Quotation based on the number of fixtures and inspections required'.
- Fee 14 (previously Fee 13) rename to New Class 10 Building (includes min 3 inspections).
- Fee 17 (previously Fee 16) renamed from Assessment of Plans (includes min 3 inspections) to Application fee, and fee amended from POA to \$250.00 + POA
- Fee 36 (previously Fee 35) renamed from 'House drainage plan A4 copies' to 'Sanity Drainage Plan or As Constructed Hydraulic Plan', amending the fee from \$37.40 to \$34.00. This will then align with the naming convention under the FRW Fees and Charges, and the Property Search Form. The Fees will also align for the service provided.
- Removal of Fee 36 House drainage plan large copies.
- Addition of Fee 37 'Water/Sewer/Stormwater Service Plan' with a charge of \$34.00 to align naming with the FRW Fees and Charges and the Property Search Form.
- Fee 38 (previously Fee 114) Building and Plumbing Record Search Residential amending fee from \$121.00 to \$118.80

- Amendment of the legislation for Fees 38, 39, 40, 41 from *Plumbing and Drainage Regulation 2019* to *Local Government Act 2009*.
- Fee 43 (previously Fee 42) Amended Plan change from 50% of original assessment fee to \$125.00.
- After review of the *Plumbing and Drainage Regulation 2019*, amend legislation referenced in Fees & Charges for Plumbing and Drainage related fees from Section 44(1)(iv) to Section 44(1)(b)(iv).

Building Certification -

- Renaming Fee 110 (previously Fee 109) 'Early Referral ROL response to 10 20 lots' – amended to 'Early Referral ROL response 11 to 20 lots'
- Renaming Fee 111 (previously Fee 110) 'Early Referral ROL response to 20 30 lots' – amended to 'Early Referral ROL response 21 to 30 lots'
- Fee 115 (previously 114) change to fee from \$121.00 to \$118.80
- Addition of Fee 116 Re-issue Building and Plumbing Record Search Residential 50% of full fee
- Addition of Fee 118 Re-issue of Building and Plumbing Record Search Commercial – 50% of full fee

The proposed changes for FRW are as follows

- Renaming of Fee 48 from 'A4 Water plan' to 'Sanitary Drainage Plan or As Constructed Hydraulic Plan'. This will then align with the naming convention under the Development Compliance Building, Plumbing Drainage Fees and Charges, and the Property Search Form,
- Renaming of Fee 49 from 'A4 Sewer Plan' to 'Water/Sewer/Stormwater Service Plan'. This will then align with the naming convention under the Development Compliance Building, Plumbing Drainage Fees and Charges, and the Property Search Form,
- Removal of Fee 50 A4 house drainage plans
- Removal of Fee 51 All other plan sizes

The proposed changes for Local Laws are as follows –

- Addition of fees for Impoundment release for cats collected within 48 hours (No charge) and Impoundment release for cat not collected within 48 hours \$55.00 charge, and
- sustenance fee where a dog is not collected within 48 hours if issue of impound notice - \$10 per head

The proposed changes for Customer Service are as a result of a recent review of the *Planning Regulation 2017*, in relation to obtain building plans

- Renaming Fee 16 from 'Building File retrieval and copying Domestic' to 'Building plan retrieval and copying Domestic'
- Renaming Fee 17 from 'Building file retrieval and copying Commercial' to 'Building plan retrieval and copying – Commercial'

#### **BUDGET IMPLICATIONS**

The effect of the changes will have minimal budget impact.

#### LEGISLATIVE CONTEXT

The fees and charges in the schedules can be amended at any time throughout the year in accordance with legislation.

#### CONCLUSION

These minor amendments are recommended for inclusion in the 2021-2022 Fees and Charges Schedule.

Upon approval by Council, these amendments to the 2021-2022 Fees and Charges Schedule are to uploaded and presented on the Council Website.

## FEES AND CHARGES 2021-2022 AMENDMENTS

## Summary of Proposed Changes 10 August 2021

Meeting Date: 10 August 2021

#### SUMMARY OF PROPOSED CHANGES 10 AUGUST 2021

#### **Development Compliance – Building Plumbing Drainage**

After review of the *Plumbing and Drainage Regulation 2019*, amend legislation referenced in Fees & Charges for Plumbing and Drainage related fees from Section 44(1)(iv) to Section 44(1)(b)(iv).

