



# **ORDINARY MEETING**

## **MINUTES**

**12 JULY 2022**

These Minutes are due to be confirmed at the next Council meeting on 26 July 2022.

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 12 JULY 2022 COMMENCING AT 9:00AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Reverend David Alley, Peace Christian Church

## **2 PRESENT**

Members Present:

The Mayor, Councillor A P Williams (Chairperson)  
Deputy Mayor, Councillor N K Fisher (attended 9.32 am)  
Councillor S Latcham  
Councillor C E Smith (via video-link)  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor D Kirkland  
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services (via video-link)  
Mr P Kofod – General Manager Regional Services  
Ms M Taylor – Chief Financial Officer (via video-link)  
Mr G Bowden – Executive Manager Advance Rockhampton (via video-link)  
Mr A Russell – Executive Manager Strategy and Planning (via video-link)  
Mr D Morrison - Manager Workforce and Governance  
Mr D Scott - Manager Planning and Regulatory Services  
Ms M Ryan – Economic Development Manager (via video-link)  
Ms A Brennan - Coordinator Legal and Governance  
Mr M Mansfield – Coordinator Media and Communications (via video-link)  
Ms A O'Mara - Acting Coordinator Development Assessment  
Mr B Standen - Senior Planning Officer  
Ms K McDonald - Planning Officer  
Ms T Conrad – Executive Assistant to Chief Executive Officer  
Ms K Kellett – Acting Committee Support Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Nil

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 28 June 2022 be confirmed.

**Moved by:** Councillor Kirkland  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED UNANIMOUSLY**

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

## 6 BUSINESS OUTSTANDING

### 6.1 LIFTING MATTERS FROM THE TABLE

**File No:** 11044  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Ross Cheesman - Deputy Chief Executive Officer

### 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 report that has been laid on the table at Ordinary Council Meeting 14 June 2022.*

### COUNCIL RESOLUTION

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

- CQROC Funding 2022/23 financial year.

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED UNANIMOUSLY**

**6.2 CQROC FUNDING 2022/23 FINANCIAL YEAR****File No:** 11044**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - Deputy Chief Executive Officer

Ordinary Meeting at its meeting on 14 June 2022 resolved that the matter be deferred to the meeting to be held on 12 July 2022.

**SUMMARY**

*CQ-ROC Ltd seeking confirmation of funding for the 2022-23 financial year.*

**COUNCIL RESOLUTION**

THAT Council agree to the membership fee for CQ-ROC Ltd of \$80,067 for the 2022-23 year and further review its membership at the end of the financial year to be satisfied that all other members are acting in a collaborative manner in line with the principal objects of the company.

**Moved by:** Mayor Williams**Seconded by:** Councillor Latcham**MOTION CARRIED UNANIMOUSLY****7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COMMITTEE REPORTS**

Nil

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## 10 COUNCILLOR/DELEGATE REPORTS

### 10.1 LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON - 22 JULY TO 8 AUGUST 2022

**File No:** 10072  
**Authorising Officer:** Emma Brodel - Senior Executive Assistant to the Mayor  
Evan Pardon - Chief Executive Officer  
**Author:** Megan Careless - Executive Support Officer

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#### SUMMARY

*Councillor Drew Wickerson is seeking leave of absence from Friday 22 July 2022 to Monday 8 August 2022 inclusive.*

#### COUNCIL RESOLUTION

THAT Councillor Drew Wickerson be granted leave of absence from Friday 22 July 2022 to Monday 8 August 2022 inclusive.

**Moved by:** Mayor Williams  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED UNANIMOUSLY**

## 11 OFFICERS' REPORTS

### 11.1 DRAFT 2022-2023 OPERATIONAL PLAN

**File No:** 8320  
**Authorising Officer:** Damon Morrison - Manager Workforce and Governance  
**Author:** Allysa Brennan - Coordinator Legal and Governance

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#### SUMMARY

*The draft 2022-2023 Operational Plan including the 2022-2023 Performance Plans for Fitzroy River Water, Rockhampton Regional Waste and Recycling and Rockhampton Airport is presented for Council's review and in-principle approval prior to adoption and endorsement.*

#### COUNCIL RESOLUTION

THAT Council receives the report and provides in-principle support of the draft 2022-2023 Operational Plan including the 2022-2023 Performance Plans for Fitzroy River Water, Rockhampton Regional Waste and Recycling and Rockhampton Airport.

**Moved by:** Councillor Kirkland  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**



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**11.2 VINTAGE REDS & ALLIANCE AIRLINES GOLD DAY SPONSORSHIP**

**File No:** 12534  
**Authorising Officer:** Greg Bowden - Executive Manager Advance Rockhampton  
**Author:** Mary Ryan - Economic Development Manager

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**SUMMARY**

*Rockhampton Regional Council through Rockhampton Airport and Advance Rockhampton has the opportunity to sponsor the Queensland & Vintage Reds Rugby event program in Rockhampton. It is proposed that the sponsorship is provided to continue promoting the Rockhampton region as an investment centre and liveable location for the Vintage Reds, major companies and employees that will attend the event.*

**COUNCIL RESOLUTION**

THAT Rockhampton Regional Council sponsor the Queensland & Vintage Reds Rugby - Vintage Reds & Alliance Airlines Golf Day for \$1,500 (exc GST).

