



ORDINARY MEETING

AGENDA

12 APRIL 2023

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 12 April 2023 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
4 April 2023

Next Meeting Date: 27.04.23

Please note:

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

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1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer to be delivered by Pastor Silja Henaway from Northside Family Church

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 28 March 2023

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 7 ROCKY RIVER RUN CHARITY BENEFICIARY

File No:	6097
Attachments:	1. 7 Rocky River Run Charity EOI Review 📄
Authorising Officer:	Greg Bowden - Executive Manager Advance Rockhampton
Author:	Eileen Brown - Events Coordinator

SUMMARY

This report outlines a request for Rockhampton Regional Council to approve selected charities and includes an outline of donation amounts to be paid.

OFFICER'S RECOMMENDATION

THAT Council approves the proposed outline for charity donation amounts of \$2.00 per registration to each charity for the 7 Rocky River Run 2023 and that Council approves the recommended charity beneficiaries, Ronald McDonald House Charities and CQ Shines Foundation.

COMMENTARY

This event is delivered in conjunction with Atlas Multisports along with our naming rights sponsor the 7 Network and other sponsors under negotiation and to be confirmed. Charity applications for this event have been reviewed and the recommendation to provide a donation to each charity based on the quantity of registrations obtained. With event budgets in consideration and the desire to still support beneficiaries with a considerable contribution, the recommended price point is \$2.00 per registration per charity. Consideration was also given to the charities ability to support the event and increase registration numbers through their networks.

BACKGROUND

An Expressions of Interest was conducted and sent to all 2023 Council registered Charities. Four submissions were received and evaluated based on the following:

- Project outline / purpose
- Impact of charities purpose
- Number of people this charity has a positive impact on
- Support charity can provide for the event

PREVIOUS DECISIONS

Previously committed sponsorship of a cash deliverable of \$10,000.00 was previously donated to each charity in 2022. This amount is unsustainable in respect to the budget and running costs for this event.

BUDGET IMPLICATIONS

The cost for this based on the revised process to determine donation amounts sits within the current Advance Rockhampton Budget.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

No legal implications.

STAFFING IMPLICATIONS

There are no staffing implications.

RISK ASSESSMENT

Nil

CORPORATE/OPERATIONAL PLAN

3.3.2 We design places and deliver events that encourage visitors to come and stay

3.3.2.1 We develop a diverse events calendar that supports livability...

CONCLUSION

The 2022 event attracted 1814 participants, including 390 from outside the region, equating to an estimated combined total spend of \$234,000.00 into the local economy. The donation amounts provisioned to each charity provide a social benefit to the local region and have been chosen based on the total quantity of beneficial impact it will provide for the region.

7 ROCKY RIVER RUN CHARITY BENEFICIARY

7 Rocky River Run Charity EOI Review

Meeting Date: 12 April 2023

Attachment No: 1

2023 7RRR Charity EOI Review

SCORING	Project Outline	Impact Locally	Number Helped	Volunteers available	TOTAL SCORE
RMDC	4	4	3	3	14
Black Dog	4	4	4	0	12
Aussie Helpers	4	4	1	3	12
CQ Shines	4	4	2	3	13

Applicant Details	General Information				Charity Support
Name of charity:	Describe your organisation's purpose and activities: (maximum of 150 words)	Qty Charity benefits /serves?	Describe how your charity assists this group:	Describe the specific project/s which would be implemented with any funds received	How many volunteers will your charity be able to provide for event day?
Ronald McDonald House Charities, South East Queensland (RMDC)	Ronald McDonald House Charities South East Queensland provides essential accommodation and support services for families caring for their seriously ill or injured children. In the last year, the charity supported 4,890 families who stayed a total of 95,812 bed nights in our three Ronald McDonald Houses (Herston, South Brisbane and inside the Queensland Children's Hospital). Our Ronald McDonald Learning Program provided tutoring to 145 children who had missed schooling due to illness (up to 40 hours tutoring each) and 18,448 individual visitors were supported in our Ronald McDonald Family Rooms (Queensland Children's Hospital and Gold	24000	When you learn your child has a serious illness, it is an enormous shock. Ronald McDonald House Charities South East Queensland (RMHC SEQ) provides essential accommodation and support services for seriously ill or injured children and their families while receiving treatment in hospital or specialist facilities in Brisbane or on the Gold Coast. Each night we can accommodate up to 144 families when they need it most. Last year, more than 4,890 families turned to RMHC SEQ for support when they have had to travel far from the comforts	It costs on average \$66,080 to accommodate the 413 rural families from the Rockhampton area, for just one night based on our occupancy rates from 2022. The funds received from the 7Rocky River Run, will go towards The Essential Accommodation Project which will help RMHC SEQ to provide over 62 families with essential accommodation.	We have connections in the area and would work to support with as many volunteers as possible