#### Current Fees

	SECTION:	Development Compliance - Building Plumbing Drainage					
Fee numt v Item name v		Fee Туре 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔻	Governing Specific Legislation
1	PLUMBING AND DRAINAGE FEES						
2	Inspections - per inspection	Cost Recovery	GST Exempt	\$188.10	1	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)

#### Proposed Changes

Fee 2 – amend the charge basis per unit from each – 'assess site work - one fee to cover shire' to 'per inspection'.

#### Addition of Fee 3 – Sanitary Fixture/Tundish – at \$50.00 per item.

	SECTION:	Development Compliance - Building Plumbing Drainage					
Fee numt 🗸	Item name	Fee Туре 🔽	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔻	Governing Specific Legislation 🔽
1	PLUMBING AND DRAINAGE FEES						
2	Inspections/re-inspections	Cost Recovery	GST Exempt	\$188.10	per inspection	Plumbing and Drainage Regulation 2019	Section 44 (1)(b)(iv)
3	Sanitary Fixture/Tundish	Cost Recovery	GST Exempt	\$50.00	per item	Local Government Act 2009	Section 97

#### Current Fee

SECTION:			Developmer	nt Complian	ce - Building F	Plumbing Dra	ainage	
	Fee numt 🔻	ltem name 🔽	Fee Туре 🔽	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority	Governing Specific Legislation 🔽
		Alterations and additions to Dwelling/ Duplex/ Dual Occupancy/ Multi Unit Dwelling (Class 1 ,2 , 3)	Cost Recovery	GST Exempt	ΡΟΑ	9	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)

#### Proposed Changes

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage						
Fee numt 🔻	item name	Fee Туре 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation		
1	Alterations and additions to Dwelling/ Duplex/ Dual Occupancy/ Multi Unit Dwelling (Class 1 ,2, 3)		GST Exempt	\$250 + POA	Subject to Quotation based on number of fixtures and inspections required	Plumbing and Drainage	Section 44 (1)(b)(iv)		

Fee 10 (previously Fee 9) – Alterations and additions to Dwelling/Duplex/Dual Occupancy/Multi Unit Dwelling (Class 1, 2, 3) – change price from POA to \$250 + POA. Update the Charge basis per unit to Subject to Quotation based on the number of fixtures and inspections required.

#### Current Fee

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage						
Fee numt <del>-</del>	Item name	Fee Туре 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation		
13	New Class 10 Building	Cost Recovery	GST Exempt	\$660 + \$50 per fixture		Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)		

#### Proposed Changes

Fee 14 (previously Fee 13) rename to New Class 10 Building (includes min 3 inspections).

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage						
Fee numt 🗸	ltem name	Fee Type 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation 🔽		
14	New Class 10 Building (includes min 3 inspections)	Cost Recovery	GST Exempt	\$660 + \$50 per fixture		Plumbing and Drainage Regulation 2019	Section 44 (1)(b)(iv)		

#### Current Fee

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage					
Fee numt 🔻	Item name	<b>Fee</b> Туре 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority	Governing Specific Legislation 🔽	
1	Assessment of plans (includes min 3 inspections)				Subject to Quotation based on number of fixtures and			
16		Cost Recovery	GST Exempt	ΡΟΑ	inspections required	Regulation 2019	Section 44 (1)(iv)	

#### Proposed Changes

Fee 17 (previously Fee 16) – renamed from Assessment of Plans (includes min 3 inspections) to Application fee, and fee amended from POA to \$250.00 + POA

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage						
Fee numt 🔻	Item name	Fee Туре 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation		
	Application Fee				Subject to Quotation based on number of	8			
17		Cost Recovery	GST Exempt	\$250.00 + POA		Plumbing and Drainage	Section 44 (1)(b)(iv)		

#### Current Fees

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage							
Fee numt 🔻	Item name	Fee Type 🔻	GST Authority 🔻	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation			
35	House drainage plan A4 copies	Cost Recovery	GST Exempt	\$37.40	each	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)			
36	House drainage plan large copies	Cost Recovery	GST Exempt	\$80.30	each	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)			
37	Building and Plumbing Record Search - Residential	Cost Recovery	GST Exempt	\$118.80	per property	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)			
38	Re-issue Building and Plumbing Record Search - Residential	Cost Recovery		50% of full fee	per property	Plumbing and Drainage Regulation 2020	Section 44 (1)(iv)			
39	Building and Plumbing Record Search - Commercial	Cost Recovery	GST Exempt	\$214.50	per property	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)			
40	Re-issue Building and Plumbing Record Search - Commercial	Cost Recovery	GST Exempt	50% of full fee	per property	Plumbing and Drainage Regulation 2020	Section 44 (1)(iv)			
41	Plumbing Miscellaneous administration fee	Cost Recovery	GST Exempt	\$108.90	each	Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)			
42	AMENDED PLAN (Major amendment 50% of Original Fee)	Cost Recovery	GST Exempt	50% of original assessment fee		Plumbing and Drainage Regulation 2019	Section 44 (1)(iv)			