**Moved by:** Mayor Williams  
**Seconded by:** Councillor Mathers  
**MOTION CARRIED UNANIMOUSLY**

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**11.3 CAPRICON 2022 TENDER CONSIDERATION PLAN**

**File No:** 6097  
**Authorising Officer:** Greg Bowden - Executive Manager Advance  
Rockhampton  
**Author:** Eileen Brown - Events Coordinator

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**SUMMARY**

*This report seeks Council approval for the Tender Consideration Plan under s230 of the Local Government Regulation 2012 for the procurement of various goods and services for the coordination of the CapriCon Pop Culture Convention for 2022.*

**COUNCIL RESOLUTION**

THAT pursuant to s230 of the *Local Government Regulation 2012* Council approve the Tender Consideration Plan for the procurement of various goods and services for the CapriCon event for 2022.

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Kirkland

**MOTION CARRIED UNANIMOUSLY**

**11.4 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE, 17-19 OCTOBER 2022, CAIRNS**

9:32AM Councillor Fisher attended the meeting

**File No:** 8291  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

**SUMMARY**

*Local Government Association of Queensland Inc advising the Annual Conference will be held at the Cairns Convention Centre from 17 to 19 October 2022.*

**COUNCIL RESOLUTION**

THAT:

1. Mayor Williams, Deputy Mayor Councillor Fisher, Councillor Wickerson and Councillor Latcham be authorised to attend the Local Government Association of Queensland's Annual Conference to be held at the Cairns Convention Centre from 17 to 19 October 2022 as a matter of Council business;
2. Mayor Williams and Councillor Wickerson be appointed as delegates with voting rights for Rockhampton Regional Council;
3. Council submit any Conference Motions prior to closing date for motions.

**Moved by:** Mayor Williams  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED UNANIMOUSLY**

## 11.5 D/34-2022 - DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY

**File No:** D/34-2022  
**Authorising Officer:** Amanda O'Mara - Acting Coordinator Development Assessment  
 Doug Scott - Manager Planning and Regulatory Services  
 Alicia Cutler - General Manager Community Services  
**Author:** Kathy McDonald - Planning Officer

### SUMMARY

**Development Application Number:** D/34-2022  
**Applicant:** Stilmark Holdings Pty Ltd  
**Real Property Address:** Lot 2 on RP801347  
**Common Property Address:** 652-664 Norman Road, Norman Gardens  
**Area of Site:** 9.82 hectares  
**Planning Scheme:** *Rockhampton Region Planning Scheme 2015* (version 2.2)  
**Planning Scheme Zone:** Low Density Residential Zone  
**Planning Scheme Overlays:** Airport Environs Overlay;  
 Flood Hazard Overlay; and  
 Steep Land Overlay.  
**Existing Development:** Rockhampton Baptist Church  
**Approval Sought:** Development Permit for Material Change of Use for a Telecommunications Facility  
**Level of Assessment:** Impact Assessable  
**Submissions:** Eighteen (18)  
**Referral Agency:** Nil  
**Infrastructure Charges Area:** Charge Area 1

### COUNCIL RESOLUTION

#### RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Stilmark Holdings Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, Council resolves to provide the following reasons for its decision:

#### STATEMENT OF REASONS

<b>Description of the development</b>	Material Change of Use for a Telecommunications Facility
<b>Reasons for Decision</b>	a) 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

	b) 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.	
<b>Assessment Benchmarks</b>	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Low Density Residential Zone Code;</li> <li>• Telecommunications Facilities and Utilities Code;</li> <li>• Airport Environs Overlay Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Density Residential Zone Code	<p><b>PO1</b></p> <p>The development does not comply with Acceptable Outcome 1.1 (a) as the height of the telecommunications facility exceeds two (2) storeys and 8.5 metres above ground level. The Telecommunications Facility is a detached freestanding structure with a height of 30 metres.</p> <p>Despite the height of the proposed development exceeding 8.5m above ground level, it is unlikely to adversely impact on the urban form or significant scenic landscape features of the area for the following reasons:</p> <ul style="list-style-type: none"> <li>• The tower is of a monopole design, which is a narrow structure;</li> <li>• The tower is located centrally within the site with an approximate 200 metre setback to Norman Road and 100 metre setback to the nearest dwelling, which assists in reducing its perceived height and bulk;</li> <li>• The established dense tree cover surrounding the proposed tower, which is of a similar height to the monopole structure assists in</li> </ul>