	Coast University Hospital). For more information visit www.rmhc.org.au/seq		of home to receive treatment for their seriously ill child.		
Black Dog Institute	<p>We are the only medical research institute in Australia to investigate mental health across the lifespan, our aim is to create a mentally healthier world for everyone.</p> <p>We do this through ‘translational’ research. Integrating our research studies, education programs, digital tools and apps, clinical services, and public resources to discover new solutions, foster connections and create real-world change.</p>	500000 0	We deliver research with real world impact to treat, manage and prevent common mental health conditions and suicide in workplaces, schools, health settings and the wider community.	<p>Allow Australian youth to take part in our positive psychology program, BITE BACK, to help with emotional resilience and teach them tools to deal with stress later in life.</p> <p>Pay for young Aboriginal or Torres Strait Islanders to use our iBobby wellbeing app. A social and emotional wellbeing self-help app designed by, and for, Aboriginal and Torres Strait Islander peoples.</p> <p>Allow people to access our MyCompass service which offers personalised support and a tool-kit of strategies for people living with mild depression and anxiety.</p>	0
Aussie Helpers LTD	<p>Thanks to Aussie Helpers, farmers are not alone. Our mission is to help farmers, farming families and communities survive through the tough times so they can thrive in the good. As one of Australia’s largest farming support charities, we’ve provided support directly to farmers for 21 years and created lasting connections with rural communities across Queensland and Australia.</p>	18000	<p>We help 1,000s of farmers every year, whether it be providing animal feed, financial assistance, food hampers, fuel cards, laptops, school fee support, student tutoring, access to mental health services, and little luxuries like Christmas hampers and gifts for kids.</p> <p>Our regular farm visits are a vital lifeline to many farmers and their families. Our team provide open ears, minds and arms for farmers who simply need to know they are not alone.</p>	<p>This year, we’ve received increasing reports from farming families struggling to feed themselves. Foodbanks in rural Australia are rare and farming kids are going to school hungry—despite their parents working from sunup to sunset to feed our country. This is on top of farming kids already being left behind academically compared to their city cousins, with significant education inequality experienced across rural and remote Australia. It’s well known that eating a healthy breakfast is linked to improved concentration and knowledge retention, high academic achievement, healthier bodies and</p>	20

				<p>increased energy, which is particularly important for young kids because their brain can consume half of their body's energy. Aussie Helpers is relaunching our Breakfast in a Bag initiative, to provide farming families and regional communities struggling with the increased cost of living with nutritious school breakfasts, while also respecting our farmers' strong sense of pride.</p>	
<p>CQShines Foundation</p>	<p>CQShines Foundation are a not-for-profit health promotion charity with DGR status. We are the only Foundation affiliated with the public hospitals in Central Queensland. We exist to improve health outcomes for our Central Queensland community. We do this by funding medical equipment, infrastructure, education and scholarships, medical research and health promotion programs.</p> <p>The Rocky River Run is a fantastic initiative that promotes the health and well-being of our community through exercise and we believe that we are the perfect charity partner to align with this focus.</p>	<p>228000</p>	<p>CQShines Foundation's activities include:</p> <ol style="list-style-type: none"> 1. Helping patients and their families with family sized accommodation in Rockhampton while receiving hospital treatment away from home. 2. Helping rural patients with transport to Rockhampton to attend hospital treatment. 3. Helping support future generations of Central Queenslanders with Youth Health Promotion Programs. 4. Helping support vital medical research led by students and clinicians collaborating with the best and brightest minds across Australia. 5. Purchasing vital medical equipment and infrastructure to improve patient care outcomes in Central Queensland's public hospitals. 6. Providing professional development 	<p>We know that many people within our community can face challenges around health equity so our two projects are focused on supporting this outcome.</p> <p>If we are successful in being chosen as your charity partner we would direct the fundraising revenue to the following two projects -</p> <ol style="list-style-type: none"> 1. Healing Ceilings in the Rockhampton Hospital Maternity ward: <p>It has been recognised that within health care environments it may not always meet the cultural needs of the community. As a result, it has been identified that the Maternity Care Network of the Central Queensland Hospital and Health Service (CQHHS) wishes to create a culturally appropriate and welcoming environment for women, their families and staff</p> <p>As a result the Healing Ceilings</p>	<p>20</p>

			<p>to clinical students and clinicians being trained in CQ or are looking to pursue careers in CQ.</p> <p>7. Promoting healthy lifestyle choices and improve health and wellbeing for the CQ community.</p>	<p>initiative was born to create culturally appropriate environments that ensure women and their families feel safe and welcomed at the hospital birthing facilities. Healing Ceilings “allow patients and staff to LIVE LIFE BEAUTIFULLY. And it’s more than just replacing old ceiling tiles. It is positively transforming the environment in which those we are caring for”. Healing Ceilings are a fine art ceiling tile business working in the industry of health and want to partner to “bring beauty into spaces that facilitate healing” either physically, emotionally, or spiritually. \$10,000 inc GST</p> <p>2. Supporting the Bidgerdii Health Service to establish an integrated Community Hub including allied health services, specialist health services, Program and Community Legal Aid services - this project will focus on contributing to the upgrade of a new facility in Berseker (Elphinstone Street) as a one-stop shop. This will also include the purchase of small medical equipment such as adjustable beds. \$25,000 inc GST.</p>	
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11.2 UPDATE TO RADF TERMS OF REFERENCE

File No:	2837
Attachments:	1. Terms of Reference ↓ (track changes)
Authorising Officer:	John Webb - Manager Communities and Culture Doug Scott - Acting General Manager Community Services
Author:	Mark Millett - Coordinator Major Venues

SUMMARY

Following an internal audit on Regional Arts Development Fund, a recommendation was made to update the Terms of Reference to make clearer voting roles and committee numbers. This report provides the Terms of Reference with tracked changes for Council to consider for endorsement.

OFFICER'S RECOMMENDATION

THAT Council endorse the revised changes to the Regional Arts Development Fund (RADF) Terms of Reference as attached to the report, namely amendments to Section 3. *Membership*; and Section 4. *Chairperson*.

COMMENTARY

An Internal Audit on Regional Arts Development Fund (RADF) was conducted in 2022, with a further review audit conducted in early 2023. The review identified that the RADF Terms of Reference (ToR) should be clearer on voting roles of the Committee and numbers of Committee members.

As such the attached RADF ToR has been updated with tracked changes to provide clarity on voting members and number of Committee members.

BACKGROUND

The RADF Terms of Reference was created to provide greater governance around Council's RADF processes and was adopted by Council on 16 August 2022.

PREVIOUS DECISIONS

Communities Committee 16 August 2022:

"THAT Council endorses the Terms of Reference – RADF Committee, and that the Terms of Reference – RADF Committee be implemented."