#### Proposed Changes

Fee 36 (previously Fee 35) renamed from 'House drainage plan A4 copies' to 'Sanity Drainage Plan or As Constructed Hydraulic Plan', amending the fee from \$37.40 to \$34.00. This will then align with the naming convention under the FRW Fees and Charges, and the Property Search Form. The Fees will also align for the service provided.

Removal of Fee 36 – House drainage plan large copies.

Addition of Fee 37 – Water/Sewer/Stormwater Service Plan – with a charge of \$34.00 to align naming with the FRW Fees and Charges and the Property Search Form.

Fee 38 – (previously Fee 114) Building and Plumbing Record Search – Residential – amending fee from \$121.00 to \$118.80

Amendment of the legislation for Fees 38, 39, 40, 41 from Plumbing and Drainage Regulation 2019 to Local Government Act 2009.

Fee 43 (previously Fee 42) Amended Plan – change from 50% of original assessment fee to \$125.00.

	SECTION:	Development Compliance - Building Plumbing Drainage						
Fee numt 🗸	Item name	Fee Туре 🔻	GST Authority 🔽		Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation	
36	Sanitary Drainage Plan or As Constructed Hydraulic Plan	Cost Recovery	GST Exempt	\$34.00	each	Local Government Act 2009	Section 97	
37	Water/Sewer/Stormwater Service Plan	Cost Recovery	GST Exempt	\$34.00	each	Local Government Act 2009	Section 97	
38	Building and Plumbing Record Search - Residential	Cost Recovery	GST Exempt	\$118.80	per property	Local Government Act 2009	Section 97	
39	Re-issue Building and Plumbing Record Search - Residential	Cost Recovery		50% of full fee	per property	Local Government Act 2009	Section 97	
40	Building and Plumbing Record Search - Commercial	Cost Recovery	GST Exempt	\$214.50	per property	Local Government Act 2009	Section 97	
41	Re-issue Building and Plumbing Record Search - Commercial	Cost Recovery	GST Exempt	50% of full fee	per property	Local Government Act 2009	Section 97	
43	Amended Plan	Cost Recovery	GST Exempt	\$125.00		Plumbing and Drainage Regulation 2019	Section 44 (1)(b)(iv)	

#### Current Fee

	SECTION:	Developmen	Development Compliance - Building Plumbing Drainage						
Fee numt 🔻	Item name	Fee Туре 🔻	GST Authority 🔻	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔻	Governing Specific Legislation		
108	Early Referal ROL response 1 to 10 lots	Cost Recovery	GST Exempt	\$1,050.00		Local Government Act 2009	Section 97		
109	Early Referal ROL response 10 to 20 lots	Cost Recovery	GST Exempt	\$2,100.00		Local Government Act 2009	Section 97		
110	Early Referal ROL response 20 to 30 lots	Cost Recovery	GST Exempt	\$3,150.00		Local Government Act 2009	Section 97		
111	Early Referal ROL response more than 30 lots	Cost Recovery	GST Exempt	ΡΟΑ		Local Government Act 2009	Section 97		

#### Proposed Changes -

Renaming Fee 110 (previously Fee 109) 'Early Referral ROL response to 10 – 20 lots' – amended to 'Early Referral ROL response 11 to 20 lots' Renaming Fee 111 (previously Fee 110) 'Early Referral ROL response to 20 – 30 lots' – amended to 'Early Referral ROL response 21 to 30 lots'

	SECTION:	Development Compliance - Building Plumbing Drainage					
Fee numt 🔻	Item name	Fee Туре 🔽	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation 🔽
109	Early Referral ROL response 1 to 10 lots	Cost Recovery	GST Exempt	\$1,050.00		Local Government Act 2009	Section 97
110	Early Referral ROL response 11 to 20 lots	Cost Recovery	GST Exempt	\$2,100.00		Local Government Act 2009	Section 97
111	Early Referral ROL response 21 to 30 lots	Cost Recovery	GST Exempt	\$3,150.00		Local Government Act 2009	Section 97
112	Early Referral ROL response more than 30 lots	Cost Recovery	GST Exempt	РОА		Local Government Act 2009	Section 97