		<p>screening the development and softening the built form; and</p> <ul style="list-style-type: none"> <li>• Telecommunication towers are integral parts of a community's infrastructure network and form part of a normal urban landscape.</li> </ul> <p>In the instance any conflicts are identified with PO1, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p> <p><b><u>PO16</u></b></p> <p>The development may present low-level conflicts with (c), (d) and (h) of Performance Outcome 16, which relate to scale of non-residential development within the Zone and potential impacts on streetscape and local amenity.</p> <p>Once established, a telecommunications facility is a relatively passive land use. The facility is not anticipated to generate any noise, beyond what would normally be expected for a domestic air conditioning unit. The only part of the facility that generates noise is the cooling fans on the equipment located at ground level. The facility will not emit light, dust, heat, smoke or odour and in this sense is considered small scale. However, it is acknowledged the development is a detached freestanding structure with a height of 30 metres, which is in contrast to the prevailing built form in the surrounding area.</p> <p>Despite the height of the development, it is not considered to have adverse impacts on streetscape and local amenity for the reasons outlined in response to PO1 of the Low Density Residential Zone Code.</p> <p>Furthermore, the facility will not compromise the existing lawful use of the subject land or ability of the adjoining surrounding residential uses. The primary function is to service the needs of the immediate local community and ensures that existing and future development within the area has access to appropriate standards of infrastructure and essential services.</p> <p>Therefore, on balance the development is considered to comply with the intent and overall outcomes of the Zone Code.</p>
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	<p>Telecommunications Facilities and Utilities Code</p>	<p><b><u>PO1</u></b></p> <p>The development does not comply with Acceptable Outcome 1.1 as the telecommunications facility is located within a residential zone category.</p> <p>A site selection methodology was undertaken and determined the proposed facility needs to be close to where it is currently proposed to ensure the radio-frequency and network outcomes for the area can be achieved. Moving it well away from the residential area it is intending to serve is an unviable option and found the proposed site to be the most suitable.</p> <p>The subject site, whilst located in the Low Density Residential Zone provides the ability to minimise its impacts by way of acceptable setbacks, approximately 200 metres from Norman Road, west and more than 100 metres to all residential uses to the north, east and south allotment boundaries. Existing dense vegetation on the subject site will provide further screening from all boundaries.</p> <p>Furthermore, as with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant Radiation Protection Standards.</p> <p>Therefore, it is not anticipated that the telecommunications facility will adversely impact on the amenity, health or visual character of a residential zone or other sensitive locations and the proposal generally complies with the Performance Outcome.</p> <p>In the instance any conflicts are identified with PO1, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p> <p><b><u>PO2</u></b></p> <p>The development does not comply with Acceptable Outcome 2.1 as the height exceeds the height limits prescribed by the Airport Environs Overlay and is not collocated on an existing tower or building.</p> <p>To minimise its visual impact on the surrounding area the facility has been</p>
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		<p>sited quite centrally on a large lot, approximately 10 hectares in size. The facility looks to visually integrate with the surrounding dense vegetation on the subject site that is of a similar height and the monopole design which is a narrow structure will be finished with neutral, low contrast colours further minimising its visual impact.</p> <p>It is unlikely that any directly adjoining, or nearby residential property will have a clear view of the proposed facility. Any views available are more likely to be substantially obscured from existing dense vegetation and could not be described as unreasonable.</p> <p>In the instance any conflicts are identified with PO2, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p>
		<p><b><u>PO5</u></b></p> <p>The proposed development does not comply with Acceptable Outcome 5.1 as it does not provide a minimum 3 metre wide earth mounded landscape strip with dense landscaping.</p> <p>The applicant has not proposed any landscaping as part of the proposal. However, the outcome is effectively achieved by the significant separation distance from any local area, approximately 200 metres from the west being Norman Road frontage, 100 metres from the north property boundary and over 130 metres from the east and south property boundaries.</p> <p>Further, the existing vegetation on the subject site already provides for a natural buffer and will screen the development from all adjoining boundaries.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p>
		<p><b><u>PO7</u></b></p> <p>The proposed development does not comply with Acceptable Outcome 7.1 (b) as it does not achieve a minimum 150 metre setback from a dual occupancy, dwelling house or multiple dwelling.</p> <p>The nearest detached dwelling to the proposed facility is approximately 100</p>



		<p>metres to the north, fronting Parkside Place and 135 metres to the southeast, fronting Lancewood Close.</p> <p>The facility will accommodate both 4G and 5G services and will be purposely designed and constructed to allow for collocation of up to three (3) carriers to occur minimising the number of such structures in the council area.</p> <p>The telecommunications facility may be visible from existing residential premises and other sensitive receiving environments, as identified by non-compliance with other assessment benchmarks. It will not, however, adversely impact on the health or safety of nearby residents.</p> <p>As part of the development application the Applicant submitted an Environmental EME Report, which provides a summary of levels of radiofrequency (RF) EME. RF EME levels were calculated using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The maximum EME level calculated for the proposed development is 1.70% out of 100% of the public exposure limit that is deemed safe.</p> <p>Therefore, based on the reporting provided there is no known adverse health concerns that would result from the development and the proposal is considered to achieve the performance outcome.</p>
	<p>Airport Environs Overlay Code</p>	<p><b><u>PO1</u></b></p> <p>The proposal does not comply with Acceptable Outcome 1.1 which does not allow structures as identified on overlay map OM-2A: to penetrate the airport's operational airspace.</p> <p>Despite this, consultation has been undertaken with the Rockhampton Airport and determined the proposed telecommunications structure with a maximum height of 30 metres above ground level will not impact upon any air service operations.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p>