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

N/A

CORPORATE/OPERATIONAL PLAN

Corporate Plan: "We have effective governance with accountable decision-making practices"

CONCLUSION

The revision and update to the RADF Terms of Reference will provide greater clarity around voting roles and membership numbers.

UPDATE TO RADF TERMS OF REFERENCE

Terms of Reference (track changes)

Meeting Date: 12 April 2023

Attachment No: 1

**Regional Arts Development Fund
Committee**



TERMS OF REFERENCE

Adopted date: 16 August 2022

Reviewed Date : July 2022

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Terms of Reference

This document should be read in conjunction with the Rockhampton Regional Arts Development Fund Guidelines, released each financial year.

1. Purpose

The Rockhampton Regional Council (RRC) Regional Arts Development Fund (RADF) Committee is to provide advice and assistance to RRC on arts and cultural grants submissions received under the RADF program.

2. Background

The RADF grants program was established in 1991 as a state and local government partnership to support professional artists and art practitioners living in regional Queensland. The program promotes the role and value of art, culture and heritage as key drivers of diverse and inclusive communities and strong regions. The RADF is a partnership between the Queensland Government and RRC to support local arts and culture in the Rockhampton Region.

Local artists, art groups and cultural groups, and individuals can apply to RRC for funds to support specific short-term projects during two rounds each year in the following categories:

- Developing regional skills
- Building community cultural capacity
- Developing regional partnerships
- Cultural tourism
- Concept development
- Contemporary collections / stories

3. Membership

RRC will establish a RADF Committee which reflect the diverse arts, culture and geography of the RRC area.

Local artists, arts and cultural workers, members of cultural groups, local organisations or associations and people active within the arts community are eligible to be members of the RADF Committee.

The RADF Committee will consist of up to ~~13~~¹⁵thirteen members, made up of ~~a one~~ Councillor as Chair appointed by RRC, two ex-officio members, of whom ~~one~~ may be the RADF liaison officer and a minimum of six (up to ~~10~~ten) community members of the Rockhampton region arts community.

The 2 Ex Officio Members, RADF Liaison officer, and chair have non-voting roles.

Nominations to serve on the Committee will be received via a nomination process. Voting on nominations received will be at the Committee's Annual General Meeting held in September of each year, with a recommendation on member appointment put forward to RRC.

Members can also be invited onto the Committee by RRC.

Membership on the Committee will be decided by RRC.

Members may serve for a maximum term of 4 years, with an expected commitment of a minimum term of two years. Committee members who have served for a continuous four-year term are required to 'rest' for a period of 12 months before being eligible for re-election.

Members may resign at any time by notice in writing to RRC.

Members may be replaced at any time by resolution of RRC.

Replacement members may be sought in the event of vacancy by a new or prior expression of interest process. A replacement member will fill the vacant position to the end of the prior member's term. The appointment must be made by RRC resolution.

Committee members are required to complete and abide by the RADF Committee Code of Conduct, participate in RADF Committee training and are encouraged to promote the RADF Program within their own networks and provide mentoring assistance to grant applicants.

4. Chairperson

The Chair of the RADF Committee is a Councillor as identified by RRC.

The Chair will be empowered by RRC to ensure the good order and conduct of the Committee meetings. The Chair will:

- Ensure that meetings are run from an agenda and that minutes of all RADF meetings are kept;
- Check the previous minutes for accuracy at the start of each meeting;
- Ensure that debate and discussion of applications is open and accountable;

The Chair has a non-voting role ~~;~~ [unless a consensus decision cannot be reached, in this scenario the Chair may cast a final vote.](#)

The Chair of the RADF Committee will sit in the role for the four (4) year local government term, unless otherwise determined by RRC.

5. Committee Member Responsibilities

The primary responsibilities of Committee members are to:

- Attend and participate in RADF meetings where necessary.
- Assess RADF applications and review outcome reports in a fair manner.
- Ensure that funding allocated is in line with the RADF Key Performance Outcomes and Council's Arts and Cultural priorities.
- Participate in the RADF bidding and reporting cycles where necessary.
- Participate in RADF training.
- Advise the RADF Liaison Officer prior to the meeting if they are unable to attend, to ensure that a quorum can be met.

6. RADF Liaison Officer

As part of RRC's RADF partnership with the Queensland Government, RRC is required to nominate a staff member as a RADF Liaison Officer to support the RADF Committee and the local RADF program, coordinate program delivery and act as primary contact for Arts Queensland.

The RADF Liaison Officer is responsible for:

- the preparation of meeting agendas and minutes;
- ensuring the program operates in accordance with Section 194 and 195 of the Local Government Regulation 2012;
- meeting the annual reporting requirements as per Section 189 of the Local Government Regulation 2012;
- Ensure that applications and outcome reports are completed and signed;
- Monitor the attendance of Committee members at meetings (members who are regularly absent from meetings should be asked to step down).
- Reporting any concerns about failure to align funding allocation or process with Council's RADF guidelines, policy or legislation to the Chief Executive Officer.

The RADF Liaison Officer has no voting rights.

All Committee members have access to the RADF Liaison Officer so that emergent matters can be tabled for consideration through the Chair at Committee meetings.

7. Frequency of Meetings

Meetings will be held at a minimum of twice yearly to align with funding application rounds.

Additional meetings may be required to consider out of round applications or for other purposes. Council Officers will be responsible for calling additional meetings in consultation with the Committee Chair.

Meetings will be held at Council premises unless otherwise decided by the Committee and approved by RRC based on a risk assessment.

8. Meeting Procedures

A quorum for meetings is 50% of members + 1, or in the case of an odd number of members, a majority of members.

Decisions made by a Majority with consensus from all members (where members are satisfied with the decision even though it may not be their first choice). If this is not possible, the Chair makes the final decision.

