



**MINUTES**

*of the*

**ORDINARY MEETING**

**CHAIRMAN: Cr R Dyne (Mayor)**

**Held in the Boardroom  
Town Hall  
2 Caledonian Hill  
Gympie Qld 4570**

**On Wednesday, 04 June 2014  
At 9am**



## Gympie Regional Council **ORDINARY**

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*Mayor RJ Dyne (Chairman),*

*Crs AJ Perrett, MW Curran, RA Gâté, LJ Friske,*

*IT Petersen, MA McDonald, WW Sachs and JA Walker*

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**The meeting commenced at 9.00am.**

**PRESENT:** Mayor Cr R.J. Dyne (Chairman), Cr A.J. Perrett, Cr M.W. Curran, Cr I.T. Petersen, Cr L.J. Friske, Cr R.A. Gâté, Cr M.A. McDonald, Cr W.W. Sachs and Cr J.A. Walker.

Also in attendance were Chief Executive Officer (Mr B. Smith), Director Engineering Services (B. Fredman), Director Infrastructure Services (D. Scordalides), Acting Director Planning and Development (Mr M. Stanton), Acting Manager Development & Compliance (Mrs K. Fuller), Contract Planning Officer (Mr S. Adamson) Manager Community Development and Facilities (Mrs H. Kelly), Manager Property (Mrs D. Jenkins), Senior Environment Officer (Ms A. Gosley), Planning Officer (Ms S. Court) and Minutes Clerk (Mrs S. Lowe).

## **DISCLOSURE OF INTERESTS BY COUNCILLORS**

M08/06/14 – Cr A.J. Perrett - Conflict of Interest

## **SECTION 1: OPEN WITH PRAYER**

Pastor Tony Roberts from Gympie Baptist Church offered a Prayer for the advancement of the Region and the true welfare of its people.

One Minute's silence was observed for family and friends of deceased residents of the Region.

## **SECTION 2: APOLOGIES / LEAVE OF ABSENCE**

M01/06/14      Moved Cr A.J. Perrett                      Seconded Cr J.A. Walker

That the apology for Cr McDonald be accepted.

**Carried**

Leave of absence for this meeting was previously granted to Councillor Larry Friske.

## **SECTION 3: CONFIRMATION OF MINUTES**

M02/06/14      Moved Cr W.W. Sachs                      Seconded Cr R.A. Gâté

That the Minutes of the Gympie Regional Council Ordinary Meeting held on 14 May 2014 be taken as read and confirmed.

**Carried**

## **SECTION 4: PETITIONS**

## SECTION 5: PLANNING AND DEVELOPMENT

### 5.1 Development Application for Reconfiguring a Lot - Subdivision to Create One (1) Additional Lot and Access Easement at 80 Exhibition Road, Gympie for F. & B. Bontoft

**PORTFOLIO:** Planning and Development

**DIRECTORATE:** Planning and Development

**AUTHOR:** Planning Officer - S Court

**DOC ID:** 2014-0349

#### **LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 2.3 Planned development for a growing community

**Operational Plan:** 2.3.2 Development Assessment and Applications

### 1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Nil

### 2. REPORT

|                      |  |
|----------------------|--|
| FILE NO:             | 2014-0349  |
| APPLICANT:           | F. & B. Bontoft  |
| RPD:                 | Lot 1 MPH30262   |
| SITE ADDRESS:        | 80 Exhibition Road, Southside  |
| CURRENT USE OF LAND: | One (1) dwelling & associated outbuildings   |
| PROPOSAL:            | Reconfiguring a Lot – Subdivision to Create One (1) Additional Lot and Access Easement |
| PLANNING SCHEME:     | Gympie Regional Council 2013   |
| EXISTING ZONE:       | Residential Choice   |
| LEVEL OF ASSESSMENT: | Code   |



## 2.1 INTRODUCTION

### 2.1.1 The Proposal

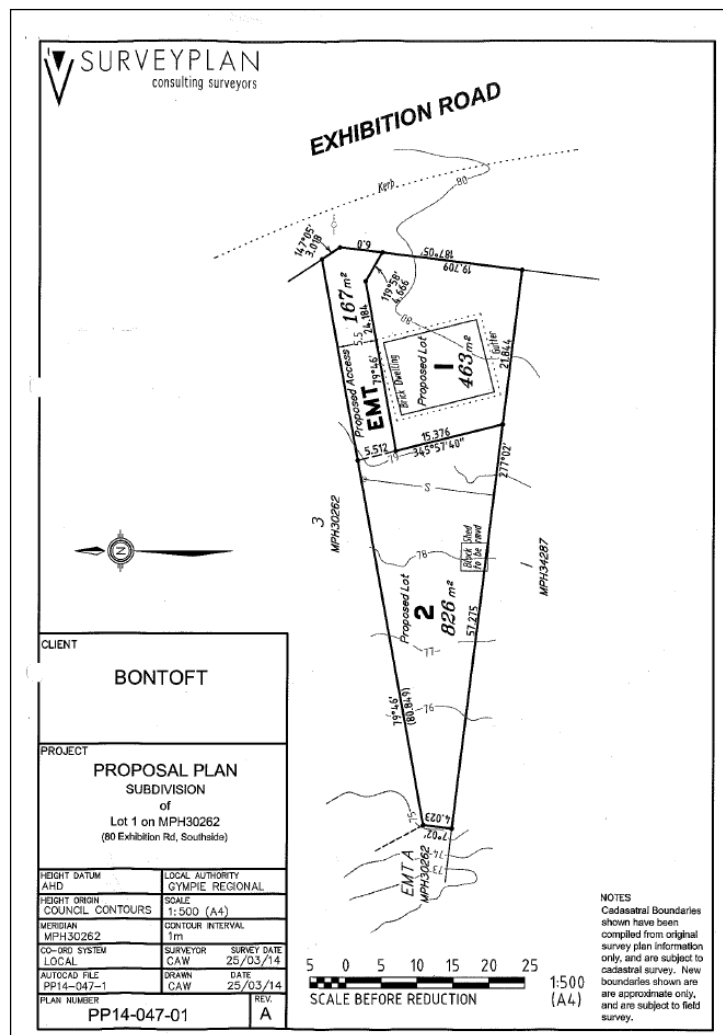
This application seeks approval for reconfiguring a lot to allow the creation of one (1) additional residential allotment on Exhibition Road, Southside.

The proposal comprises reconfiguring the land to create two (2) residential lots of approximately 463m<sup>2</sup> and 826m<sup>2</sup> including an access easement of 167m<sup>2</sup>.

The application would ordinarily be delegated to the Director of Planning & Development, however there are a number of concerns raised with the proposal requiring the application be reported for Council's consideration.

The proposed layout is reproduced below.





### 2.1.2 Site Description

The site comprises of one (1) existing title and has a total area of 1 290m<sup>2</sup>. The lot currently contains one (1) dwelling and associated outbuildings.

There is one (1) existing access point on Exhibition Road. The site has approximately 29m of sealed road frontage to Exhibition Road.

This section of Exhibition Road is a Council controlled road and therefore did not require referral to the Department of Transport and Main Roads.

### 2.1.3 Surrounding Land Uses

The site is surrounded by lots zoned Residential Choice to the north and south, Residential Living to the west and Sport and Recreation to the east.

The site is directly opposite the entrance to the Gympie Showgrounds and the intersection of Johnstone Road. It is approximately 547m from Gympie South State School to the north.

### 2.1.4 Site History

Nil

## 2.2.0 STATUTORY REQUIREMENTS

### 2.2.1 Intent of the Zone

The development site is zoned Residential Choice where it is intended that:

*“the zone is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.”*

The proposed development meets this intent.

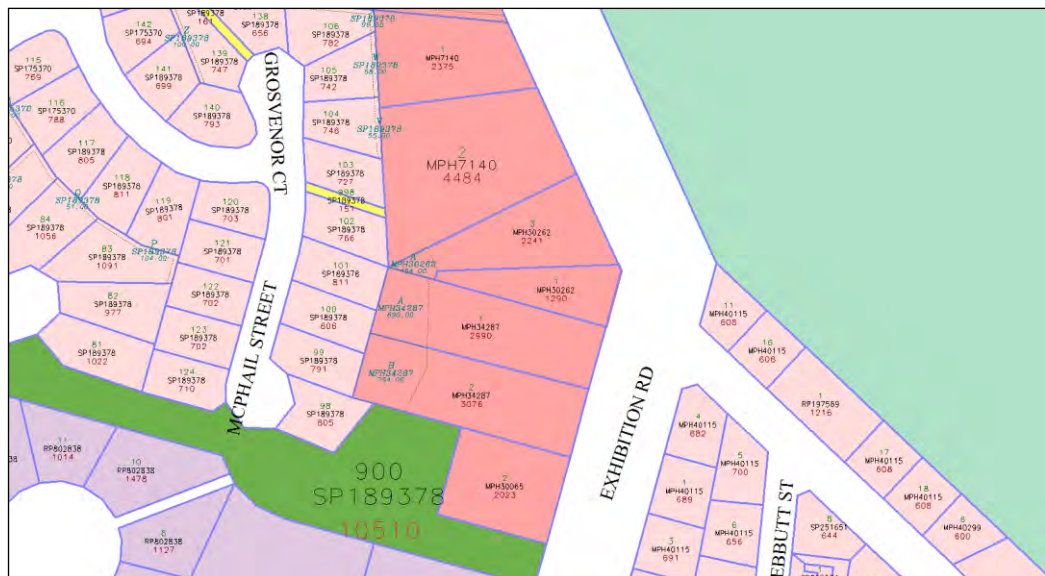


Image: Subject site zoning map - 2013 Planning Scheme

### 2.2.2 Compliance with the Planning Scheme

#### Development Provisions

The proposal is determined to be 'Code Assessable' under the *Gympie Regional Council Planning Scheme 2013*. Therefore the application is assessable against the Reconfiguring a Lot Code and Infrastructure & Operational Works (excluding Advertising Devices) Code.

#### Reconfiguring a Lot Code

Performance Outcome 3 of the Reconfiguring a Lot Code requires:

*‘Lots are of sufficient size and dimensions to meet the requirements of the users and accommodate the intended form of development.’*

Acceptable Outcome 3.1 refers to compliance with Table 9.4 Minimum Lot Dimensions, which specifies a minimum lot area of 350m<sup>2</sup>, a minimum road frontage of 12m (6m for a rear lot) and a minimum building envelope of 12m by 15m.