	Landscape Code	<p><b><u>PO1</u></b></p> <p>The proposed development does not comply with Acceptable Outcome 1.1 as no landscaping is proposed as part of the development.</p> <p>The outcome is effectively achieved by the significant separation distance from any local area, approximately 200 metres from the west being Norman Road frontage, 100 metres from the north property boundary and over 130 metres from the east and south property boundaries.</p> <p>Further, the existing vegetation on the subject site already provides for a natural buffer and will screen the development from all adjoining boundaries.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p>
<b>Relevant Matters</b>	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>• Telecommunication facilities are considered critical pieces of community infrastructure, similar to reticulated water and sewerage.</li> <li>• There is a growing demand and need for new telecommunications facilities as mobile usage continues to trend upward nationally.</li> <li>• COVID-19 has resulted in significant changes in how people use mobile data. Telecommunication providers have experienced exponential growth in data usage as more people spend time working from home.</li> <li>• Without new telecommunication facilities, similar to the one being proposed, users may experience difficulty connecting to the mobile network or experience call dropouts. The Applicant has demonstrated in order to practically meet user requirements, the proposed development and site are the most suitable.</li> </ul>	
<b>Matters raised in submissions</b>	<p><b>Issue</b></p> <p>Health concerns</p>	<p><b>How matter was dealt with</b></p> <p>Submitters raised concerns regarding the potential health impacts of such facilities on nearby residents, aged care facility and the church on the subject land, particularly because of 'electromagnetic radiation', also commonly referred to as 'electromagnetic energy' (EME).</p> <p>As part of a further advice request the applicant submitted an Environmental EME Report, which provided a</p>

		<p>summary of levels of radiofrequency (RF) and electromagnetic energy (EME) around the proposed base station at 652-664 Norman Road, Norman Gardens. The RF, EME levels were calculated using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The maximum EME level calculated for the proposed development is 1.70% out of 100% of the public exposure limit that is deemed safe.</p> <p>As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant Radiation Protection Standard and once operational must have this compliance certified by an accredited person.</p> <p>Therefore, based on the reporting provided there is no known adverse health concerns that would result from the development.</p>
	Devaluing of nearby properties	<p>Submitters raised concerns the proposal would devalue their properties. Property value is not a matter Council may or must have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application. Notwithstanding, there is no evidence that the installation of these facilities has had any adverse and direct impact upon property values. Access to essential telecommunications services, particularly in developing areas, is increasingly seen as not only beneficial but necessary.</p>
	Poor public consultation / notification	<p>Submitters raised concerns about the lack of public awareness of the proposed development. Particularly, why residents in the surrounding area were not more widely consulted.</p> <p>The Applicant undertook public notification in accordance with the mandatory requirements of the <i>Planning Act 2016</i>. This included:</p> <ul style="list-style-type: none"> <li>• Notifying adjoining landowners with a <u>common boundary</u> by post.</li> <li>• Placing a notice in a newspaper circulating in the locality.</li> <li>• Two (2) notice signs were placed on the Norman Road frontage of</li> </ul>

		<p>the site for 15 business days.</p> <p>There is no requirement for the Applicant or Assessment Manager (Council) to consult with or undertake public notification beyond that required by the <i>Planning Act 2016</i>.</p> <p>Furthermore, a Council Officer attended the site following concerns that the public notification sign had fallen over along Norman Road on the thirteenth (13) day of notification. It was concluded the sign had been placed upright against a tree. As there were two (2) notice signs placed along the Norman Road frontage and only one (1) required, it was deemed to not adversely affect the public's awareness of the existence and nature of the application or restrict the public's opportunity to make properly made submissions about the application.</p>
	Visual Impact	<p>Submitters raised concerns regarding visual impacts to the subject site and surrounding area. Siting of the proposed facility allows for significant setbacks and screening by existing tree cover. The closest residential property is approximately 100 metres to the north, and it is unlikely that any directly adjoining, or nearby residential property will have a clear view of the proposed facility. Any views available are more likely to be substantially obscured and could not be described as unreasonable or dominant. Furthermore, it has been conditioned that the monopole, headframe and antennas are to be painted and finished in a non-competing colour that will further minimise its visual impact.</p>
	Wildlife	<p>Submitters raised concerns regarding the potential impacts on the surrounding habitat of existing wildlife. The subject site is not mapped as containing matters of state or local environmental significance. Existing studies by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on the effects of low-level RF and EME exposure on plants and animals indicate that the exposure limits set within the Standard are adequate in providing protection to the environment. Furthermore, no vegetation is proposed to be removed as part of the</p>

		development.
	Alternate Locations	<p>Submitters made comment to the relocation of the telecommunications tower on other potential sites, however provided no viable alternative suggestions.</p> <p>The need for the telecommunications facility has arisen as a result of increased demand on the network in the Norman Gardens area, particularly east of Yaamba Road. A site selection methodology was undertaken and first sought to assess the suitability of existing facilities for upgrade or collocation, before moving to new sites where existing facilities were not appropriate. The methodology took into account proximity to residential areas, impacts on visual amenity and benefit to the network.</p> <p>The investigations determined the proposed facility needs to be close to where it is currently proposed to ensure the radio-frequency and network outcomes for the area can be achieved. Moving it well away from the residential area it is intending to serve is an unviable option and found the proposed site to be the most suitable.</p> <p>The subject site, whilst located in the Low Density Residential Zone provides the ability to minimise its impacts by way of acceptable setbacks from allotment boundaries and screening available from existing dense vegetation.</p>
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Stilmark Holdings Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, 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 and completed:
- 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 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.