If the Chairperson is absent, an interim Chair will be appointed for that meeting. The interim Chair will be a Committee member selected by the Committee or appointed by RRC's CEO or the CEO's delegate.

Preference is for meeting attendance to occur in person however teleconferencing may be permitted if deemed appropriate by the Committee.

The minutes and records of the Committee remain the property of RRC and will be managed and made available in line with legal, legislative and corporate requirements.

9. Disputes, Complaints and Grievances

All disputes, complaints and grievances will be handled in accordance with RRC policies and procedures.

10. Governance

The Committee has no legislative standing under the *Local Government Act 2019* or *Local Government Regulation 2012*.

The Committee will provide recommendations to RRC on submissions lodged under the RADF Program. It is RRC's role to decide if submissions will be granted or refused based on the Committee's recommendations and advices, presented to RRC via an Officer Report.

Where RRC is seeking input from the RADF Committee on matters other than RADF submissions, RRC Officers will where practical, prepare a briefing note or presentation for the Committee's consideration.

RRC will provide administrative support to the Committee, as well as specialist ex-officio officers.

The Committee has the authority to receive, approve, and/or request amendments to Grant Recipient Outcome Reports which are required to be lodged under the RADF Funding Agreement between the Queensland Government and RRC.

11. Assessing Applications

When assessing applications for RADF grants, Committee members are required to use the assessment tools provided.

A concise rationale for assessment decisions are recorded as part of the minutes, so that applicants can be provided with feedback on their applications.

Funding recommendations will be based on:

- The RADF funding categories;
- eligibility criteria;
- The available budget.

Applications will be judged on merit.

The full amount being requested should be supported unless there are clear reasons for reducing funding requests.

Not all available funds need to be allocated in a financial year if the quality of applications does not warrant support.

12. Confidentiality

All matters discussed at Committee meetings, together with all material provided to members of the Committee are for the purposes of informed discussion and debate at the

relevant meeting and not for public release unless directed by the Chair for the purpose of sector/community engagement.

All matters discussed by the Committee will be in accordance with the requirements of the Information Privacy Act 2009 and Right to Information Act 2009.

Meetings are not open to the public for observation.

RRC will undertake all communication with media unless otherwise approved by RRC. Committee members must refrain from making any public comment or issuing any information, in any form, concerning the Committee or the matters of interest to the Committee without the authority of RRC.

13. Performance Indicators

The RADF Liaison Officer is required to submit twice yearly reports to Arts Queensland and prepare a detailed application for funding for the following financial year. These reports contain detailed criteria for assessing the performance and effectiveness of the RADF program and Committee in any given year.

14. Amendments to the Terms of Reference

RRC may, at any time after consultation with the RADF Committee, vary these Terms of Reference. The RADF Committee may recommend to RRC variations to the Terms of Reference which RRC will consider.

The Terms of Reference will be reviewed annually.

15. Conflict of Interest

A conflict of interest involves a conflict between your public duty and responsibility to serve the public interest, and your private interest.

If a Committee member considers that they have an actual, potential, perceived, pecuniary or non-pecuniary interest in an application they are asked to assess, they are required to identify this in the assessment process, inform the RADF Liaison Officer of the conflict and not assess that application until the conflict has been resolved. The Committee member can assess all other applications where there is no actual, potential, perceived, pecuniary or non-pecuniary conflict of interest.

Committee members may apply for a grant or be associated with a grant application while they are on the RADF Committee. In such cases, the Committee member would be required to declare a conflict of interest and remove themselves from the process.

RRC Officers will ensure that members are made aware of and provided with relevant advice on managing conflicts of interest.

Attachment 1.

RADF Committee Member

Code of Conduct – Rockhampton Regional Council

1. I commit myself to:
 - a. Actively promote RADF in my community within my area of expertise;
 - b. Read and assess all RADF applications in a fair manner;
 - c. Attend meetings throughout the year to plan, assess and support the RADF program;
 - d. Participate in committee training activities and policy development as required; and
 - e. Support the committee and work as a team for the betterment of RADF.
2. I will be fair and honest in my assessment of all applications.
3. I will not discriminate in my assessment of any application.
4. I understand applicants are not permitted to lobby or provide gifts to RADF Committee members and any attempt by an applicant must be disclosed.
5. If a conflict of interest arises, I will declare the nature of my conflict of interest to the RADF Liaison Officer and my fellow Committee members. If required, I will be exempt from the assessment of the application due to the nature of my conflict of interest.
6. I understand that any information an applicant includes in their application and discussion surrounding the application are confidential.
7. I acknowledge that my public comments should reflect Council policy.
8. During public debate, I will publicly acknowledge when I am speaking in an official capacity as an RADF Committee member, and when I am making a private comment.
9. I understand that I am not authorised to speak directly to the media or public on behalf of the Council, unless otherwise determined and agreed by Council.
10. I acknowledge that I am bound by Rockhampton Regional Council’s Code of Conduct, a copy of which has been provided by Council.