Due to the triangular shape of proposed lot 2, the location of the sewer line traversing the site and minimum side and rear boundary setbacks required by the Queensland Development Code, a minimum rectangle area of 12m by 15m is not able to be achieved.

The applicant's consultant provided the following justification in order to address this inconsistency:

*'The lot complies with minimum rectangle dimensions specified in the planning scheme, however the planning scheme, does not designate building envelope areas or dimensions. We have provided a plan showing the possible building area outside the sewer line, of 366m<sup>2</sup>, which is larger than the minimum lot size for Residential Choice, and provides suitable area for future dwelling to be located and sewered.'*

Whilst a minimum rectangle can be provided within proposed lot 2 it is in conflict with other provisions namely the required setback of 2m from any sewer lines and 1.5m from all side and rear boundaries.

Proposed Lot 2 is constrained with the sewer line traversing the larger section of the site. In addition to this, the sewer line is upstream of the only possible building area for proposed lot 2. To allow for a suitable house site, additional fill is required to ensure that any type of house constructed on the land can be serviced.

The applicant has provided the following submission to address the location of the sewer:

*"We are aware that the sewer main is only a little more than one metre underground on this allotment and the ground slopes from front to back and therefore we have already placed approximately half a metre of fill in the area where we propose to build a new dwelling, and we also have another 10 cubic metres of fill on site ready to spread. If required we are prepared to construct the necessary retaining walls Council may require to retain fill to reach the height for necessary drainage into the sewer."*

It is not relevant to condition that a high-set dwelling be constructed on proposed lot 2. This is because of the type of application made and because of the difficulty in making any future landowners aware of this requirement. An approval to reconfigure the land should not include conditions about the use of the land.

The existing sewer line is approximately 1.1m deep based on the existing contour data. Should the application be approved it is recommended that the applicant provide sufficient fill of at least 0.5m on

proposed lot 2 to allow the allotment to be adequately serviced without any financial encumbrance to future landowners.

Lot 1 proposes to contain the existing dwelling over the site. Whilst proposed lot 1 complies with Table 9.4 Minimum Lot Dimensions it also does not achieve compliance with the minimum side boundary setbacks from the proposed access handle and easement. The eave of the existing dwelling has a 0.0m setback and the building is about 1.0m from the proposed boundary.

It is considered that this could create adverse amenity impacts for the users of lot 1 when the proposed driveway is in use in terms of privacy and noise issues.

Performance Outcome 4 requires that:

*“Lots have lawful, safe and practical access to the existing street network.”*

The proposed access easement has a total road frontage of 9.01m and reduces down to 5.5m wide at the rear.

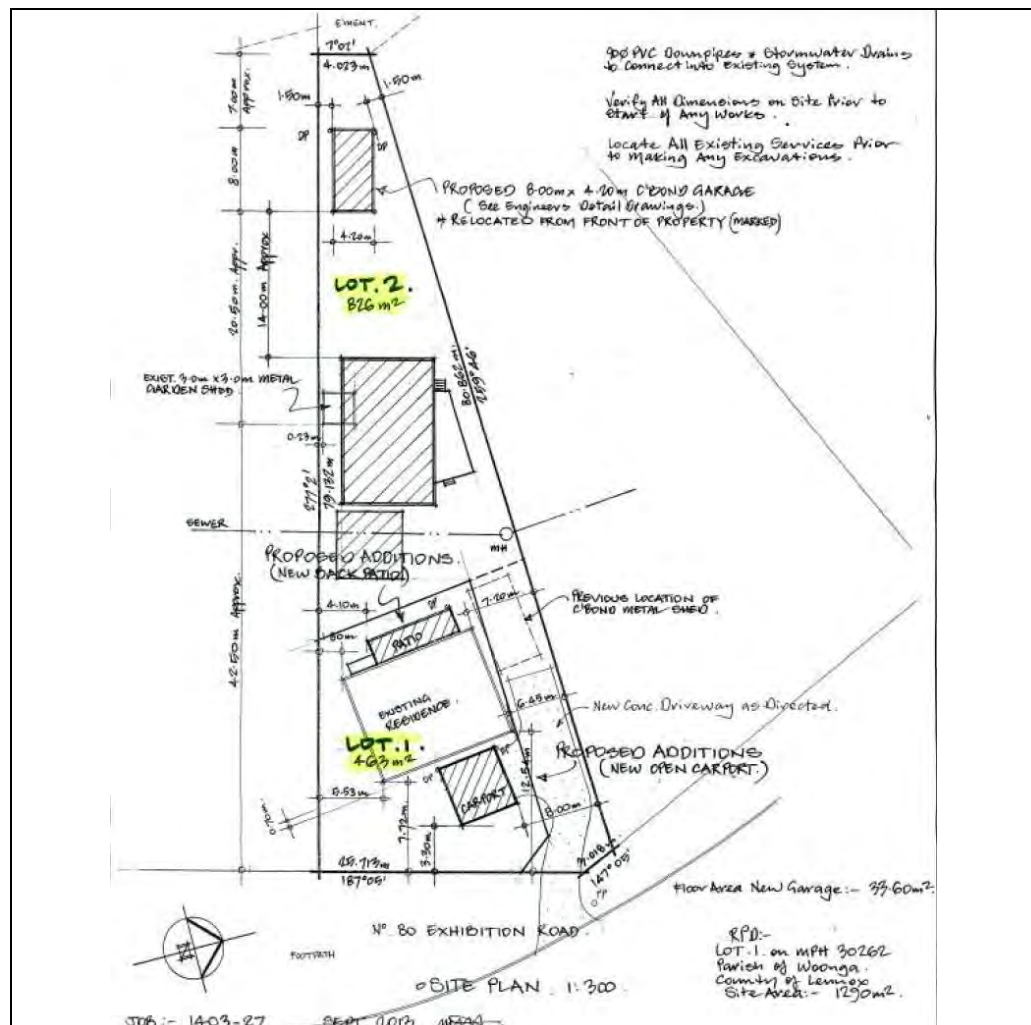
Acceptable Outcome 4.3 requires that access easements are a minimum 6m wide. Therefore, the development does not comply with this provision.

In addition to this there are a number of safety issues relating to the location and use of the access easement. This includes the location of a power pole on Exhibition Road and the manoeuvring capabilities for vehicles from proposed lot 2 in a forward motion.

The applicant is proposing to build a dwelling and carport themselves in proposed lot 2 and has provided a proposal plan and the following justification to address these concerns:

*“In the area proposed to construct a double carport, I find I am able to drive into this area, reverse back and drive out forward as there is sufficient room for me to completes (sic) this manouver (sic) in my Falcon utility. The width between neighbours (sic) fences is 19.3 metres in this area ...*

*The present power pole is not an issue as a new concrete driveway has already been constructed and the power pole is 2 metres from the driveway entrance. Also it is proposed to construct a 1.8 metre paling fence across the front of this allotment, and anyone who tries to back out would hit the fence before the power pole ... connection from the power pole to the house was extremely tort and on inspection found that the post to be defective at the base. This post has already been repaired in the past with a steel sleeve (sic), Mr Morgan has reported this to Ergon Energy.”*



The applicant has already placed non-approved fill on the lot, more than likely without compaction testing being undertaken and constructed the driveway around the existing power pole. Further, the applicant has advised contact has been made with Energex to discuss relocating the power pole. At the time of writing this report confirmation has not been received from Energex that the power pole is to be removed to a more suitable location.

In the circumstances, it is unreasonable to condition that the power pole be relocated. The cost to the applicant could be as much as \$30 000.

As shown above the applicant proposes to construct a dwelling on proposed lot 2 and an associated carport so that vehicles can enter and exit the allotment in a forward motion. However, despite this the new proposed access point is in closer proximity to the power pole and to the main showgrounds entry/exit and Johnstone Road intersection, which is not desirable.

Given the above, it is suggested that proposed lot 2 does not have safe and practical access to the existing street network.

**Infrastructure and Operational Works (excluding Advertising Device) Code**

Performance Outcome 2 requires *“stormwater and wastewater are managed to protect water quality values”*.

Should the application be approved appropriate interallotment drainage measures will be required to be imposed so that stormwater from proposed lot 1 does not affect the users of proposed lot 1.

Performance Outcome 4 states that *“development protects public utilities”*. Acceptable Outcome 4.1 specifies that *“development does not occur within 2m horizontally of any part of an underground water supply, sewerage, stormwater or telecommunications system”*.

As discussed previously in this report the location of the existing sewer line limits the location of any future dwelling and the topography of the site requires additional works e.g. fill, to be undertaken on site to make the new allotment viable for future landowners.

### **2.2.3 Local and/or State Planning Policies**

The Queensland Government established the State Planning Policy (SPP) in December 2013 to simplify and clarify matters of state interest in land use planning and development.

In accordance with Part E interim development assessment provisions of the SPP, there are two (2) codes triggered and addressed below:

- Water Quality:
  - The site was identified to be triggered for assessment against stormwater management design objectives;
  - The proposed development will not cause water quality issues;
- Natural Hazards:
  - The subject site was identified as being in a flood prone area on SPP mapping;
  - The development site is not mapped as flood hazard under the Gympie Regional Council Planning Scheme 2013.

No other State Planning Policies other than those discussed in this report are considered relevant to the application.

## **3. BUDGET IMPLICATIONS**

Nil

## **4. POLICY IMPLICATIONS**

The proposal is inconsistent with Council's planning scheme.

## **5. CONSULTATION**

### **5.1 Internal**

#### **(a) Engineering Directorate**

Design Department Division have provided comments which are incorporated into the recommendation including:

- A power pole and mains water valve are at the location of the proposed access;
- The new proposed crossover and easement is unsuitably located opposite the main showgrounds entrance and the Johnstone Road intersection;
- The access handle is narrower than the 6m specified in the planning scheme;
- The sewer line and manhole are located in the only place where a 12m x 15m building envelope would fit;
- A 12m x 15m building envelope does not fit on the portion of land outside of the sewer line/manhole location;
- Any future proposed dwelling would be downhill from the sewer manhole and therefore unlikely to be able to be serviced by gravity sewer unless the house is high-set;
- The subdivision creates a narrow tapered lot unsuitable in terms of amenity; and
- The non-approved fill already placed on the lot has possibly been placed without compaction testing.

## **6. CONCLUSION**

An application has been made for a subdivision to create one (1) additional lot in the Residential Choice zone. It is acknowledged the development proposed meets the minimum allotment size of 350m<sup>2</sup>, for each allotment.