## 2.0 APPROVED PLANS AND DOCUMENTS

- 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:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Site Plan	Stilmark	20 April 2022	AQ4701-001-P1	D-1
Site Setout Plan	Stilmark	20 April 2022	AQ4701-001-P2	D-1
Site Elevation	Stilmark	22 July 2021	AQ4701-001-P3	D-1

- 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.

## 3.0 STORMWATER WORKS

- 3.1 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.

## 4.0 SITE WORKS

- 4.1 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.

## 5.0 BUILDING WORKS

- 5.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 5.2 All external elements, such as cooling fans and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 5.3 A 2.4 metre high security fence is to be provided around the telecommunications facility compound. All fencing must be maintained to the satisfaction of Council.
- 5.4 The telecommunications tower must be built out of non-reflective dark green or grey material in order to reduce any nuisance (glare) to surrounding sensitive land uses.

## 6.0 ELECTRICITY

- 6.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

## 7.0 ASSET MANAGEMENT

- 7.1 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.
- 7.2 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.

## 8.0 ENVIRONMENTAL HEALTH

- 8.1 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"*.
- 8.2 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.

## 9.0 OPERATING PROCEDURES

- 9.1 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 Norman Road.
- 9.2 Submit to and have approved by Council a 'Tree Protection Zone/s' plan, prior to the issue of a Development Permit for Building Works. Once approved, the 'Tree Protection Zone/s' plan will form part of the approved plans in Condition 2.1.
- 9.3 The 'Tree Protection Zone/s' plan must show the location of existing established trees on the subject site that must be retained.

## 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

**NOTE 2. 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 3. 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.

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Stilmark Holdings Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by: Councillor Mathers**

**Seconded by: Mayor Williams**

**MOTION LOST**

Mayor Williams and Councillor Mathers voted in the affirmative.

**COUNCIL RESOLUTION**

THAT the matter lay on the table pending discussions with the applicant and property owner on an alternative location that is further away from residents and that would also allow for further residential development on the site.

**Moved by: Councillor Wickerson**

**Seconded by: Councillor Rutherford**

**MOTION CARRIED**

Councillor Latcham and Councillor Mathers voted in the negative.



## 11.6 REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT D-R/1183-2007 FOR MATERIAL CHANGE OF USE (6 UNIT ACCOMMODATION BUILDING AND COMMUNITY HEALTH SUPPORT CENTRE)

Councillor Fisher advised that, while it is not a Declarable Conflict of Interest, he is involved in 2022 Relay for Life for Central Queensland and asked for it to be recorded in the minutes.

**File No:** D-R/1183-2007  
**Authorising Officer:** Amanda O'Mara - Acting Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Brendan Standen - Senior Planning Officer

### SUMMARY

#### INTRODUCTION

Development Application Number: D-R/1183-2007  
Applicant: Cancer Council Queensland  
Real Property Address: Lot 1 on SP228991  
Common Property Address: 37-43 Upper Dawson Road, Allenstown  
Area of Site: 2,544 square metres  
Planning Scheme: Rockhampton City Plan 2005  
Planning Scheme Zone: Allenstown Residential Consolidation Area  
Existing Development: Community Care Centre and Multiple Dwelling  
Approval Sought: Change Application (Minor)  
Referral Agency(s): Nil

### COUNCIL RESOLUTION

#### RECOMMENDATION A

THAT in relation to the Change Application (Minor) to Development Permit D-R/1183-2007 for Material Change of Use (6 Unit Accommodation Building and Community Health Support Centre), made by Cancer Council Australia, located at 37-43 Upper Dawson Road, Allenstown, described as Lot 1 on RP603092, Council resolves to issue an Amended Decision Notice with the following conditions:

#### **Relevant Period and Approved Plans**

- (1) a) In accordance with the provisions of the *Integrated Planning Act 1997* this Development Permit for a Material Change of Use (4 Additional Accommodation Building Units and Extensions to Community Health Support Centre) has a relevant period of four (4) years from the date the approval takes effect.
- b) This Development Permit shall be generally in accordance with the following approved plans:-
- **Plan No. SP-03 Revision 10.11.08 drawn by Tony Madden Architects & Interiors and dated September 2008.**

- **Plan No. SK-01 – SK-02, SK-04-SK-06 and SK-08 and SK-10 drawn by Tony Madden Architects & Interiors and dated June 2007.**

Except as otherwise amended by conditions in this approval.

### Hours of Operation

- (2) Unless otherwise approved in writing by Council, the owner of the land is to ensure that hours of operation for the Community Health Centre (Administration Centre and Education/Support Centre as per plan SK-06), shall be as follows:

7:30am – 10:00pm Monday to Friday;  
7:30am – 10:00pm Saturday and Sunday; and  
No operation on Public Holidays.

### Hours of Construction and Environmental Mitigation Measures

- (3) Unless otherwise approved in writing by Council, the owner of the land shall ensure that building work on a building site is carried out in a way that does not:

- a) make or cause audible noise to be made from the building work on a Sunday or public holiday, at any time or on a Saturday or business day, before 6.30 a.m. or after 6.30 p.m; or
- b) allow dust or other airborne particulates to leave the property unless all practical and reasonable measures have been taken; or
- c) allow any materials or waste products (solid or liquid) to leave the building site.