Signature: _____ Date: //

Name in full: _____

Witnessed by: _____

Signature: _____ Date: //

Representative of Council: _____

11.3 D/167-2021 - REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL CARE FACILITY (90 BEDROOMS)

File No: D/167-2021

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Acting General Manager Community Services

Author: Brendan Standen - Principal Planning Officer

SUMMARY

Development Application Number: D/167-2021

Applicant: Mercy Health and Aged Care Central Queensland Limited

Real Property Address: 75 Ward Street, The Range

Common Property Address: Lot 100 on SP225770

Area of Site: 26,710 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (v2.2)

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Airport Environs Overlay; and Steep Land Overlay

Existing Development: Residential Care Facility

Approval Sought: Development Permit for a Material Change of Use for a Residential Care Facility (90 bedrooms)

Level of Assessment: Impact Assessable

Submissions: One (1) properly made submission

Referral Agency: State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION

THAT in relation to the representation for a Negotiated Decision for Development Permit D/167-2021 for Material Change of Use for a Residential Care Facility (90 bedrooms), made by Mercy Health and Aged Care Central Queensland Ltd, located at 75 Ward Street, The Range, described as Lot 100 on SP225770, Council resolves to Approve the change representation subject to the following conditions:

ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Sewerage Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage; and
 - (v) Site Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 A maximum of 206 beds occupied by people who cannot live independently and require regular nursing or personal care is permitted across 100 on SP225770 at any given time.
- 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 and Development Summary	Thomson adsett	30 June 2022	A-1.02	3
Site Plan - Staging	Thomson adsett	30 June 2022	A-1.03	3
Site Section	Thomson adsett	30 June 2022	A-1.10	3
RACF Ground Floor Plan	Thomson adsett	30 June 2022	A-2.02	4
RACF Level 1	Thomson adsett	30 June 2022	A-2.03	2
RACF Level 2	Thomson adsett	30 June 2022	A-2.04	2
RACF Roof Plan	Thomson adsett	30 June 2022	A-2.05	2
Kitchen Plan	Thomson adsett	3 December 2021	A-2.11	2
Kitchen Roof Plan	Thomson adsett	3 December 2021	A-2.12	1
Ward Street Car Parking	Thomson adsett	30 June 2022	A-2.20	2
Elevations – RACF	Thomson adsett	30 June 2022	A-3.01	3
Elevations – RACF	Thomson adsett	30 June 2022	A-3.02	3
Kitchen Elevations	Thomson adsett	3 December 2021	A-3.11	2
Sections – RACF	Thomson adsett	30 June 2022	A-4.01	2
Sections – Street Scape	Thomson adsett	3 December 2021	A-4.02	1
Sections – Kitchen	Thomson adsett	3 December 2021	A-4.11	1
Environmental Noise Assessment	RoadPro Acoustics	16 December 2021	1338R1-R0	0
Traffic Impact Assessment	McMurtrie Consulting	14 December 2021	0402122	A
Technical Memorandum	McMurtrie Consulting	7 December 2021	040-21-22	-
Landscape Concept Plan 1: Key Plan	Alderson + Associates Landscape Architects	3 December 2021	964-LCP01	A
Landscape Concept Plan 2: Stage 1 – Additional Parking	Alderson + Associates Landscape Architects	3 December 2021	964-LCP02	A
Landscape Concept Plan 3: Stage 2 – 90 Bed RACF	Alderson + Associates Landscape Architects	3 December 2021	964-LCP03	A
Landscape Concept Plan 4: Stage 2 – 90 Bed RACF	Alderson + Associates Landscape Architects	3 December 2021	964-LCP04	A

Landscape concept Plan 6: Stage2/3- 90 Bed RACF + Kitchen	Alderson + Associates Landscape Architects	14 February 2022	964-LCP06	B
Landscape Concept Plan 5: Stage 2- 90 Bed RACF	Landscape Concept Plan 5: Stage 2- 90 Bed RACF	14 February 2022	964-LCP05	B
Landscape Concept Plan 7: Lower Car Park	Landscape Concept Plan 5: Stage 2- 90 Bed RACF	4 July 2022	964-LCP07	A
Technical Letter – Traffic and Stormwater	JS ² Structures	6 July 2022	21145	-

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 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two discrete stages, namely:

3.1.1 Residential Care Facility and On-site Car Parking (Stage One); and

3.1.2 Kitchen Facility, Loading Dock and Refuse Storage (Stage Two),

in accordance with the approved plan (refer to condition 2.1).

The stages are required to be undertaken in chronological order.

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

4.0 ACCESS AND PARKING WORKS

4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.

4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All access, parking and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

4.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

4.5 A minimum of fifty five (55) new parking spaces must be provided on-site.

Note: Existing twenty five (25) car parking spaces will be removed as a part of this development.

4.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.

- 4.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.8 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 **SEWERAGE WORKS**
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.7 The existing 150mm diameter sewerage infrastructure that traverses the development site must be re-aligned in accordance with approved technical memorandum (refer to condition 2.1). The section of redundant sewerage infrastructure must be capped at the point(s) of disconnection and core filled with appropriate material.
- 5.8 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.9 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.0 **PLUMBING AND DRAINAGE WORKS**
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.

- 6.3 The development must be connected to Council's reticulated water network. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.4 The existing water connection point must be retained, and upgraded if necessary, to service the development.
- 6.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.7 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.8 Fixtures installed in the basement or other locations, where surcharge could damage the premises and contents, must be connected to the reticulated sewerage system by means of a pumping installation complying with *Australian Standard AS3500 "Sanitary plumbing and drainage"*.
- 7.0 STORMWATER WORKS
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a 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, nuisance or worsening to surrounding land or infrastructures.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 7.5.1 details around the implementation and design of the adopted stormwater management strategy;
- Note: Should the underground tank strategy be adopted, details regarding the pump setup and pressure main must be provided and should comply with *Australian Standard AS3500 "Sanitary plumbing and drainage"*.
- 7.5.2 details of the low / high flow outlets;
- 7.5.3 demonstration of how the major design storm flows are conveyed to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 7.5.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;

- 7.5.5 identification of the area of development site inundated as a consequence of the major design storm event for post-development scenario; and
- 7.5.6 details of all calculations, assumptions and data files (where applicable).
- 7.6 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner / operator.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by earthworks plan that clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
- 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 9.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 10.0 LANDSCAPING
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).