However, the proposed development does not comply with the provisions relating to the performance outcomes for the Reconfiguring a Lot Code as discussed above.

Justification submitted for the development, relying largely on the proposal complying with Table 9.4 Minimum Lot Dimensions is acknowledged. However, the intention of the applicant to construct the submitted dwelling and carport on proposed lot 2, are not relevant to a reconfiguring a lot proposal.

In summary the practical concerns relating to the proposal include:

- A safe and practical access to the street network has not been provided;
- The proposed new allotment is not able to be serviced by sewer without unreasonable conditions being imposed on any approval with respect to filling;
- There are amenity concerns relating to privacy and noise impacts from the use of the access easement through to proposed lot 2.

Based on the above, refusal of the proposal has been recommended.

**M03/06/14      Moved Cr I.T. Petersen                      Seconded Cr R.A. Gâté**

**That Council, as Assessment Manager, REFUSE development application for Reconfiguring a Lot to Create One (1) Additional Lot and Access Easement on Lot 1 MPH30262 located at 80 Exhibition Road, Southside based on the following grounds:**

- 1. While the proposed development meets the minimum allotment size for land in the Residential Choice Zone, the allotments are generally constrained in terms of access, provision of adequate services (sewer) and with respect to maintaining the amenity for the users of the land.**
- 2. The proposed access handle and easement conflicts with the existing power pole fronting the property and it is not reasonable to request the applicant to relocate the pole given the scale of the development.**
- 3. The proposed access to the site is in an undesirable location and potentially will cause a safety hazard.**
- 4. Insufficient information has been provided that demonstrates that the proposed development can overcome the conflicts identified with the planning scheme.**

**Carried**



**5.2            Development Application for Reconfiguring a Lot - Subdivision to Create One (1) Additional lot at Greenhalgh Road, Anderleigh for Base Camp Adventure Company**

**PORTFOLIO:**        Planning and Development

**DIRECTORATE:**   Planning and Development

**AUTHOR:**           Planning Officer - J Engle

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:**    2.3 Planned development for a growing community

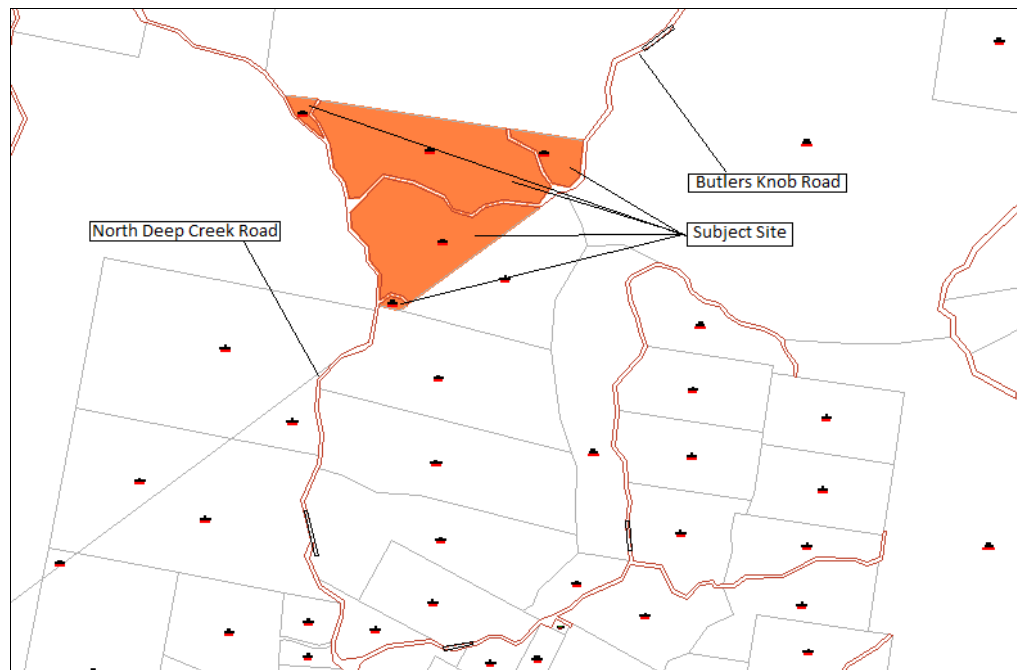
**Operational Plan:** 2.3.2 Development Assessment and Applications

**1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Nil

**2. REPORT**

|                         |  |
|-------------------------|--|
| FILE NO:                | 2013-1016  |
| APPLICANT:              | Base Camp Adventures   |
| RPD:                    | Lot 156 MCH5279  |
| SITE ADDRESS:           | Greenhalgh Road, Anderleigh  |
| CURRENT USE OF LAND:    | Rural  |
| PROPOSAL:               | Reconfiguring a Lot – Subdivision to create one (1) additional lot |
| EXISTING ZONE:          | Rural  |
| APPLICATION ADVERTISED: | N/A  |
| ADVERTISING CLOSED:     | N/A  |
| SUBMISSIONS RECEIVED:   | N/A  |
| PLANNING SCHEME:        | Tiaro 2005 Planning Scheme   |



*Image: Map of subject site*



*Image: Aerial photo 2010 of subject area*

## **2.1 INTRODUCTION**

### **2.1.1 The Proposal**

This is a superseded application assessable under the Tiara 2005 Planning Scheme.

The applicant seeks approval to subdivide a rural property. The existing lot is 101.753 hectares and segregated by road reserve into five portions.

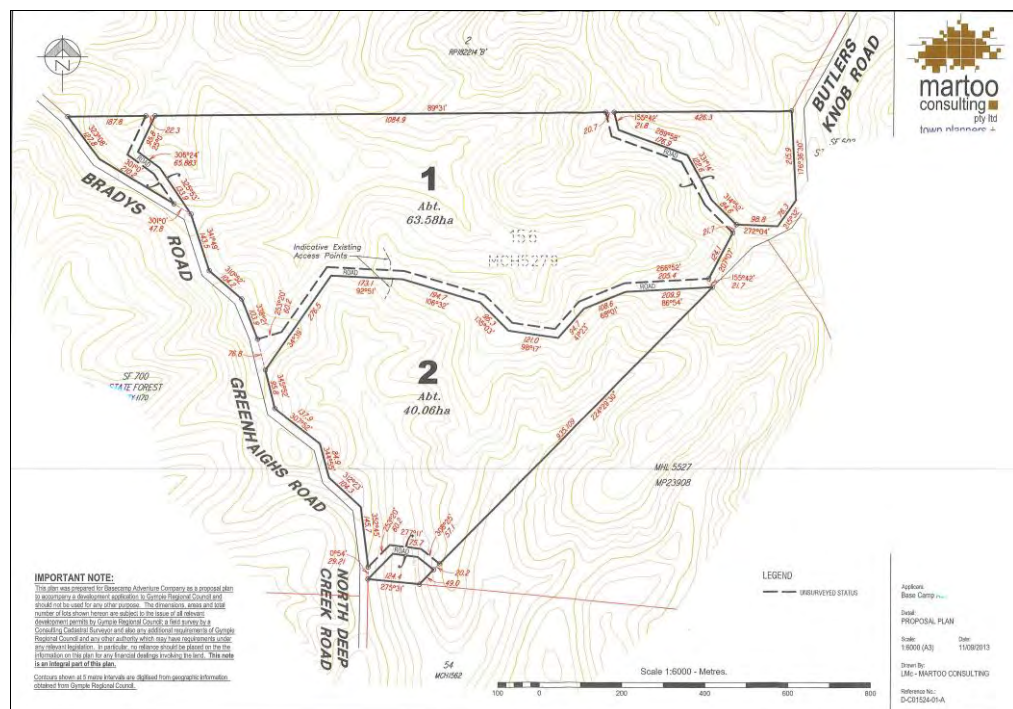
The proposed subdivision is to separate the property, which is currently segregated by North Deep Creek Road. Proposed lot one includes the three parcels of land north of the road, and proposed lot 2 includes the two parcels located south of the road.

Lot 1 is proposed to have a lot size of 63.58 hectares, and lot 2 is proposed to be 40.06 hectares.

Under the Tiaro Shire Planning Scheme 2005 (planning scheme), this application is code assessable. There were no referral triggers to state agencies or requirement to undertake public advertising.

This application would ordinarily be delegated to the Director of Planning & Development to decide. However, the proposal conflicts with a specific outcome and overall outcome of the Reconfiguring a Lot Code, and therefore reported for Council's consideration.

### 2.1.2 Proposal Plan



### 2.1.3 Site Description

The subject site is a 101.753 hectare rural property. The site is vacant. To the west, the property fronts North Deep Creek Road, Greenhalgh Road, and Bradys Road. To the east, the property connects to Butlers Knob Road.

The property is segregated by road reserve into five parcels. The small portions of road reserve near to the corners of the property are not formed, and do not provide opportunity for public access. However, the central road reserve which connects to Butlers Knob Road (to the north) is a formed road and facilitates public access to the State Reserve

conservation land (Curra State Forest) to the north of the subject site. The road is formed to a rural, unsealed standard and is not on Council's maintenance register.

#### **2.1.4 Surrounding Land Uses**

The surrounding sites are land for rural purposes. The surrounding zoning under the planning scheme is Rural.