#### Current Fees

	SECTION:	Developmen	nt Complian	ce - Building F	Plumbing Dra	ainage	
Fee numt	r Item name	- Fee Туре 🔻	GST Authority 🔻	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation
114	Building and Plumbing Record Search - Residential	Cost Recovery	GST Exempt	\$121.00	per property	Local Government Act 2009	Section 97

#### Proposed Changes

Fee 115 (previously 114) change to fee from \$121.00 to \$118.80

Addition of Fee 116 Re-issue Building and Plumbing Record Search – Residential – 50% of full fee

Addition of Fee 118 – Re-issue of Building and Plumbing Record Search – Commercial – 50% of full fee

SECTION:			Development Compliance - Building Plumbing Drainage					
	Fee numt 🔻	Item name	Fee Туре 🔻	GST Authority 🔽	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔽	Governing Specific Legislation
	115	Building and Plumbing Record Search - Residential	Cost Recovery	GST Exempt	\$118.80	per property	Local Government Act 2009	Section 97
	116	Re-issue Building and Plumbing Record Search - Residential	Cost Recovery	GST Exempt	50 % of full fee	per property	Local Government Act 2009	Section 97
	118	Re-issue Building and Plumbing Record Search - Commercial	Cost Recovery	GST Exempt	50 % of full fee	per property	Local Government Act 2009	Section 97

#### Fitzroy River Water (FRW)

#### Current Fees

SECTION:		Fitzroy River Water					
Fee numt <mark></mark> ▼	liem name	Fee Туре 🔻		2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔻	Governing Specific Legislation
48	A4 water plan	Commercial	GST Applies	\$34.00	per plan	Local Government Act 2009	S262 (3) (c)
49	A4 sewer plan	Commercial	GST Applies	\$34.00	per plan	Local Government Act 2009	S262 (3) (c)
50	A4 house drainage plan	Commercial	GST Applies	\$34.00	per plan	Local Government Act 2009	S262 (3) (c)
51	All other plan sizes	Commercial	GST Applies	\$74.00	per plan	Local Government Act 2009	S262 (3) (c)

#### Proposed Changes

Renaming of fee 48 from 'A4 Water plan' to 'Sanitary Drainage Plan or As Constructed Hydraulic Plan',

Renaming of fee 49 from 'A4 Sewer Plan' to 'Water/Sewer/Stormwater Service Plan'. This will then align with the naming convention under the Development Compliance – Building, Plumbing Drainage Fees and Charges, and the Property Search Form,

Removal of Fee 50 A4 house drainage plan,

Removal of Fee 51 All other plan sizes

SECTION:		Fitzroy River Water					
Fee numt 🔻	item name	Fee Туре 🔻	GST Authori 🔻	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority 🔻	Governing Specific Legislation
48	Sanitary Drainage Plan or As Constructed Hydraulic Plan	Commercial	GST Applies	\$34.00	per plan	Local Government Act 2009	S262 (3) (c)
49	Water/Sewer/Stormwater Service Plan	Commercial	GST Applies	\$34.00	per plan	Local Government Act 2009	S262 (3) (c)
<del>50</del>	A4 house drainage plan	Commercial	GST Applies	<del>\$34.00</del>	<del>per plan</del>	Local Government Act 2009	<del>\$262 (3) (c)-</del>
<del>51</del>	All other plan sizes	Commercial	GST Applies	<del>\$74.00</del>	<del>per plan</del>	Local Government Act 2009	<del>5262 (3) (c)</del>

# Local Laws

Addition of Fee 110 – 1<sup>st</sup> Impoundment release fee (cat) – collected within 48 hours – No charge

Addition of Fee 112 – 1<sup>st</sup> Impoundment release fee (cat) – not collected within 48 hours - \$55.00 per head

Addition of Fee 115 – Sustenance fee – where dog is not collected within 48 hours of issue of Impound Notice - \$10.00 per animal