-
- 10.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 parts 1, 2, 3 and 4 — Design for access and mobility*.
- 10.3 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 10.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 10.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.4 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 10.5 Each shade tree must have a clean trunk with a minimum height of two (2) metres and each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 10.6 Shade trees must comply with the following requirements:
- 10.6.1 Be planted clear of services and utilities;
- 10.6.2 Be planted clear of park furniture and embellishments;
- 10.6.3 Not obstruct pedestrian or bicycle traffic; and
- 10.6.4 Comply with crime prevention through environmental design principles.
- 10.7 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 1.1 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads ‘Guide to Traffic Engineering Practice’* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.0 **BUILDING WORKS**
- 11.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 11.2 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 “Building over or near relevant infrastructure.”*
- 11.3 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 11.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 11.3.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 11.3.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 11.3.4 setback a minimum of two (2) metres from any road frontage; and

- 11.3.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 11.4 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined storm inundation level.
- 11.5 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual Exceedance Probability storm event, must be designed and constructed using suitable flood resilient materials.
- 11.6 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined storm inundation level.
- 12.0 ELECTRICITY
- 12.1 Underground electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 14.0 ASSET MANAGEMENT
- 14.1 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.
- 14.2 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.
- 14.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 15.0 ENVIRONMENTAL
- 15.1 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 15.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 15.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

16.0 OPERATING PROCEDURES

- 16.1 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 Spencer Street, Jessie Street, Agnes Street or Ward Street.
- 16.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 16.2.1 the area is kept in a clean and tidy condition;
 - 16.2.2 fences and screens are maintained;
 - 16.2.3 no waste material is stored external to the waste storage area/s;
 - 16.2.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 16.3 Building plant or air conditioning equipment must be screened from view of the street and adjoining properties.

17.0 ENVIRONMENTAL HEALTH

- 17.1 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"*.
- 17.2 Noise emitted from the activity must not cause an environmental nuisance.
- 17.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 17.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*. Airconditioning units must be located so as not to cause a noise nuisance and maintained in appropriate working order at all times. Installation is to be as per manufacturer's directions to ensure the efficiency of the equipment.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. Licensable Activities

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

NOTE 5. General Safety Of Public During Construction

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

NOTE 6. Infrastructure Charges Notice

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

Total Contributions Payable = \$587,953.50

BACKGROUND

Council at its meeting on 13 September 2022 approved a development application seeking a Development Permit for Residential Care Facility (90 bedrooms) located at 75 Ward Street, The Range - Lot 100 on SP225770.

On 2 November 2022 the Applicant submitted a change representation during the appeal period to negotiate a condition requiring all redundant on-site sewer infrastructure to be removed. The Applicant seeks to retain the redundant infrastructure.

The Applicant is yet to commence works for the approved development and is still required to obtain a subsequent Development Permit for Operational Works before any works commence on the site associated with the approved development.

PROPOSAL

In accordance with section 75 of the *Planning Act 2016*, the applicant has made 'change representations' about a matter stated in the development approval. The applicant has proposed to make the following changes to the development approval:

- a) Amend Condition 5.7 that currently requires redundant sewer infrastructure within the site to be removed and instead allow it to remain, subject to being core filled.

The reason for the proposed change is because removing the redundant infrastructure is financially onerous given the depths it is buried at.

Table 1 includes the condition that is to be amended. The conditioned to be amended has been requested to or agreed to by the applicant:

TABLE 1 – PROPOSED CHANGES

Requested By Applicant	
<p>Condition 5.7 to be Amended as follows:</p> <p><i>The existing 150mm diameter sewerage infrastructure that traverses the development site must be re-aligned in accordance with approved technical memorandum (refer to condition 2.1). The section of redundant sewerage infrastructure must be removed from the development site capped at the point(s) of disconnection and core filled with appropriate material.</i></p>	<p>Council Officer's Response:</p> <p>That Council support the proposed amendment because:</p> <ul style="list-style-type: none"> • The redundant sewer infrastructure is contained within the site (privately owned). • Capping and core filling the redundant sewer infrastructure is also an appropriate means of dealing with the matter.

PLANNING ASSESSMENT

The change representation has been assessed in accordance with section 76 of the *Planning Act 2016*. Specifically, Council has assessed the proposed change against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

This request has been assessed by Council's planning officers and other technical staff, as required. The proposed change wholly complies with the applicable assessment benchmarks contained in the Planning Scheme and no further assessment is required.

CONCLUSION

The applicant's change representations are considered reasonable and recommended for approval.

**D/167-2021 - REQUEST FOR A
NEGOTIATED DECISION FOR A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
RESIDENTIAL CARE FACILITY
(90 BEDROOMS)**