#### **2.1.5 Site History**

Nil

### **2.2.0 STATUTORY REQUIREMENTS**

#### **2.2.1 Compliance with the Planning Scheme**

##### **(a) Development Provisions**

This application is triggered as requiring code assessment and is assessable against the following codes:

- Reconfiguring a Lot Code
- Rural Zone Code
- Landscape and Buffer Code

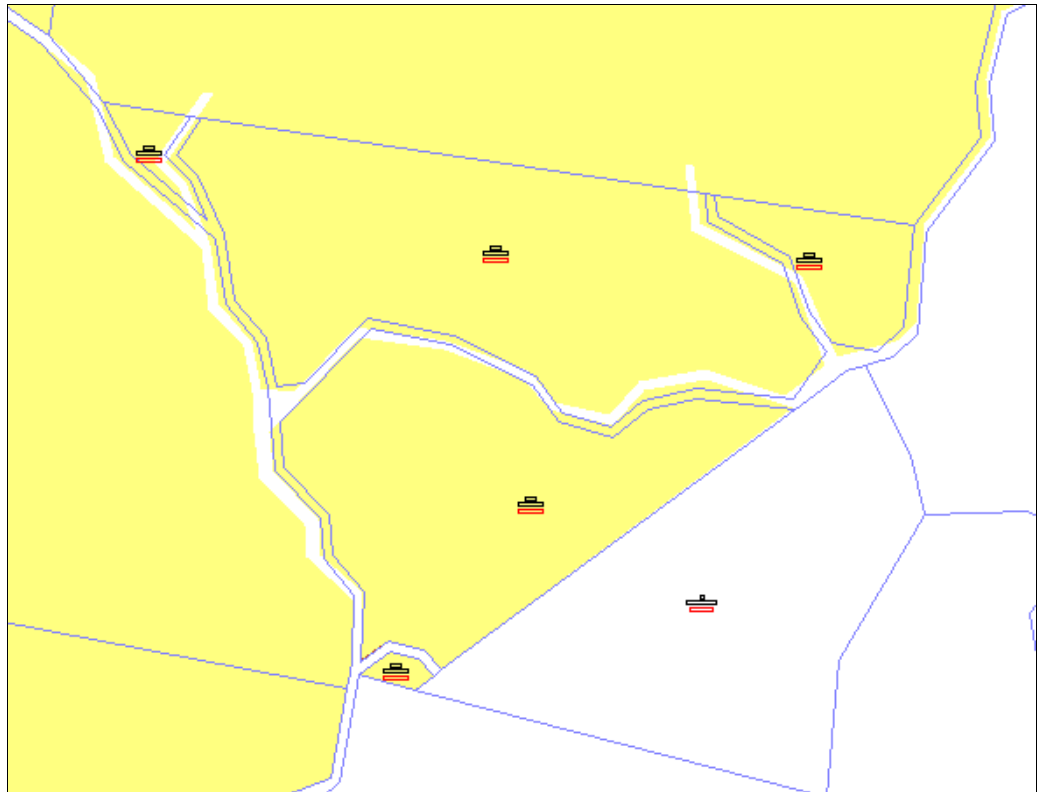
##### ***Rural Zone***

The overall outcomes for the rural zone are as follows:

##### ***4.6 Overall outcomes for rural zone***

*(1) The overall outcomes sought for the zone are the purpose of this Code;*

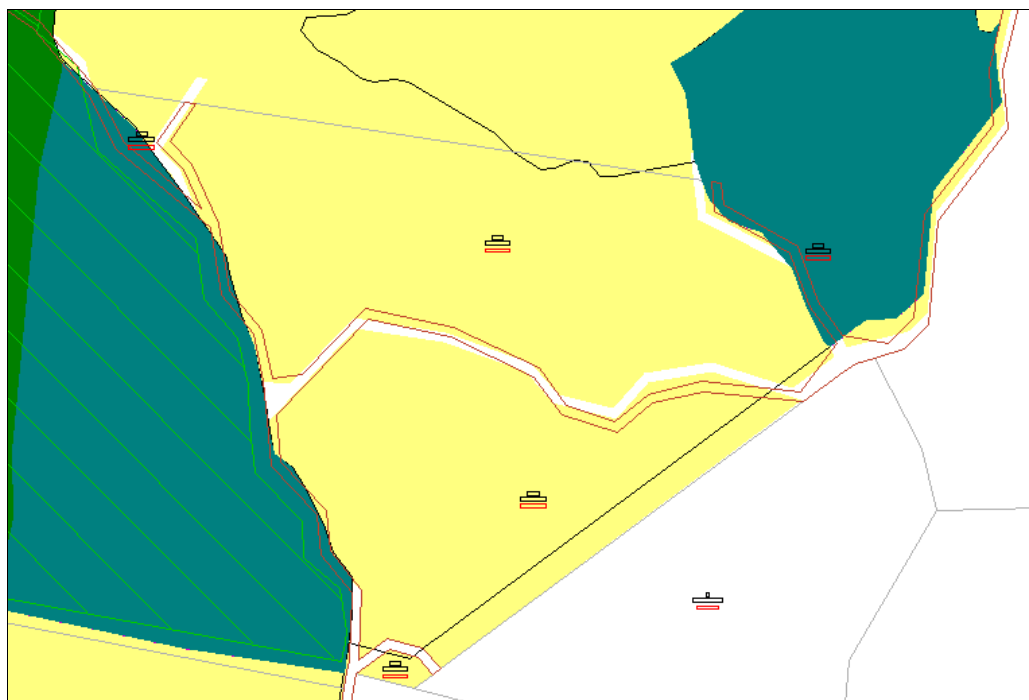
- (a) The productivity and viability of GQAL is not compromised.*
- (b) Rural areas are preserved for productive rural uses.*
- (c) Developments for tourism type uses are established where natural features prevail or in areas of interest to the public.*
- (d) Impacts of land uses in the rural area on the environment are minimised.*
- (e) The natural features and character of the rural areas are identified and protected from the impacts of development.*
- (f) Infrastructure creates a standard to enhance the safety and wellbeing of the public.*
- (g) The cultural heritage of the Shire is preserved.*
- (h) Rural lands are used mainly for major agricultural and animal husbandry uses except for some low impact uses adjacent to urban areas such as service industries.*
- (i) Green Space and recreation areas are provided and developed for public use.*
- (j) Extractive resources are protected to ensure their viability.*
- (k) The risk to people, property and the environment from natural hazards is minimised.*



*Image: Rural Zone Mapping – Tiaro 2005*

The site is identified on the following Overlay Maps:

- OM1 Significant Habitats
- OM2 Remnant Vegetation
- OM4 Bushfire Risk (low and medium)



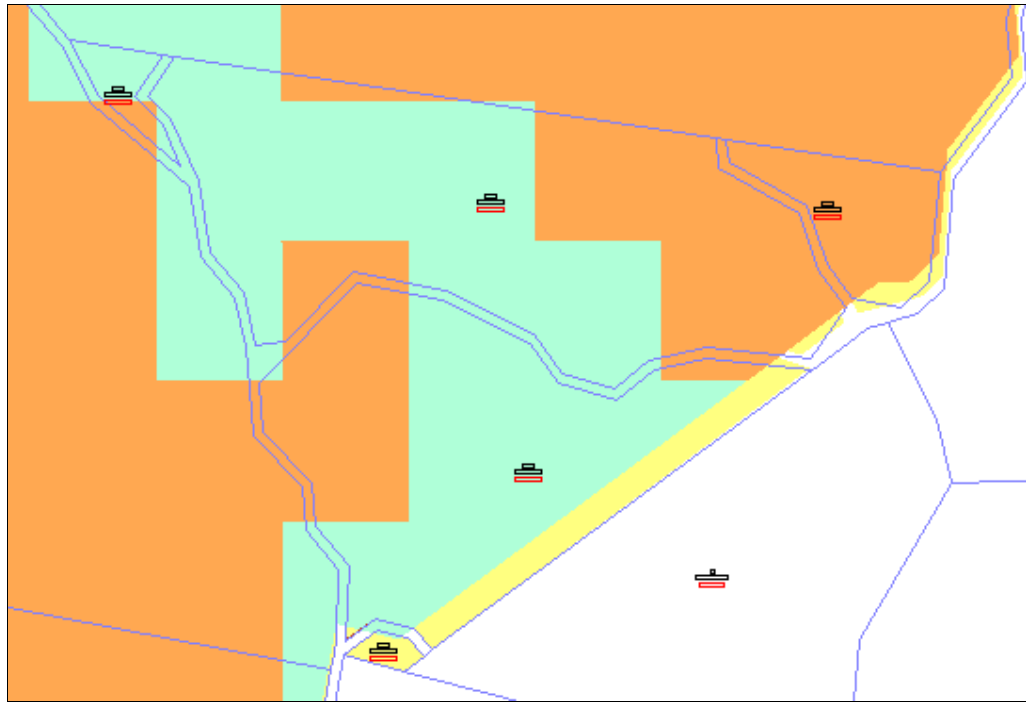


Image: Rural Zone and Overlay Mapping – Tiaro 2005

It is considered that the application is in conflict with Overall Outcome (1)(b) which refers to the preservation of productive rural uses. Whilst the application complies with the applicable specific outcomes of this code, the applicant has not demonstrated how the proposed subdivision meets the preservation of land for productive rural uses.

This issue is further discussed below within the reconfiguring a lot code section of this report.

### ***Reconfiguring a Lot Code***

The purpose of the code is as follows:

#### ***Overall Outcomes for Reconfiguring a Lot Code***

- (1) *The overall outcome is the purpose of the Code.*
- (2) *The overall outcomes sought for the Reconfiguring a Lot code are:-*
  - (a) *Lots are of a size and dimension suitable for their intended use.*
  - (b) *Reconfiguring a lot creates a high level of amenity.*
  - (c) *Creation of lots which provide a high level of access and transport, a full range of services, where applicable, provision of means to maintain and improve the amenity of the locality, and to avoid creating situations which may impact on the efficient functioning of the locality.*
  - (d) *Reconfiguring lots does not expose people or property to the risks of natural hazards.*
  - (e) *Create lots of sufficient size and in locations to sustain the productive capacity of land for rural purposes.*
  - (f) *Areas with biodiversity values are not adversely impacted by habitat loss, fragmentation or isolation.*
  - (g) *Reconfiguring a lot does not compromise the viability and productivity of good quality agricultural land.*



This proposal is considered to conflict with Overall Outcome (a) and (e) relating to the creation of new lots that can support rural productivity.