Dust from any earthworks associated with the construction of the proposed development shall be managed to a standard or degree sufficient to ensure no dust nuisance is generated beyond the boundaries of the site, unless all practical and reasonable measures have been taken to the satisfaction of the Chief Executive Officer or their representative.

### Access and Car Parking

- (4) (a) *The owner of the land is to provide a minimum of ~~twenty-one (21)~~ **twenty (20)** off-street car parking spaces as shown on Plan No. SK-10 drawn by Tony Madden Architects & Interiors and dated June 2007. **Car parking space number one (1), as indicated on the plan, is to be omitted to facilitate an automated gate.** The car parking areas and driveways shall be constructed, sealed, landscaped, maintained and drained to the satisfaction of the Chief Executive Officer or their representative and in accordance with the Parking and Access Code.*
- (b) The owner shall ensure that the proposed parking areas are: -
- (i) Built with a gradient in accordance with the relevant provisions of Australian Standards AS/NZS2890.1:2004; and
  - (ii) Covered with a dust free surface and a pavement thickness that has a 20 year life cycle, certified as being so by a suitably qualified person such as a Registered Professional Engineer of Queensland civil engineer; and

- (iii) To provide drainage of all stormwater to the kerb and channel or an alternative lawful point of discharge.
- (5) The owner of the land shall ensure that no car parking structures are constructed over Council's 225mm Trunk Sewer Main, in accordance with Council's Building Over Sewer Policy (BOSP) 2006 Rev. B. To compensate for the loss of covered parking spaces, the owner of the land is required to plant mature shade trees in lieu of proposed covered car parks. Please also refer to condition (43) of this Decision Notice.
- (6) The owner of the land is to ensure that all redundant vehicular crossing/s shall be removed and replaced with Council's standard kerb and channel in accordance with the Capricorn Municipal Development Guidelines (CMDG) drawing SD-R-041, prior to the commencement of use.
- (7) The owner of the land is to ensure, prior to the commencement of the use that the driveway and car-parking area is separated from the landscaped area by the construction of a minimum 150 mm high kerb or dwarf wall that are maintained to the satisfaction of the Chief Executive Officer or their representative.
- (8) The owner of the land is to ensure that staff and visitors vehicles are parked in the spaces provided on the subject premises and not on landscaping areas during the operation of the use. Car parks designated for visitor use shall be used by visitors only and not by staff.
- (9) The owner of the land is to ensure that residents vehicles are parked in the spaces provided on the subject premises and not on landscaping areas during the operation of the use.
- (10) The owner of the land is to ensure that Disabled car parking spaces are added to the development in accordance with Part D, Clause D3 of the Building Code of Australia, whereby 3 disabled spaces are required for the defined uses.
- (11) The owner of the land is to ensure that any frontage works damaged including but not limited to public pathway, kerb and channel and the like caused as a result of the development shall be repaired or replaced by the owner of the land, at no cost to Council, prior to the commencement of the use and to the satisfaction of the Chief Executive Officer or their representative.

**Survey Plan Lodgement (for drainage easement):**

- (12) Provision of necessary documentation to vest the proposed 2.5m wide drainage easements over Lot 25 on RP600695 in the name of Council.
- (13) Lodgement of a final plan of survey in accordance with the following subsections and conforming to this approval and the plan submitted with the application. **The appropriate fees, including plan sealing fees and inspection fees, in accordance with Council's Register of Regulatory Fees, shall accompany the final plan of survey.**
  - a) Where these conditions do not require the applicant to undertake the construction of works (including civil, infrastructure, building and/or other works), within two (2) years after the date of Council's approval, or

b) Where these conditions do require the applicant to undertake the construction of works (including civil, infrastructure, building and/or other works and also lodgement and Council approval of appropriate applications), within four (4) years following the date of Council's approval of this;

Where the final survey plan is not submitted to Council within the time prescribed above then the approval shall lapse;

- (14) Payment of any rates or charges or any expenses being a charge over that land under any Act that will be outstanding at the time of submission of the plan for signing and sealing;
- (15) Survey Plan not to be signed or sealed until all fees are paid, all conditions of approval have been complied with, and all works in association with the subdivision have been completed to the satisfaction of the Chief Executive Officer or his appointed representative.
- (16) All engineering drawings for operational works shall be signed and certified by a Registered Professional Engineer of Queensland as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. A suitably qualified, Registered Professional Engineer of Queensland shall supervise the works on the applicant's behalf. A certificate of construction compliance shall be submitted by a Registered Professional Engineer of Queensland verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specification;
- (17) The owner shall ensure that any alterations necessitated or caused by the development to public utility (water, sewerage, etc) mains, services or installations are carried out at no cost to Council;
- (18) All approvals, works and the cost thereof associated with the relocation of existing utilities and services as part of this development, if any, are the responsibility of the developer.

#### **Amenity**

- (19) The owner of land shall submit to and have approved by Council, prior to the issuing of Building approval, a colour scheme showing at least three (3) variations in colours. The colour scheme shall not show highly reflective, bright or obtrusive colours.
- (20) The colour scheme shall be completed by the owner of the land, to the satisfaction of the Chief Executive Officer or their representative in accordance with the approved plans, prior to the commencement of the use and maintained to the satisfaction of the Chief Executive Officer or their representative.
- (21) The owner of the land shall ensure that all new external air conditioning units, ventilation and ducting systems are visually screened from all roads and adjoining properties to the satisfaction of the Chief Executive Officer or their representative.