Locality Plan

Meeting Date: 12 April 2023

Attachment No: 1

D/167-2021 - Locality Plan



A4 Page scale at 1: 1,496.05
Printed from GeoCortex on 31/03/2023



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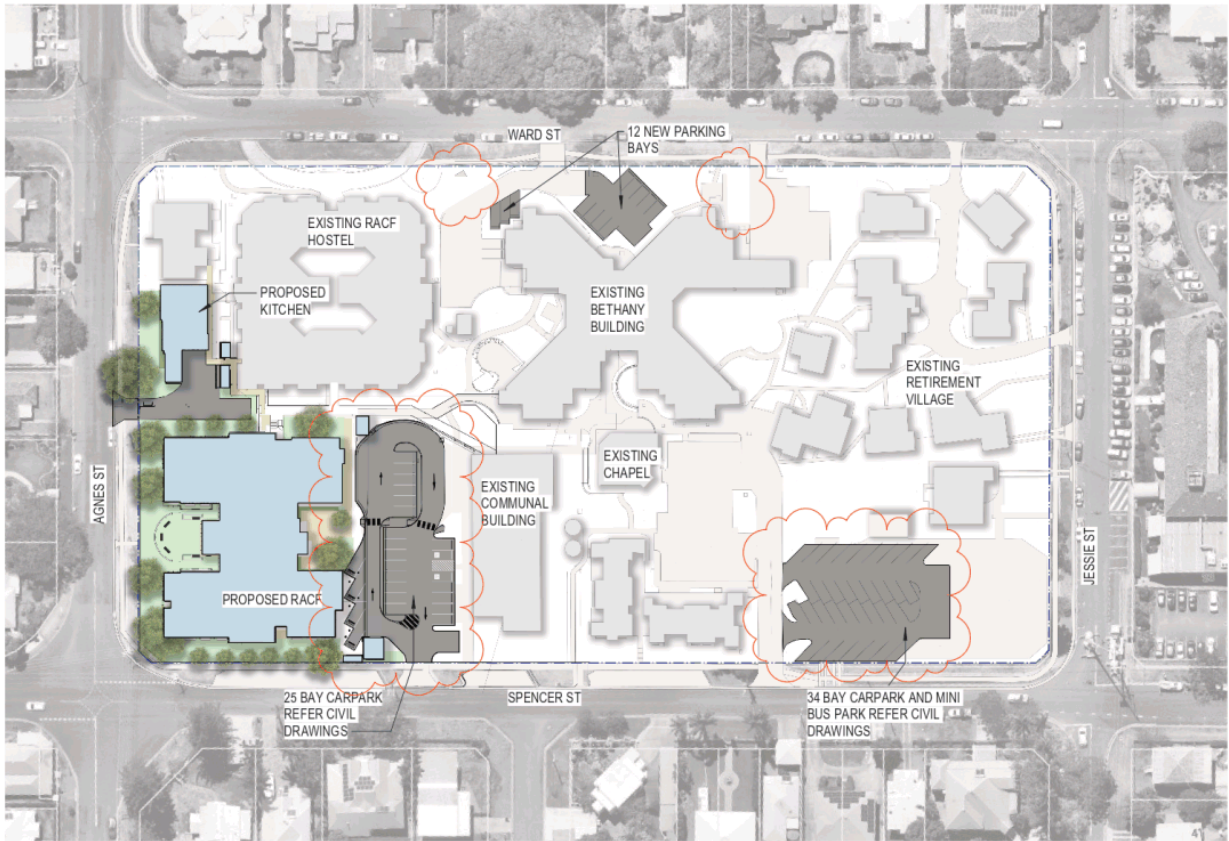


**D/167-2021 - REQUEST FOR A
NEGOTIATED DECISION FOR A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
RESIDENTIAL CARE FACILITY
(90 BEDROOMS)**

Site Plan

Meeting Date: 12 April 2023

Attachment No: 2



DEVELOPMENT SUMMARY

NUMBER OF BEDS RACF

GROUND FLOOR	30
LEVEL 1	30
LEVEL 2	30
TOTAL	90

CAR PARKING

NEW BAYS OFF WARD ST	12
NEW BAYS OFF SPENCER ST	34
REMOVED EXISTING BAYS OFF SPENCER ST	-16
TOTAL ADDITIONAL CAR PARKS	30

SITE COVERAGE

SITE AREA:	26711.85 m ²
BUILDING COVER	
EXISTING BUILDINGS	6593.2 m ²
90 BED RACF	1743.8 m ²
KITCHEN	291.2 m ²
TOTAL	8628.2 m²
SITE PERCENTAGE	32.3%

GROSS FLOOR AREA RACF GFA

GROUND FLOOR	1513 m ²
LEVEL 1	1577 m ²
LEVEL 2	1484 m ²
Grand total	4574 m²

KITCHEN GFA

KITCHEN GROUND	131 m ²
TOTAL DEVELOPMENT GFA	4705 m²

LANDSCAPED AREA PERCENTAGE

9818 m ²
36.7%

SITE PLAN - 1:1000

DEVELOPMENT APPLICATION



MERCY CARE RACF - ROCKHAMPTON

75 WARD STREET,
THE RANGE, QLD 4700

MERCY HEALTH & AGED CARE CENTRAL QUEENSLAND LIMITED

T# 21.0013.17

thomson
adsett

SITE PLAN & DEVELOPMENT SUMMARY

@ A3
A-1.01

30/06/2022
rev. 3

11.4 D/589-2013 - DEVELOPMENT APPLICATION FOR AN "OTHER CHANGE" TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (SAND QUARRY)

File No: D/589-2013

Attachments:

1. [Locality Plan](#)
2. [Site Layout Plan](#)

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Acting General Manager Community Services

Author: Aidan Murray - Planning Officer

SUMMARY

Development Application Number: D/589-2013

Applicant: Nine Mile Sands Pty Ltd T/A Rockhampton Sands

Real Property Address: Lot 250 on R2621

Common Property Address: Lot 250 Fogarty Road, Fairy Bower

Area of Site: 36.422 hectares (364,220m²)

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Acid Sulfate Soils Overlay;
Airport Environs Overlay;
Biodiversity Areas Overlay;
Bushfire Hazard Overlay;
Coastal Protection Overlay;
Flood Hazard Overlay; and
Steep Land Overlay.