Further, the lots are considered to conflict with Specific Outcome (a)(i) which states:

| Column 1 - Specific Outcomes   | Column 2 - Acceptable Solutions (if self assessable) or Probable Solutions (if code assessable)  |                       |  |                                 |
|--|--|-----------------------|--|---------------------------------|
| (a) (i) Allotments are of size and dimensions to meet the outcomes for development in the zones in respect of:   | (a)(i) Allotments comply with the minimum dimensions for the particular zone listed below:<br><br><b>Allotment Dimensions (m<sup>2</sup> or m)</b> |                       |  |                                 |
| <ul style="list-style-type: none"> <li>sustainability of the productive capacity of rural land;</li> <li>maintaining the ecological quality of an area;</li> <li>preserving GQAL for agriculture and animal production;</li> <li>achieving a safe and pleasant residential environment with green space for the well being of the residents;</li> </ul> providing a variety of lot sizes for industry(all impacts) and commerce. |  | Zone                  | Min Size (ha/m <sup>2</sup> )<br>Frontage (m)                                  | Min Ratio<br>Frontage/<br>Depth |
|  |  | Rural                 | 100 ha/500 m of Class A GQAL   | 1:5                             |
|  |  | Class B               | 200 ha of Class B GQAL   |                                 |
|  |  | Balance of Rural Zone | 200 ha   |                                 |
|  |  | Any                   | Where complying with Section 6.81 (1)<br>Probable Solution (a) (ii) (A) or (B) | 40 ha                           |
|  |  | Any                   | Where complying with Section 6.81 (1)<br>Probable Solution (a) (ii) (C) or (D) | No minimum lot size             |
|  | Rural  | N/A                   | 6,000 m <sup>2</sup> / 40 m  | 1:4                             |
|  | Residential  | N/A                   | 1,000 m <sup>2</sup> / 20 m**  | 1:3                             |
|  | Commercial   | N/A                   | 400 m <sup>2</sup> / 15 m  | 1:2                             |
|  | Industry   | N/A                   | 800 m <sup>2</sup> / 20 m  | 1:2                             |
|  | Community Use  | N/A                   | 800 m <sup>2</sup> / 20 m  | 1:2                             |
|  | Green Space  | N/A                   | N/A  | N/A                             |
| ** except in the town of Tinnanbar where 2000 m <sup>2</sup> /25m applies  |  |                       |  |                                 |

The subject site is not included in an area which is identified as having Good Quality Agricultural Land (GQAL), and is specified as being within the balance area of the Rural Zone. The minimum lot size for subdivision of such lots is 200 hectares as determined under Probable Solution (a)(i).

Because the land does not contain GQAL, the planning scheme requires that lots be of a larger size in order to support agricultural production consistent with the purpose of the zone. The specific outcome requires that allotments are of a size that can achieve sustainability and productive capacity for rural uses.

The site is currently being utilised for livestock grazing over the majority of the 100 hectare parcel. The applicant has provided information to Council that the site is not functioning well due to the separation of the lot by the road reserve. The land owner is finding it difficult to transfer stock from one side of the road to the other and there are further issues identified with respect to stock getting out of the property on to the road, and vehicles causing some nuisance.

The proposal is for lots that are substantially smaller than lot sizes contemplated by the code. The applicant has not provided justification

to demonstrate that the rural capacity of the land will be sustained if the subdivision were approved by Council. It is clear that the purpose of the code (supported by the specific outcomes) is to consolidate, sustain and improve the viability of agricultural productivity for the region. Further subdivision below the minimum lot sizes without reasonable justification is not consistent with the purpose of the code.

Due to the topography of the site, and reasonable low levels of water supply in the area, it is considered that the land is unlikely to support cropping or other intensive plant production uses.

It is considered that livestock grazing is likely to be the most appropriate type of agricultural use, which is consistent with many of the surrounding agricultural uses in the area. It is also acknowledged that large sites are generally required to support viability of livestock grazing because of the need to rotate stock onto fresh pasture (depending on farming practices). Reduction of the lot size will likely reduce the viability of the site to support livestock, especially during dry conditions.

Whilst Council officers appreciate that the issue with respect to crossing livestock over the road is a constraint for this particular property, it is not prohibitive to maintaining the farm as it is currently operating. The road will also not inhibit future productivity on the site. Although public vehicles do use the road, the volume of traffic is low and consistent with the normal amounts of rural traffic. Further, it is considered that some additional infrastructure to support animal crossings may assist in facilitating the movement of livestock safely, and limit safety issues associated with public vehicles.

No further grounds to overcome the conflict have been established. Consequently, it is considered that the proposal is in conflict with the specific outcome (a)(i), and overall outcome 2(a) and (e) of the code.

### ***Landscape and Buffer Code***

The application is considered to be able to comply with the relevant Specific Outcomes of this code.

## **2.3 PLANNING CONSIDERATIONS**

### **2.3.1 Appropriateness of the Proposal**

The application is not considered to be consistent with the intent for preservation of rural land.

### **2.3.2 Site Access and Traffic**

The site is considered to have appropriate access arrangements for the sites. Access can be upgraded as necessary to comply with the Planning Scheme requirements.

### **2.3.3 Flooding**



The site is not known to be subject to any flood issues. No Q<sub>100</sub> flood mapping is indicated on the property.

### **3. BUDGET IMPLICATIONS**

Nil

### **4. POLICY IMPLICATIONS**

Nil

### **5. CONSULTATION**

#### **5.1 Internal**

##### **(a) Engineering Directorate**

Council's Design Services department have advised that they have no requirements for the proposal.

### **6. CONCLUSION**

The proposed development does not comply with the Specific Outcomes and Overall Outcomes relating to the minimum lot size, and sustainability of rural production for the rural zone code.

The applicant's justification submitted for the development, relies on the separation of the existing parcels by road reserve, which is used by public vehicles. It is not considered that the existing road reserve physically prohibits function of the lot as a single farm. Infrastructure is able to be put in place to assist with intermittent animal crossings etc.

The applicant has not provided any information to determine that the proposed parcels can continue to function as productive rural land uses, notwithstanding the proposed lot sizes being below the minimum of the code.

It is not considered that there are grounds that are sufficient overcome the identified conflict with the planning scheme. It is recommended that the proposed subdivision be refused.

**M04/06/14 Moved Cr I.T. Petersen****Seconded Cr W.W. Sachs**

That Council, as Assessment Manager, approve Development Application 2013-1016 for Reconfiguring a Lot – Subdivision to Create one (1) additional allotment over Lot 156 on MCH 5279, located at Greenleigh Road, Anderleigh, noting the existing rural parcel of land is already compromised by the existing road bisecting the land and there is no material difference in allowing the development to proceed, subject to the following conditions:

***General conditions:***

1. The development shall be generally in accordance with the following plan/s submitted with the application, and stamped and approved by Council:

| Plan No.      | Title         | Date              |
|---------------|---------------|-------------------|
| D-C01524-01-A | Proposal Plan | 11 September 2013 |

***Conditions to be satisfied prior to the sealing of the plan of survey:***

2. Infrastructure charges are payable as follows:

| Type of Lot | Network | Current Amo |
|-------------|---------|-------------|
| Rural       | Roads   | \$ 9,000    |
| Total       |         | \$ 9,000    |

but will be subject to indexation annually on 1 July.

3. Make suitable arrangements for the provision of an underground telephone service to the proposed new vacant allotments within the subdivision. Documentary evidence shall be submitted that an agreement has been reached with an authorised supplier for telephone services, prior to the Plan of Survey being sealed by Council.

4. An agreement is to be entered into with the relevant distribution entity to provide electricity to all approved vacant lots without any financial encumbrance on future owners of these lots.

**Carried**

|                                    |                              |
|------------------------------------|------------------------------|
| <b>SECTION 6: SOCIAL WELLBEING</b> |                              |
| <b>6.1</b>                         | <b>Desiree Gill Memorial</b> |

**PORTFOLIO:** Social Wellbeing

**DIRECTORATE:** Corporate and Community Services

**AUTHOR:** Manager Community Development & Facilities - H Kelly

**DOC ID:** 1695240

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 5.4 A valued heritage and creative community

**Operational Plan:** 5.4.3 Heritage Planning and Awareness

---

**1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Council has been asked to consider the placement of a commemorative memorial bust at the Gympie Showgrounds. There is no policy or precedent to guide council's decision in regards to this matter.

**2. REPORT**

The Gympie Turf Club Inc. has written to council requesting permission to place a memorial to the late jockey, Desiree Gill, in the saddling enclosure of the Gympie Showgrounds. The memorial bust will commemorate the contribution to the racing industry and particularly racing in Gympie, made by Mrs Gill.

The memorial will take the form of a marble bust of Mrs Gill on top of a marble base. The entire structure will stand approximately 180cm tall and will be placed in the garden bed immediately next to the track in the saddling yard.

The Turf Club has been approved for RADF funding for a component of the project subject to approval by council to erect the memorial.

As the project is a commemorative piece it is not considered public art and as such does not require referral to the Public Art Advisory Group.

**3. BUDGET IMPLICATIONS**

The project has received some Regional Arts Development Funds. No further impact on budget is anticipated.

**4. POLICY IMPLICATIONS**

**5. CONSULTATION**

Gallery Coordinator

## **6. CONCLUSION**

The contribution made by Mrs Gill to the racing industry and particularly racing in Gympie has been widely acknowledged. A memorial bust situated in the mounting yard of the Gympie race track is a fitting way to commemorate this contribution.

**M05/06/14**

**Moved Cr R.A. Gâté**

**Seconded Cr M.W. Curran**

**That council approve the installation of a marble bust of Mrs Gill in the garden bed immediately next to the track in the saddling yard at the Gympie Showgrounds, in commemoration of her contribution to the racing industry and in particular racing in Gympie.**

**Carried**

**6.2 Public Art Advisory Group**

**PORTFOLIO:** Social Wellbeing

**DIRECTORATE:** Corporate and Community Services

**AUTHOR:** Coordinator Art Gallery - J Gibbs

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 5.4 A valued heritage and creative community

**Operational Plan:** 5.4.1 Art Gallery

---

**1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

The minutes of the council meeting 13 July 2011, Economic Development Committee asked for the charter of the The Public Art Advisory Group (PAAG) to be presented to Council for approval. The Public Art Management Plan has previously been considered by Councillors.

**2. REPORT**

Part of the Implementation Guidelines is the formation of a Public Art Advisory Group (PAAG). A call was put out for Expressions of Interest from practicing professional artists to be part of the PAAG in December 2013. The first meeting of the PAAG was held in February 2014, and all present accepted the Terms of Reference as stated in the Public Art Management Plan without change. (Attached). Cr Rae Gâté was the council representative at this meeting.

**3. BUDGET IMPLICATIONS**

Nil

**4. POLICY IMPLICATIONS**

Connected to the Art and Cultural Policy

**5. CONSULTATION**

Parks Branch  
Planning Strategy and Major Projects Branch  
Youth and Community Development  
Work Health and Safety Section  
Economic Development Unit

## **6. CONCLUSION**

The Public Art Management Plan requires adoption by Council.

## **ATTACHMENTS**

1. Public Art Advisory Group Terms of Reference

**M06/06/14**

**Moved Cr J.A. Walker**

**Seconded Cr M.W. Curran**

**That**

1. Council adopts the Public Art Advisory Group as an advisory committee and the Terms of Reference under the Local Government Regulations (s264/5),
2. Council confirms Cr Gâté as the council representative.