SECTION:		Local Laws - Community Compliance (including Pound)					
108	Impounding - Cats and Dogs						
109	1st Impoundment release fee (dogs) - current registration - collected 48 hours	Cost-Recovery	GST Exempt	No charge	per head	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)
110	1st Impoundment release fee (cats) - collected within 48 hours	Cost-Recovery	GST Exempt	No charge	per head	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)
111	1st Impoundment release fee (dogs) - not registered or registered and not collected within 48 hours	Cost-Recovery	GST Exempt	\$55.00	per head	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)
112	1st Impoundment release fee (cats) - not collected within 48 hours	Cost-Recovery	GST Exempt	\$55.00	per head	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)
113	Sustenance fee for dog - impounded after 48 hours	Cost-Recovery	GST Exempt	\$10.00	per day per head	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)
114	Sustenance fee for cat - impounded after 48 hours	Cost-Recovery	GST Exempt	\$5.00	per day per head	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)
115	Sustenance fee - where dog is not collected within 48 hours of issue of Impound Notice	Cost-Recovery	GST Exempt	\$10.00	per animal	LL 2 (Animal Management) 2011	LGA 2009 Part 2, s97(2)(d)

# **Customer Service**

# Current Fees

	SECTION:	Customer Service					
Fee number	Item name	Fee Туре	GST Authority	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority	Governing Specific Legislation
15	Records File Retrieval						
16	Building file retrieval and copying - Domestic	Commercial	GST Applies	\$71.00	Each	Local Government Act 2009	Part 2 S97 (2) (c)
17	Building file retrieval and copying - Commercial	Commercial	GST Applies	\$117.00	Each	Local Government Act 2009	Part 2 S97 (2) (c)

# Proposed Changes

Renaming Fee 16 'Building file retrieval and copying –Domestic' amended to 'Building plan retrieval and copying - Domestic' Renaming Fee 17 'Building file retrieval and copying – Commercial' to 'Building plan retrieval and copying – Commercial'

SECTION:		Customer Service					
Fee number	ltem name	Fee Type	GST Authority	2021/2022 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority	Governing Specific Legislation
15	Records File Retrieval						
16	Building plan retrieval and copying - Domestic	Commercial	GST Applies	\$71.00	Each	Local Government Act 2009	Part 2 S97 (2) (c)
17	Building plan retrieval and copying - Commercial	Commercial	GST Applies	\$117.00	Each	Local Government Act 2009	Part 2 S97 (2) (c)

# 11 NOTICES OF MOTION

# 11.1 NOTICE OF MOTION - COUNCILLOR ELLEN SMITH - ROCKHAMPTON SHOW ADMISSION CHARGES REVIEW

File No:	14298
Attachments:	<ol> <li>Notice of Motion Letter to Chief Executive Officer from Cr Ellen Smith</li> </ol>
Responsible Officer:	Emma Brodel - Senior Executive Assistant to the Mayor Evan Pardon - Chief Executive Officer

# SUMMARY

Councillor Ellen Smith has indicated her intention to move the following Notice of Motion at the next Council Meeting scheduled for Tuesday 10 August 2021, as follows:

# COUNCILLOR'S RECOMMENDATION

THAT the Fees and Charges be amended to reflect the following in relation to Admission Charges for the Rockhampton Show:

- General Admission fee for 15 years and over \$10.00
- Admission fee for Pensioners and Children aged between 5 years and 14 years \$5.00
- Children aged 4 years and under Free

# BACKGROUND

The Rockhampton Show has been a local icon since 1873 when the first Showgrounds was established in Gracemere. In later years, the Showgrounds moved to Central Park, and finally to the venue we have now. The Show was conducted by a Committee, however in 2003 it became necessary for the then Rockhampton City Council to step in and run the Show that year with only six weeks' notice. Rockhampton City Council subsequently purchased the Freehold section of the Showgrounds, and became the Trustee for the remainder of the site, and invested heavily in upgrading buildings, water, sewerage and electricity.

When Councils amalgamated in 2008, the Show continued to be run by the Rockhampton Regional Council until 2014, when another Community Group called Rockhampton Agricultural and Citizens Association commenced conducting the Show.

Due to various factors, Rockhampton Regional Council again took over management of the Show in September 2018, conducting the 2019 Show. That year, the entrance fee was reduced to \$5 to encourage residents to once again embrace the Rockhampton Show that they all knew and loved. It was a way of welcoming everyone back to the Show, with the attendance setting a new record of over 43,000 people. Not long after the 2019, Council voted to keep the \$5 entrance fee for the next 3 years.