**Fencing**

- (22) The owner shall, prior to the commencement of the use, install a minimum 1.5 - 1.8 metre high screen fence with a maximum transparency of 30% along the northern and southern boundaries. Where car parks directly adjoin neighbouring residents, the fence shall have no transparency. Fencing that already exists to this height and screening presently exists, no new fencing is required. Council will allow the fencing to be graduated in height down to 1.2 metres towards Upper Dawson Road from the approved height. Fencing variety shall not include that of the Colour Bond variety. All fencing shall be maintained to the satisfaction of the Chief Executive Officer or their representative.
- (23) Fencing along the Eastern boundary shall have no openings, and be of the double lapped and capped variety, to a height of 1.8 metres. The owner of the land is to ensure that this is strictly followed, so as to minimise light and noise impacts on adjoining residential lots.
- (24) Any fence required to be constructed in other conditions in this approval, unless stated otherwise in those conditions of approval, is to be constructed of:
- a) hardwood; or
  - b) treated pine that has a minimum of two (2) coats of paint applied to all palings, rails and posts in the fence and is of a type of paint that ensures that any tannins in the timber will not cause the paintwork to stain or be marked, and have at least two (2) rails used in the construction of any fence that has a maximum height of 1.2 metres with at least three (3) rails used in any fence that has a height greater than 1.2 metres in height.

**Landscaping**

- (25) Prior to the commencement of the new uses/facilities, the owner of the land is to complete all landscaping to the satisfaction of the Chief Executive Officer or their representative. The developer is to ensure the plans and works are amended, prior to the approval of building plans, to include shade trees in lieu of covered parking spaces, in addition to Plan No. SK-05. All landscaping shall be maintained to the satisfaction of the Chief Executive Officer or their representative.

**Lighting**

- (26) The owner of the land is to ensure that any outdoor lighting is installed and maintained in accordance with Australian Standard AS4282 "Control of the obtrusive effects of Outdoor Lighting" and the Noise and Light Nuisance Code under the Rockhampton City Plan.
- (27) The owner of the land is to ensure that all lighting is positioned/shielded so as not to cause a light spillage nuisance off-site, during the operation of the use. Light spillage from sources such as traffic movements to and from the site, security and flood lighting must be managed in such a way not to cause a nuisance off site.

**Signage**

- (28) The owner of the land is to ensure that no advertising signage shall be erected, other than those exempt under Council's Signage Code under the Rockhampton City Plan, without the prior consent of Council.

**Storage**

- (29) The owner of the land is to ensure that all works carried out on the site and all storage of materials shall be contained wholly within the buildings and not visible from any street frontage during the operation of the development.

**Stormwater**

- (30) Provision of a drainage strategy for the subject land prepared by a Registered Professional Engineer of Queensland. This strategy/report must:

Demonstrate how drainage is to be provided to either of the legal points of discharge being the existing underground stormwater drainage in Upper Dawson Road or the kerb and channel in Margaret St (via the proposed drainage easement);

Clearly detail how drainage is to be discharged to kerb and channel in Margaret Street. Multiple pipes to kerb and channel are not preferred;

Consider minor (Q<sub>10</sub>) drainage as well as the major (Q<sub>100</sub>) drainage;

Be carried out in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM); and

Be approved by Council in writing before and works commence on site.

**Earthworks**

- (31) All structural filling shall be in accordance with AS 3798-1996 (Guidelines on earthworks for commercial and residential developments). Engineering drawings/specification shall clearly indicate the location and depth of proposed filling. A testing strategy shall be established before commencement of work and submitted for Council approval. Testing requirements shall be generally in accordance with Section 8 of AS 3798 - 1996;

- (32) Dust from any earthworks associated with the construction of the proposed use shall be managed to a standard or degree sufficient to ensure that no dust goes beyond the boundaries of the site;

**Open Space Contribution**

- (33) Within fourteen (14) days of Building Approval on the site, the owner of the land is to pay a monetary contribution of \$4,700 based on the contribution requirement for open space under Planning Policy No. 5 of the Rockhampton City Plan (based on \$1,175.00 per unit, for the additional 4 units).

**Infrastructure Contributions (Fitzroy River Water)**

- (34) A payment of infrastructure contributions in accordance with Planning Policy Number 11 (Water Supply and Sewerage Development Infrastructure Contribution) and Council's Guidelines for Infrastructure Contribution applies. The amounts shown are applicable for the current financial year and are reviewed each financial year.

For the subject development, a contribution towards the following water and wastewater infrastructure components has been assessed.

Description	Rate per unit (\$)	Amount (\$)
Glenmore Water Treatment Plant Upgrade	880.00	880.00
Sewerage Treatment Plant Upgrade	1,035.00	1,035.00
South Rockhampton Low Level Water Reticulation Area	740.00	740.00
Total	2,655.00	2,655.00

### Accommodation Building

Proposed additional accommodation units: 4

Required Contributions =  $C \times N \times W$  (Equation 2)

Where  
 C = Contribution Rate as above.  
 N = Number of additional infrastructure units  
 W = Weighting Factor

Required Contributions =  $\$2,655.00 \times 4 \times 0.3$   
 = \$3,186.00

### Community Health Support Centre

Proposed additional pedestals: 5

Required Contributions =  $C \times N \times W$  (Equation 2)

Where  
 C = Contribution Rate as above.  
 N = Number of additional infrastructure pedestals  
 W = Weighting Factor

Required Contributions =  $\$2,655.00 \times 5 \times 1$   
 = \$13,275.00

Total Required Contributions =  $3,186.00 + 13,275.00$   
 = \$16,461.00

The above assessment of **\$16,461.00** has been based on 4 additional accommodation units and 5 additional pedestals for the Community Health Support Centre for the subject development.