**Carried**

## **SECTION 7: HEALTH AND ENVIRONMENT**

## **SECTION 8: GOVERNANCE AND ECONOMIC DEVELOPMENT**

|                                  |
|----------------------------------|
| <b>SECTION 9: INFRASTRUCTURE</b> |
|----------------------------------|

|            |  |
|------------|--|
| <b>9.1</b> | <b>Review of policy for extent of council works - Southside Sewerage</b> |
|------------|--|

**PORTFOLIO:** Infrastructure

**DIRECTORATE:** Engineering Services

**AUTHOR:** General Manager Water & Sewerage - I  
Schiefelbein

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 1.1 Planned Infrastructure that meets the needs of the community

**Operational Plan:** 1.1.7 Sewerage Operations

**1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Council currently has a program for the provision of sewerage to urban areas currently served by on-site systems in Southside. These on-site systems are progressively being replaced because of environmental/health concerns. The program for provision of this infrastructure is based upon a number of criteria as follows:-

- (a) Age of the development
- (b) Orderly progress for the provision of sewerage (ie connectability)
- (c) Known environment and health concerns
- (d) Cost effectiveness of the scheme relative to other problem areas
- (e) Local environmental issues

The work currently includes the provision of sewers and internal house drainage lines. The internal house drainage lines become the property of the owner on completion of the work.

In addition to this Southside Sewerage Program, Council has a guideline for the provision of sewerage to other areas such as:

- (a) Properties directly adjacent to new subdivisions;
- (b) Development of existing properties near existing sewerage infrastructure;
- (c) Properties near existing schemes where the owner wants to be connected to sewerage now rather than waiting for sewerage to be provided by Council.
- (d) Sewers constructed through properties by Council to service other areas.

There are provisions in the guideline for the owners to keep and maintain on-site treatment plants for up to 10 years if the systems



are working satisfactorily and not causing any environmental or health concerns.

## **2. REPORT**

---

### **1.0 Issues**

The problem with the current arrangements is that construction of the internal house drainage for the owners is significantly increasing the cost of the work and consequently delaying the program for the provision of sewerage to other properties. Based on the most recent contract in Southside, the cost of internal house drainage is approximately 30% of the total cost of the work. In addition there are several other difficulties which influence the cost effectiveness of this arrangement, as follows:-

- (a) Determination of limit of work provided by Council is difficult ie. is rectification of existing defects normally the responsibility of the landowner included.
- (b) The extent of restoration requested by some owners is in some instances, greater than what they would have requested if they were paying for the work.
- (c) Agreement on the location of the house drain is not always easy to obtain from the owner and involves significant negotiation and documentation.
- (d) Old landscaping, paving and structures affected by the work are difficult to repair to the satisfaction of the some owners(may not match).
- (e) When trees near the drain lines die or become diseased it is often blamed on the house drain work.
- (f) Minor maintenance issues which reoccur over several years and which could easily be fixed by the owner, are in some instances, difficult to resolve cost effectively.
- (g) Long term Council responsibility and risks for the work.
- (h) Significant project costs associated with contract administration, supervision, planning and dispute resolution.

### **2.0 New Arrangements for Provision of Internal House Drains**

Rather than Council building the internal house drainage, it is proposed that a more equitable approach is for the property owner to be responsible for arranging and paying for the work on internal house drains, once the sewer was complete to inside the property. This is the practice of most Councils for this type of work.

The advantage of this change in implementing the scheme is that Council's costs would be lower and consequently substantially more areas could be provided with sewerage for the same budget. It is estimated that the extent of area be increased by 30% with the same budget. Property owners will be responsible for the property connection and all works within their own property should they choose to connect. It should be noted that these property owners will be getting substantial benefits to their property including a

likely increase in the value of the property and the elimination of the maintenance costs associated with on site treatment.

### 3.0 Other Considerations

#### 3.1 Infrastructure Charges

Council does not currently apply infrastructure charges on properties with on-site systems when they are connected to the sewerage scheme. No change to this position with respect to infrastructure charges is proposed. However infrastructure charges would be applied on new subdivisions and on developments on existing sewered properties.

#### 3.2 Inspection Fees

Council inspection fees would be applicable for any new house connections. These would be paid by the owner as part of the internal drainage work.

#### 3.3 Potential Future Subdivision of Existing Properties

Where sewerage is to be provided by Council and the owner plans to subdivide, it may be appropriate for part of the house drain to be built as a sewer.

Currently the owner pays the difference between the cost of the sewer and a house drain. If the property owner now becomes responsible for the house drain, then the owner would need to pay the full cost of any extension of the sewer.

#### 3.4 Properties Near Sewers

When a new sewer passes near an unsewered property, though not through it, the owner has in the past been offered a sewer connection at cost. This occurs when trunk sewers are constructed and when sewers are extended to subdivisions at a distance from the existing sewered network. Once the sewer connection was provided, the owner was then responsible for construction of the house connection branch.

With the owner becoming responsible for internal house drains this case could be dealt with in the same way as a property with an on-site system when it was connected to sewerage. Council would provide the sewer connection to the property.

#### 3.5 Sewer Through Property

When a sewer passes through an urban unsewered property, the owner has in the past been provided with a sewer connection and house drain connection. With the owner

becoming responsible for internal house drains this case could be dealt with in the same way as a property with an on-site system when it was connected to sewerage.

Where the property is a rural type property then Council would determine if it was appropriate for the property to be seweraged.

### 3.6 Properties Adjacent Subdivisions and New Developments

Where new seweraged subdivisions are constructed adjacent unsewered areas Council has contributed towards the extra cost to provide sewers under the following conditions:

- The property is adjacent the new subdivision
- The on-site system disposal area was above the new subdivision and could overflow, seep or drain to the new subdivision.
- Sewers for the property would drain through the new subdivision.

This guideline would not change.

With the owners being responsible for internal house drains this case would be dealt with in the same way as properties with on-site systems once they are connected to sewerage.

### 3.7 Properties with New On-Site Treatment Plants and Disposal Areas

Owners of properties with on-site treatment plants that are relatively new and are not causing any environmental or health concerns were allowed to keep these systems for a period of time. This concept could be modified to suit the new circumstances ie sewer rate exemptions for those residents whose treatment plants are less than five years old, with the exemption to apply up until their plant is five years old.

### 4.0 Rating

Once the sewers are constructed, tested and taken on maintenance, owners would be notified that they could connect to sewerage.

Rates would then be applied twelve months after the sewer main is completed, regardless of whether a house connection is completed unless the treatment plant is less than 5 years old.

## 3. BUDGET IMPLICATIONS

The sewerage budget would not be changed. However the extent of area provided with sewerage would be increased.

**4. POLICY IMPLICATIONS**

The current sewer connection policy would be changed to incorporate the changes.

**5. CONSULTATION**

Director Engineering Services, Plumbing staff.

**6. CONCLUSION**

Transfer of the responsibility for construction of internal house drains in sewerred areas from Council to the property owner would assist in the advancement of the program of provision of sewerage to Southside, be more equitable and maintain a significant long term financial and environmental benefit for the landowner.

**M07/06/14****Moved Cr M.W. Curran****Seconded Cr R.A. Gâté**

**That Council amend its Sewer Connection Policy (PRWS004) in accordance with the report including that residents be responsible for arranging their own connections and that sewer rates are to apply to all properties in the new sewerred area from 12 months after the Council sewer is installed unless exemption is granted on the basis of a treatment plant being less than 5 years old.**

**Further that item 3.2 be removed from the policy.**

**Carried**

**CONFLICT OF INTEREST**

In accordance with Section 173 of the Local Government Act 2009;

Cr A.J. Perrett declared a perceived Conflict of Interest in Minute M00/06/14 due to owning a property on Mudlo Road and left the meeting at 9.21am.

|            |   |
|------------|---|
| <b>9.2</b> | <b>RFT 2013-14 T027 Fishermans Pocket Road &amp; Mudlo Road Flood Restoration Works</b> |
|------------|---|

**PORTFOLIO:** Infrastructure

**DIRECTORATE:** Engineering Services

**AUTHOR:** Project Manager - R Tebbutt

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 1.1 Planned Infrastructure that meets the needs of the community

**Operational Plan:** 1.1.3 Other Recoverable Works

## **1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

Tender 2013-14 T027 consists of the construction of flood restoration works including rockfill protection on Fishermans Pocket Road, Fishermans Pocket and retaining structures and rockfill protection on Mudlo Road, Kilkivan.

Tender advertisements occurred on Saturday 5 April 2014 in The Gympie Times, The Courier Mail, Sunshine Coast Daily and on the QCPC e-Tender website.

## **2. REPORT**

Public Tenders for:

2013-14 T027 Fishermans Pocket Road and Mudlo Road Flood Restoration Works

closed at 11:00am on Wednesday 7<sup>th</sup> May 2014.

Tenders were received as follows: (all inclusive of GST)

| Tenderer                | Totals for Comparison Purposes |
|-------------------------|--------------------------------|
| GrouTech (Aust) Pty Ltd | \$877,056.53                   |

| Tenderer   | Totals for Comparison Purposes  |
|--|---------------------------------|
| Earthtec Pty Ltd   | \$954,792.67                    |
| Lanson Civil Pty Ltd   | \$959,642.20                    |
| Sunshine Coast Consulting Pty Ltd                            | \$1,094,252.20                  |
| Birt Enterprises Pty Ltd                                     | \$1,140,497.60                  |
| MCG Civil Services Pty Ltd                                   | \$ 1,180,051.40                 |
| Gympie Building Company Pty Ltd                              | \$ 1,276,836.11                 |
| Almak Plant Hire Pty Ltd                                     | \$ 1,279,490.79                 |
| John Andrews Grader Hire                                     | \$ 1,321,485.88 ( <i>late</i> ) |
| Carruthers Contracting (Palmgrove Holdings Pty Ltd)          | \$ 1,327,920.90                 |
| Nviroscope Pty Ltd   | \$ 1,415,141.20                 |
| Elite Retaining Systems Pty Ltd (AFT The Paget Family Trust) | \$ 1,425,735.30                 |
| CIVLEC Pty Ltd trading as TRAFFLEC                           | \$ 1,435,644.10                 |
| Cragcorp Pty Ltd trading as Queensland Bridge and Civil      | \$ 1,450,724.00                 |
| J A Cole Engineering Pty Ltd                                 | \$ 1,450,753.85                 |
| Crosana Pty Ltd  | \$ 1,470,501.00                 |
| RPMS Construction Pty Ltd                                    | \$ 1,719,139.83                 |
| Sunstate Group Qld Pty Ltd                                   | \$ 1,736,563.40                 |
| Bellrise Investments Pty Ltd                                 | \$ 1,820,109.50                 |
| RoadTek South (Wide Bay) - Alt. #1                           | \$ 1,842,769.33                 |
| RoadTek South (Wide Bay)                                     | \$ 1,946,836.66                 |
| Qcivil Pty Ltd   | \$ 2,053,067.50                 |
| RHA Australia Pty Ltd  | \$ 2,076,076.76                 |
| <b><i>All amounts are inclusive of GST</i></b>               |                                 |

Of the twenty-three (23) tenders received and opened at the time for lodgement of Tenders:

- One alternative tenders was submitted for consideration.
  - The alternative tender was not considered as it was well beyond the value of the tenders in contention.
- The four (4) lowest tenders were evaluated on non-price and price criteria as per the conditions of tender.