This low Entrance Fee of \$5 worked well in 2019, however it caused problems with the 2021 Show. With attendance figures the unknown due to COVID and other factors, it became evident to that it was difficult to budget to cover all expenses, provide quality entertainment including fireworks every night, and most importantly cover all COVID requirements. As we know, everything we purchase increases in price every year, and it is no different to managing an Annual Show, and with a 2 year gap, a lot of things had increased in price.

I therefore propose that the entrance fee be raised to the above to allow the Show to ensure that all expenses are covered, with the view of making a small profit, and also to allow staff to commence planning for the 2022 Show. The proposed fees are in line with most of the Central Queensland Agricultural Shows. The entrance fee age grouping is in line with the Royal National Association (RNA).

# NOTICE OF MOTION – COUNCILLOR ELLEN SMITH -ROCKHAMPTON SHOW ADMISSION CHARGES REVIEW

# Notice of Motion Letter to Chief Executive Officer from Cr Ellen Smith

Meeting Date: 10 August 2021

Attachment No: 1

# COUNCILLOR ELLEN SMITH

#### Division 4

Stanwell | Kabra | Gracemere | Bouldercombe | Bajool | Marmor | Depot Hil

# **Infrastructure Portfolio**

12 July 2021

The Chief Executive Officer Rockhampton Regional Council P O Box 1860 ROCKHAMPTON QLD 4700

Dear Evan

I hereby give notice that I intend to move the following Motion at the next Ordinary Council Meeting of the Rockhampton Regional Council, on the 27th July 2021.

'That the Fees and Charges be amended to reflect the following in relation to Admission Charges for the Rockhampton Show:

General Admission fee for 15 years and over - \$10.00 Admission fee for Pensioners and Children aged between 5 years and 14 years - \$5.00 Children aged 4 years and under - Free.'

#### **Background:**

The Rockhampton Show has been a local icon since 1873 when the first Showgrounds was established in Gracemere. In later years, the Showgrounds moved to Central Park, and finally to the venue we have now. The Show was conducted by a Committee, however in 2003 it became necessary for the then Rockhampton City Council to step in and run the Show that year with only six weeks notice. Rockhampton City Council subsequently purchased the Freehold section of the Showgrounds, and became the Trustee for the remainder of the site, and invested heavily in upgrading buildings, water, sewerage and electricity.

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Due to various factors, Rockhampton Regional Council again took over management of the Show in September 2018, conducting the 2019 Show. That year, the entrance fee was reduced to \$5 to encourage residents to once again embrace the Rockhampton Show that they all knew and loved. It was a way of welcoming everyone back to the Show, with the attendance setting a new record of over 43,000 people. Not long after the 2019, Council voted to keep the \$5 entrance fee for the next 3 years.



Ph: 0409 632 680E: ellen.smith@rrc.qld.gov.auwww.rockhamptonregion.qld.gov.au



- 2 -

This low Entrance Fee of \$5 worked well in 2019, however it caused problems with the 2021 Show. With attendance figures the unknown due to Covid and other factors, it became evident to me that it was difficult to budget to cover all expenses, provide quality entertainment including fireworks every night, and most importantly cover all Covid requirements. As we know, everything we purchase increases in price every year, and it is no different to managing an Annual Show, and with a 2 year gap, a lot of things had increased in price.

I therefore propose that the entrance fee be raised to the above to allow the Show to ensure that all expenses are covered, with the view of making a small profit, and also to allow staff to commence planning for the 2022 Show. The proposed fees are in line with most of the Central Queensland Agricultural Shows. The entrance fee age grouping is in line with the Royal National Association (RNA).

Yours sincerely

nith

Councillor Ellen Smith Division 4 Rockhampton Regional Council



Ph: 0409 632 680 E: ellen.smith@rrc.qld.gov.au www.rockhamptonregion.qld.gov.au

#### 11.2 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - PROPOSED TRAVEL

File No:	10072
Attachments:	Nil
Responsible Officer:	Emma Brodel - Senior Executive Assistant to the Mayor Ross Cheesman - Acting Chief Executive Officer

#### SUMMARY

Councillor Shane Latcham has indicated his intention to move the following Notice of Motion at the next Council meeting scheduled for Tuesday 10 August 2021, as follows:

#### COUNCILLOR'S RECOMMENDATION

THAT Councillor Shane Latcham be approved to attend the Waste and Recycling Expo in Sydney from 24-25 August 2022. This event was cancelled in 2021 due to Covid-19 lockdown in Sydney.