### Health Services

- (35) The development shall be designed to a waste management standard for normal 'wheelie bins'.
- (36) Noise from the activity shall not cause an environmental nuisance.
- (37) An occupier/owner of premises at or for which there is air conditioning equipment must not use or allow the use of the equipment.
- a) from 7.00 a.m. to 10.00 p.m. on any day if it makes noise or causes noise to be made of more than 50dB(A); or
  - b) before 7.00 a.m. or after 10.00 p.m. on any day if it makes noise or causes noise to be made of more than the higher of the following:

- i) 40 dB(A);
- ii) 5 dB(A) above the background noise level.

**Fitzroy River Water (FRW)**

- (38) Any construction works proposed in the vicinity of Council's existing water supply and sewerage infrastructure shall not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development, shall be borne by the applicant.
- (39) Any proposed works on Council owned water and sewerage infrastructure, shall be carried out by FRW or an FRW approved contractor, at the developers expense.
- (40) The existing water and sewer connection points shall be retained to service the proposed development.
- (41) The existing sewer connection points (jump-ups) shall be raised or lowered to the Finish Surface Level (FSL). Should the jump-ups be located in trafficable areas they shall also be provided with brass covers.
- (42) In accordance with Council's Building Over Sewer Policy (BOSP) 2006 (B) no approval will be granted to build over or adjacent to any existing sewer trunk main, access chamber or maintenance hole. A minimum horizontal clearance of 2m or depth to invert level of the sewer (whichever is greater) shall be maintained between the edge of the existing sewerage infrastructure and the outermost projection of any structure.

The proposed covered car parking structure shall be relocated to comply with the requirements of the BOSP.

- (43) A minimum horizontal clearance of 3m shall be maintained between the proposed shade trees and the existing sewerage infrastructure.

**Amalgamation of Allotments**

- (44) The owner of the land is to apply to the Department of Natural Resources and Water (NRW) to amalgamate L2 RP603092, L1 RP603092, L25 RP600695 into one title, within twelve (12) months of the date of this approval. The amalgamation of these allotments shall be completed within twelve months of the date of this approval.

**Advisory Comments** (Please note that these are not conditions)

- (1) That the applicant be advised that nothing in this Decision Notice alleviates the need to observe all relevant legislation, Council's Planning Schemes and Local Laws.
- (2) FRW can provide cost estimates for any water and sewerage works if requested.
- (3) FRW requires that the proposed covered car parking structure be relocated to the opposite side of the driveway.
- (4) As per condition (43), FRW will not provide any additional or upgrade the sizes of any existing connection points unless requested by the applicant.



- (5) Any retaining wall or similar structure greater than 1.0m in height will require design and certification by a suitably qualified structural engineer (RPEQ or NPER).

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**

UNCONFIRMED

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**11.7 DERBY STREET/DENISON STREET INTERSECTION PROPOSED BLACK SPOT PROGRAM FUNDING APPLICATION 2023/24**

**File No:** 5252  
**Authorising Officer:** Martin Crow - Manager Infrastructure Planning  
Peter Kofod - General Manager Regional Services  
**Author:** David Hood - Acting Coordinator Infrastructure Planning

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**SUMMARY**

*This report highlights the proposed Black Spot Project for the intersection of Derby Street and Denison Street to be nominated for next round of funding (2023/24).*

**COUNCIL RESOLUTION**

That the matter be referred to the next Infrastructure Committee to be held on 19 July 2022.

**Moved by:** Mayor Williams  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS QUESTIONS**

Nil

UNCONFIRMED

## 15 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.

### COUNCIL RESOLUTION

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.

#### 16.1 Legal Matter

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

**Moved by: Mayor Williams**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION

**10:36 AM**

**THAT** pursuant to s5.12 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public

**Moved by: Councillor Mathers**

**Seconded by: Councillor Kirkland**

**MOTION CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION

**10:49AM**

**THAT** pursuant to s5.12 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

**Moved by: Councillor Wickerson**

**Seconded by: Councillor Mathers**

**MOTION CARRIED UNANIMOUSLY**

## 16 CONFIDENTIAL REPORTS

### 16.1 LEGAL MATTER

**File No:** 5827  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Damon Morrison - Executive Manager Office of the Mayor  
Allysa Brennan - Coordinator Legal and Governance  
Shannon Jennings - Senior Solicitor

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

#### SUMMARY

*The purpose of this report is to provide Council with an update on a current legal matter and seek its retrospective endorsement as outlined in the report.*

#### COUNCIL RESOLUTION

THAT Council receives the report and endorses the submission lodged on its behalf as detailed and attached to this report.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED UNANIMOUSLY**

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:49am.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE

UNCONFIRMED