### 3. BUDGET IMPLICATIONS

The project has been approved by the Queensland Reconstruction Authority (QRA).

Of the four (4) Tenders in Contention, all fall within the QRA approved funding.

### 4. POLICY IMPLICATIONS

No policy implications.

### 5. CONSULTATION

The assessment panel included the following persons:

| Position                 | Person            | Organisation / Role                          |
|--------------------------|-------------------|--|
| Panel Chairman           | Mr Rod Tebbutt    | Manager – Major Projects                     |
| Panel Member             | Mr Grayden Curry  | General Manager – Construction & Maintenance |
| Independent Panel Member | Mr Jeremy McGowan | GHD Pty Ltd                                  |

### 6. CONCLUSION

The third lowest tenderer (Lanson), is the preferred tenderer based on the prescribed selection criteria and received a very favorable reference check. Lanson represents the best overall value for council.

The 'Corrected Tender Amounts' are detailed below:

| Name of Tenderer                  | Submitted Tender Amount | Corrected Tender Amount | Difference |
|-----------------------------------|-------------------------|-------------------------|------------|
| GrouTech (Aust) Pty Ltd           | \$ 877,056.53           | \$ 877,041.40           | (\$ 15.13) |
| Earthtec Pty Ltd                  | \$ 954,792.67           | \$ 954,847.77           | \$ 55.10   |
| Lanson Civil Pty Ltd              | \$959,642.20            | \$959,642.20            | -          |
| Sunshine Coast Consulting Pty Ltd | \$ 1,094,252.20         | \$ 1,094,252.20         | -          |

| Name of Tenderer                        | Submitted Tender Amount | Corrected Tender Amount | Difference |
|---|-------------------------|-------------------------|------------|
| <i>All amounts are inclusive of GST</i> |                         |                         |            |

**M08/06/14      Moved Cr W.W. Sachs                      Seconded Cr R.A. Gâté**

**That council accept the tender received from Lanson Civil Pty Ltd for the corrected tender amount of \$959,642.20 inclusive of GST to Tender 2013-14 T027 for the construction of flood restoration works including rockfill protection on Fishermans Pocket Road, Fishermans Pocket and retaining structures and rockfill protection on Mudlo Road, Kilkivan.**

**Carried 6/0**

Cr A.J. Perrett returned to the meeting at 9.24am.



|            |  |
|------------|--|
| <b>9.3</b> | <b>RFT 2013-14 T030 Flood Restoration Works on Crust Road, Langshaw; Schachts Creek Road, Langshaw and Pike Road, Woolooga</b> |
|------------|--|

**PORTFOLIO:** Infrastructure

**DIRECTORATE:** Engineering Services

**AUTHOR:** Project Manager - R Tebbutt

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 1.1 Planned Infrastructure that meets the needs of the community

**Operational Plan:** 1.1.3 Other Recoverable Works

## 1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION

Tender 2013-14 T030 consists of the construction of flood restoration works including reinforced concrete floodway reconstruction and rockfill protection on Crust Road, Langshaw; Schachts Creek Road, Langshaw and Pike Road, Woolooga.

Tender advertisements occurred on Saturday 19 April 2014 in The Gympie Times, The Courier Mail, Sunshine Coast Daily and on the QCPC e-Tender website.

## 2. REPORT

Public Tenders for:

2013-14 T030      Crust Road, Langshaw; Schachts Creek Road, Langshaw and Pike Road, Woolooga Restoration Works

closed at 11:00am on Wednesday 14 May 2014.

Tenders were received as follows: (all inclusive of GST)

| Tenderer                          | Totals for Comparison Purposes |
|-----------------------------------|--------------------------------|
| Birt Enterprises Pty Ltd          | \$ 366,131.70                  |
| Gateway Projects Pty Ltd          | \$ 370,554.70                  |
| Civilivic Pty Ltd                 | \$ 477,752.37                  |
| Sunshine Coast Consulting Pty Ltd | \$ 488,580.97                  |
| Gympie Building Company Pty Ltd   | \$ 501,209.16                  |

| Tenderer   | Totals for Comparison Purposes             |
|--|--|
| GrouTech (Aust) Pty Ltd                                      | \$ 555,685.60                              |
| Queensland Concrete and General Construction Company Pty Ltd | \$ 631,435.71                              |
| Carruthers Contracting (Palmgrove Holdings Pty Ltd)          | \$ 637,409.12                              |
| Skeen Constructions Pty Ltd                                  | \$ 675,524.37                              |
| John Andrews Grader Hire                                     | \$ 657,494.64                              |
| QCivil Pty Ltd   | \$ 684,889.70                              |
| Sunstate Group Qld Pty Ltd                                   | \$ 866,608.60                              |
| J A Cole Engineering Pty Ltd                                 | \$ 881,021.00                              |
| Cragcorp Pty Ltd trading as Queensland Bridge and Civil      | \$ 891,924.00                              |
| Bellrise Investments Pty Ltd                                 | <del>\$1,820,109.50</del><br>\$ 986,152.20 |
| MCG Civil Services Pty Ltd                                   | \$ 1,029,679.33                            |
| RoadTek South (Wide Bay)                                     | \$ 1,842,769.33                            |
| Barlow Piping Solutions Pty Ltd                              | \$ 1,077,074.05                            |
| <b><i>All amounts are inclusive of GST</i></b>               |  |

Of the eighteen (18) tenders received and opened at the time for lodgement of Tenders:

- There were no alternative tenders submitted for consideration.
- The four (4) lowest tenders were evaluated on non-price and price criteria as per the conditions of tender.

### **3. BUDGET IMPLICATIONS**

The project has been approved by the Queensland Reconstruction Authority (QRA).

Of the four (4) Tenders in Contention, all fall within the QRA approved funding.

### **4. POLICY IMPLICATIONS**

No policy implications.

### **5. CONSULTATION**

The assessment panel included the following persons:

| <b>Position</b>             | <b>Person</b>     | <b>Organisation / Role</b>                      |
|-----------------------------|-------------------|---|
| Panel Chairman              | Mr Rod Tebbutt    | Manager – Major Projects                        |
| Panel Member                | Mr Grayden Curry  | General Manager –<br>Construction & Maintenance |
| Independent<br>Panel Member | Mr Jeremy McGowan | GHD Pty Ltd                                     |

## 6. CONCLUSION

The lowest tenderer (Birt Enterprises Pty Ltd), is the preferred tenderer based on the prescribed selection criteria and has the capabilities to deliver the works defined within this contract.

**M09/06/14      Moved Cr R.A. Gâté                      Seconded Cr A.J. Perrett**

**That council accepts the tender received from Birt Enterprises Pty Ltd for the tender amount of \$366,131.70 inclusive of GST to Tender 2013-14 T030 for the construction of reinforced concrete floodways and rockfill protection on Crust Road, Langshaw; Schachts Creek Road, Langshaw and Pike Road, Woolooga.**

**Carried**

**9.4 Delegation of Authority under Heavy Vehicle National Law**

**PORTFOLIO:** Infrastructure

**DIRECTORATE:** Engineering Services

**AUTHOR:** General Manager Design Services - L O'Brien

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 1.1 Planned Infrastructure that meets the needs of the community

**Operational Plan:** 1.1.4 Roads Maintenance

---

**1. BACKGROUND & PREVIOUS COUNCIL CONSIDERATION**

In February this year, the National Heavy Vehicle Law (Queensland) came into effect. It is administered by the National Heavy Vehicle Regulator, an authority based in Brisbane.

The new law is part of a set of legislation across Australia which implements consistent requirements and processes for a range of heavy vehicle regulations. Of particular relevance to local government is that the legislation changes responsibilities and processes for approving trips by over-mass, over-dimension (eg removal houses), multi-combination (eg B-Doubles) and special purpose (eg mobile cranes) vehicles.

There have been a number of teething problems in the introduction of the new law as well as unforeseen impacts on local governments. Specifically, there are tighter timeframes for responses and much greater numbers of applications for trip approvals for over-mass, over-dimension and special vehicles are being received by councils. Prior to the new legislation, the majority of such vehicles were travelling on local government roads without local government approval.

Under the new law, councils are defined as “road managers” for local government controlled roads. A road manager is responsible for deciding whether to consent to the use of restricted access vehicles on its roads and may, when consenting, require that travel conditions and road conditions be included in a mass or dimension permit.

The Regulator has drafted route assessment guidelines although it is still developing and refining its processes. The following is an extract from the guidelines.

*The legislation provides that a road manager may decide not to give consent if satisfied that the mass or dimension authority will, or is likely to:*

*a) cause damage to road infrastructure; or*

*b) impose adverse effects on the community from noise, emissions or traffic congestion; or*

*c) pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.*

*However, before deciding not to give consent the road manager must satisfy itself that it is not possible to grant access subject to road or travel conditions that will avoid or significantly mitigate these relevant risks.*

*It is the responsibility of the road manager to determine if the use of restricted access vehicles will cause damage to road infrastructure or have adverse impacts on the community (amenity). The road manager is also responsible for determining whether the restricted access vehicle can be used safely on its road network.*

Prior to the new legislation, Council received and processed only a handful of B-Double route applications each year. Historically, Gympie Regional Council has not previously delegated authority for heavy vehicle trip / route approvals to staff.

However, under the new law and processes, Council is now receiving up to 5 applications a week for over-mass, over-dimension and special purpose vehicle trips, in addition to B-Double applications. Response times expected by operators, and vigorously pursued by the Regulator on their behalf, can be as little as 24 hours and are commonly less than 7 days despite the legislated maximum response time of 28 days.