#### BACKGROUND

The 2021 Waste and Recycling Expo (AWRE) was scheduled in Sydney from 25-26 August 2021 at the International Convention Centre. <u>https://awre.com.au/</u>

As per the Notice of Motion received by Council its meeting of 27 July 2021, Councillor Shane Latcham is now presenting to Council details in regards to his proposed travel.

Councillor Latcham has advised the following justification for travel:-

 "State Budget has revealed that funding for advance waste levy payments to councils ... will not continue after the 2021-22 financial year". (Greg Hallam, LGAQ CEO 15/06/2021.)

More than ever, our Council needs to find ways to divert waste from landfill. There will be a <u>significant burden of cost</u> to our Rockhampton Regional Council residents if solutions are not forthcoming in the next 12 months.

2. "Secure a long-term solution for the processing of Region's Kerbside Recycling stream".

(RRC Corporate Plan 2021-22, item 1.1.15)

The expo examines sustainable, smart solutions such as sensor bins, solar bins and compostable bins to keep public and business spaces clean and connected along with traditional industrial and household collections. It also highlights how to convert food and organic waste (FOGO) into reusable resources including the latest aerobic digesters and composters.

3. "AWRE is the main event in the waste and recycling industry. As equipment suppliers it gives us an opportunity to not only meet some existing clients but to make new connections within the industry" (Robbie McKernan, Director, FocusEnviro quote on AWRE brochure)

This highlights the importance of establishing new connections within the industry and to learn more about innovations emerging and physically see the equipment perform.

- 4. The expo is showcasing equipment and demonstrating innovate methods that cannot be achieved via virtual participation.
- Associated costs shall be expended from the Councillor's Travel Expenses Allocation. Registration, flights, accommodation, meals and travel incidentals cost approximately \$1800.00

It is important to approve the proposed travel so that the benefits of booking early are generally more cost effective for flights and accommodation.

# 12 QUESTIONS ON NOTICE

Nil

# 13 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting

# 14 CLOSED SESSION

In accordance with the provisions of section 254J(3) of the *Local Government Regulation* 2012, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

# RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

# 15.1 Airport Commercial Matter

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

# 15.2 TMR early acquisition of Council land

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

# **15.3 Chief Executive Officer - Annual Performance Review**

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

# 15 CONFIDENTIAL REPORTS

# 15.1 AIRPORT COMMERCIAL MATTER

File No:	3524
Attachments:	Nil
Authorising Officer:	Ross Cheesman - Acting Chief Executive Officer
Author:	Marcus Vycke - Manager Airport

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

#### SUMMARY

This report seeks Council approval to enter into specific Airport lease agreements pursuant to 236(1)(c)(vii) of the Local Government Regulation 2012.

# 15.2 TMR EARLY ACQUISITION OF COUNCIL LAND

File No:	13672
Attachments:	<ol> <li>Aerial map - Lot 2 on SP120228</li> <li>Land required from Lot 2 on SP120228</li> <li>Valuation report for part Lot 2 on SP12022</li> <li>Aerial map - Lot 8 on SP275165</li> <li>Aerial map - Lot 222 on LN2628</li> <li>Land required from Lot 8 on SP275165 and part Lot 222 on LN2628</li> <li>Valuation report for Lot 8 on SP275165 and part Lot 222 on LN2628</li> <li>Valuation report for Lot 8 on SP275165 and part Lot 222 on LN2628</li> </ol>
Authorising Officer:	Drew Stevenson - Manager Community Assets and Facilities Ross Cheesman - Deputy Chief Executive Officer
Author:	Michelle Mills - Acting Coordinator Property and Insurance Kellie Roberts - Coordinator Property and Insurance
In accordance with section 2	254J(3)(g) of the Local Government Regulation 2012 it is

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

# SUMMARY

Reporting on the early acquisition of Council land by the Department of Transport and Main Roads for the Rockhampton Ring Road Project.

# 15.3 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW

File No:	6947
Attachments:	Nil
Authorising Officer:	Tracy Sweeney - Executive Manager Workforce and Governance
Author:	Tracy Sweeney - Executive Manager Workforce and Governance

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

# SUMMARY

This report is presented for Councillors to consider the Chief Executive Officer's performance against adopted key performance indicators for period ended 30 June 2021.

# 16 CLOSURE OF MEETING