It is proposed that Council delegate authority to make decisions as a “road manager” under the new law to the Chief Executive Officer. It is intended that authority will then be sub-delegated to appropriate senior engineering staff in the Engineering Services and Infrastructure Services Directorates. Many other councils have taken similar steps to allow permit timeframes to be achieved, to reduce reporting requirements and to moderate staff and councillor workloads.

## **2. BUDGET IMPLICATIONS**

Nil at this time. It should be noted however, that additional workload has been imposed on Council staff by the new law and processes.

## **3. POLICY IMPLICATIONS**

No policy implications

## **4. CONSULTATION**

Manager Corporate Governance has assisted by obtaining legal advice.

## **5. CONCLUSION**

The proposed delegation will make it possible for the required deadlines to be achieved and will reduce potential workload for staff and councillors.

**M10/06/14      Moved Cr M.W. Curran                      Seconded Cr A.J. Perrett**

**In accordance with S257(1)(b) of the Local Government Act 2009, the authority to provide consent, including imposing any conditions on consent granted, as “road manager” under the Heavy Vehicle National Law (Queensland), is hereby delegated to the Chief Executive Officer.**

**Carried**

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| <b>SECTION 10: MAJOR PROJECTS AND BUSINESS ACTIVITIES</b> |
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| <b>SECTION 11: WASTE MANAGEMENT</b> |
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| <b>SECTION 12: TOURISM AND MARY VALLEY</b> |
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| <b>SECTION 13: GENERAL BUSINESS</b> |
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**ADJOURNMENT OF MEETING**

The Meeting adjourned for morning tea at 9.33am.

**RESUMPTION OF MEETING**

The Meeting resumed at 9.55am.

**COUNCIL IN COMMITTEE**

The Mayor advised the meeting that Council was going “Into Committee” to discuss:

1. Freehold Lease - Curra Country Club Inc - Lot 89 RP 207557 David Drive, Curra
2. Environment Levy Community Group Grants

**M11/06/14      Moved Cr J.A. Walker                      Seconded Cr M.W. Curran**

**That pursuant to the provisions of Section 275 of the Local Government Regulation 2012, Council resolves to close the meeting to the public and move “into committee” to consider the following matter/s:-**

- 1. Freehold Lease - Curra Country Club Inc - Lot 89 RP 207557 David Drive, Curra**
- 2. Environment Levy Community Group Grants**

**Further, that in relation to the provisions of Section 171 of the Local Government Act 2009, Council resolves that following the closing of the meeting to the public and the moving ‘into committee’ that all matters and all documents (whether in hard copy, electronic, optical, visual or magnetic form) discussed, raised, tabled and/or considered whilst the meeting is closed and ‘in committee’, are confidential to the Council and the Council wishes to keep them confidential.**

**Carried**

**COUNCIL OUT OF COMMITTEE**

**M12/06/14      Moved Cr J.A. Walker                      Seconded Cr R.A. Gâté**

**That proceedings be resumed in Open Council.**

**Carried**



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| <b>SECTION 14: IN COMMITTEE</b> |
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| <b>14.1</b> | <b>Freehold Lease - Curra Country Club Inc - Lot 89 RP 207557 David Drive, Curra</b> |
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**PORTFOLIO:** Governance and Economic Development

**DIRECTORATE:** Corporate and Community Services

**AUTHOR:** Manager Property - D Jenkins

**DOC ID:**

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 3.2 Transparent and accountable service delivery

**Operational Plan:** 3.2.9 Property Management

This item is in-committee in accordance with s275(1)(f) of the *Local Government Regulation 2012* - starting or defending legal proceedings involving it.

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| <b>M13/06/14</b> | <b>Moved Cr A.J. Perrett</b>                                     | <b>Seconded Cr M.W. Curran</b> |
|                  | <b>That council undertake the action outlined in the report.</b> |                                |
|                  | <b><u>Carried</u></b>  |                                |

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| <b>14.2</b> | <b>Environment Levy Community Group Grants</b> |
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**PORTFOLIO:** Health and Environment

**DIRECTORATE:** Planning and Development

**AUTHOR:** Senior Environment Officer - A Gosley

**DOC ID:** 6/5/04/001

**LINK TO CORPORATE / OPERATIONAL PLAN**

**Corporate Plan:** 4.1 Sustainable Environment

**Operational Plan:** 4.1.1 Environmental Planning

This item is in-committee in accordance with s275(1)(c) of the *Local Government Regulation 2012* - the local government budget.

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**M14/06/14**    **Moved Cr W.W. Sachs**                      **Seconded Cr J.A. Walker**

**That council adopt the distribution of the Environment Levy Community Group Grants for the 2014/2015 financial year as outlined in the report, subject to the adoption of the 2014/2015 council budget. .**

**Further, that council enters into a Mutual Service Agreement with each funded organisation to guarantee delivery of the agreed outcomes.**

**Carried**

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| <b>SECTION 15:     ATTACHMENTS</b> |
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**6.2     Public Art Advisory Group**

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|--|----|
| Attachment 1    Public Art Advisory Group Terms of |    |
| Reference .....                                    | 50 |

There being no further business the meeting closed at 11.04am.

Confirmed this   TWENTY FIFTH day of JUNE 2014

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Cr R.J. Dyne  
CHAIRMAN

**GYMPIE REGIONAL COUNCIL**  
**PUBLIC ART ADVISORY PANEL**  
**TERMS OF REFERENCE**

**1. PURPOSE**

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The Gympie Regional Council Public Art Advisory Panel (PAAP) allows council to engage with the arts sector and broader community when developing and implementing public art projects. It is also a way of allowing a number of relevant council departments to have their input into a project from the outset, ensuring that the project complies with relevant planning and legislative issues

This term of reference sets out the objectives and functions of the PAAP, membership of the PAAP and the operation of the PAAP.

**2. OBJECTIVES OF THE PUBLIC ART ADVISORY PANEL**

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- To define themes for public art projects informed by site assessments and community consultation undertaken by contractors or external project managers
- To provide cultural, artistic and design advice on projects proposed through the PAAG
- To appraise and make recommendations on public art tenders to council
- To assist in prioritizing project recommendations to council.

**3. FUNCTIONS AND POWERS**

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The PAAP will advise and assist council (as necessary):

- on matters relating to public art projects.
- on the selection and commissioning of new works and the deaccession of existing works
- on ways in which public art can be incorporated into the design of the council infrastructure such as street seating, lighting, paving, signage, walkways and landscaping.
- on proposed public art projects to be included in private and / or commercial developments.
- on proposed public artwork gifts, bequests and donations to the council, in accordance with the Public Art management Plan.
- ensuring that established council procedures, policies and guidelines are adhered to in nominating, assessing and selecting public art projects.
- with communication and outreach to the community regarding council's public art program.
- on community suggestions for public art projects
- the development of private sector public art projects and public/private partnerships for public art projects.

The PAAP will have no power to:

- spend council funds
- make decisions on behalf of council.

#### **4. PUBLIC ART ADVISORY PANEL COMMITTEE STRUCTURE**

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It is ideal to limit the core PAAG to 8-10 people and invite advisors to the process where appropriate. **The recommended mix of core PAAG members is:**

- Elected representative/s with a relevant portfolio.
- Economic Development Officer.
- Gallery Coordinator.
- Two practicing professional artists.
- Representatives of arts and cultural organisations as required (eg. RADF, Friends of the Gympie Regional Gallery, Curra Art Group, Imbil Art Group).
- Private sector partners (eg. Town Planner, Architect).

**Advisors to the PAAG may include:**

- Indigenous Representative.
- Town Planners.
- Works Department staff.
- Parks and Gardens staff.
- Workplace Health and Safety staff.
- Representatives of arts and cultural organisations or other community organisations.
- Private sector partners.

#### **5. MEMBERSHIP OF THE PUBLIC ART ADVISORY PANEL**

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Community membership appointment to the PAAP will be based on:

- An appreciation and understanding of art in the public domain.
- Experience in working with community and community groups.
- Background, experience or demonstrated interest in public and/or visual arts.
- Being a local resident of the Gympie region or close connections to the Gympie region.

#### **6. PRINCIPAL RESPONSIBILITIES OF PUBLIC ART ADVISORY PANEL COMMITTEE MEMBERS**

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- To attend PAAP meetings as required.
- To undertake agreed tasks as determined at PAAP meetings.
- Work with Gympie Regional Council staff to implement public art projects to the highest possible standard.

#### **7. MEETINGS**

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- The PAAP will meet as required at such place and time as notified by council
- Council may call an extraordinary meeting of the PAAP with at least fourteen days written notice to all members
- A quorum of a meeting of the PAAP will be three permanent members.
- No business of the PAAP will be considered unless a quorum is present. If within half an hour from the time of the appointed for the meeting a quorum is not present, the meeting will be dissolved.
- Questions arising at any meeting will of the PAAP will be decided by a simple majority of the votes of the members (including permanent and temporary members). If there are equal votes, the chairperson of the meeting will have the casting vote.
- The chairperson will preside as chairperson at every meeting of the PAAP.
- If the chairperson is not present within ten minutes after the time appointed for the meeting, the members (including permanent and temporary members) may choose one of their number to be a chairperson for the purpose of the meeting.
- A member who has a pecuniary interest in a matter being considered at a meeting of the PAAP must disclose the existence and nature of the interest. A member having disclosed a pecuniary interest must not be present at the meeting when the matter is being considered, discussed or voted on.
- A member who has a non-pecuniary interest in a matter being considered at a meeting of the PAAP must disclose the existence and nature of the interest if the member could be influenced, or a reasonable person would perceive that the member could be influenced, by the non-pecuniary interest. A member having disclosed a non-pecuniary interest must not be present at the meeting when the matter is being considered, discussed or voted on.
- The Gympie Regional Council Gallery Coordinator will attend meetings of the PAAP and be responsible for the distribution of the minutes.
- The minutes will include (without limitation) the following:
  - Attendance
  - Apologies
  - Declarations of interest
  - Delegations of authority
  - A record of all recommendations made by the PAAP
- The minutes will be distributed to all members

## **8. REPORTING**

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- The business of the PAAP will be reported to the Gympie Regional Council
- Decisions of council will in turn be reported to members of the PAAP.

## **9. REVIEW**

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The terms of reference and operation of the PAAP will be reviewed after an initial term of three years.