Existing Development: Extractive Industry

Approval Sought: 'Other Change' to Development Permit D/589-2013 for a Material Change of Use for Extractive Industry (Sand Quarry)

Level of Assessment: Impact Assessable

Submissions: One (1) Objecting

Referral Agency: State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the Application for an 'Other Change' to Development Permit D/589-2013 for Material Change of Use for Extractive Industry (Sand Quarry), made by Nine Mile Sands Pty Ltd T/A Rockhampton Sands, located at Lot 250 Fogarty Road, Fairy Bower, described as Lot 250 on R2621, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Material Change of Use for Extractive Industry (Sand Quarry)	
Reasons for Decision	<p>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</p> <p>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.</p>	
Assessment Benchmarks	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Rural Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; • Flood Hazard Overlay Code; • Steep Land Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Extractive Industry Code PO2	<p>The development does not comply with Acceptable Outcome (AO) 2.1, which requires a vegetated buffer with a minimum width of thirty (30) metres along all boundaries of the site. A vegetation buffer has not been proposed by the Applicant or conditioned to be provided.</p> <p>The extraction and operations areas are not located near a state-controlled road or residential zoned land and is approximately 500 metres from the nearest sensitive land use (dwelling houses on surrounding rural properties). As such, a vegetated buffer or screening along the property boundaries is not considered necessary or practical to maintain the amenity of surrounding residents. Conditions of approval have been included referencing the relevant environmental standards (e.g. environmental nuisance and amenity under <i>Environmental Protection Act 1994</i>). The development is considered to achieve the intent of the Performance Outcome (PO) 2 and Overall Outcomes of the Extractive Industry Code.</p>
Extractive Industry Code PO4	<p>The development does not comply with AO4.1 as the internal roads are not sealed. Instead, internal haul roads will be a gravel surface and regularly maintained and dampened by a water cart to reduce the potential dust impacts external to the site. This is considered sufficient to achieve the PO4 where supported by reasonable and relevant conditions within the associated Environmental Approval.</p>	

	Extractive Industry Code PO5	The development does not comply with AO5.1, which requires security fencing be provided for the full length of the site perimeter around stockpiles and operations areas. The site instead has standard rural fencing around the property boundaries with a security at vehicle access point from Fogarty Road. The fencing and gate currently provided as well as the site location and other factors are considered sufficient to not comprise public safety and ensure risks are minimal, thereby achieving PO5.
	Access, Parking and Transport Code PO6	The application does not comply with AO6.1 as the on-site parking, access and manoeuvring facilities, are not sealed but are instead constructed of gravel. The site is located in the Rural Zone and well separated from any sensitive land uses. The nearest land use is another extractive industry on a separate property. The risk of amenity impacts from dust is therefore considered low risk subject to appropriate mitigation measures. Conditions of approval require that all access works are designed and constructed in accordance with Capricorn Municipal Guidelines and relevant Australian Standards. Additionally, should any genuine complaint of dust nuisance occur, the applicant will be required to seal or surface treat the entire driveway including parking spaces and vehicular manoeuvring areas. Based on the above, parking and servicing facilities are designed to meet user requirements and therefore comply with PO6.
	Bushfire Hazard Overlay Code PO2	The site is located within the Rural Zone where reticulated water supply is not available. The development conflicts with AO2.1.2 which prescribes that a water tank be provided within ten (10) metres of a building or structure. The applicant has instead proposed an alternative solution to utilise water trucks that are already used as part of the sand quarry operations, as well as having access to water from the quarry sump and sediment basin if required during a bushfire event. The alternative solutions provide adequate and accessible water supply for firefighting purposes in an emergency thereby achieving PO2.
	Flood Hazard Overlay Code PO4	The development does not comply with AO 4.1.1 as there are buildings proposed / located on-site in the Extreme (H5) Flood Hazard Overlay area. The applicant must obtain separate approvals in relation to the Planning Scheme and the Building Assessment Provisions for the proposed buildings. Advisory Notes 11 and 12 address these requirements. The Building Works Assessable against the Planning Scheme application will need to demonstrate there will be no increase to the flood risk towards people and property to thereby achieve the intent of PO4.
	Flood Hazard Overlay Code PO17	<p>The development does not comply with AO17.1, which prescribes that development does not involve filling with a height greater than 100 millimetres. The bund walls constitute assessable Operational Works (site works) and require approval from Council. In order to comply with PO17, the applicant must demonstrate to Council that the development does not materially impede the flow of floodwaters through the site or cause unacceptable impacts external to the site. This is to be enforced through Condition 7.8 which requires the applicant to implement the following actions:</p> <ul style="list-style-type: none"> • A Flood Impact Assessment must be submitted with the Operational Works for site works. • All site works inclusive of stockpiles and/or banks/bund walls 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 an actionable nuisance to surrounding properties or infrastructure.
Relevant Matters	The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation (see below).	
Matters raised in submissions	Issue	How matter was dealt with
	Road safety concerns in relation to heavy vehicle use of Lion Creek Bridge (Nine Mile Road)	A traffic impact assessment and pavement impact assessment were provided by the applicant to support the application. This has been considered by Council officers and conditions have been included to ensure safe use of all road users accessing Lion Creek Bridge. As per condition 4.7, the developer must install two sets of roadside signs including 'Narrow Bridge' and 'Next 200m', to the south and north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed south of the Lion Creek Bridge with appropriate line markings. Nine Mile Road verges either side of the Lion Creek Bridge are to be maintained to improve sight distances.
	Road safety concerns as a result of degradation caused by high frequency of heavy vehicle trips on Nine Mile Road)	A traffic impact assessment and pavement impact assessment were provided by the applicant to support the application, which has been assessed by Council officers. Conditions of development require the applicant to pay a road maintenance levy to Council to contribute to maintenance and upkeep of Council's road network. Payments are required six monthly and are based on the amount of material processed at a per tonnage rate. The required rate of payment for each stage of the development and level of output is outlined in conditions 4.4, 4.5 and 4.6 and are subject to Consumer Price Index (CPI) increases to ensure adequate contribution is provided toward continued road maintenance and upkeep of affected roads. Furthermore, condition 4.8 requires the applicant to undertake a Road Safety Audit for Nine Mile Road prior to commencing extraction greater than 250,000 tonnes per annum. Any recommendations resulting from the Road Safety Audit must be implemented by the applicant.
	Flooding impacts from bund walls	Establishment of bund walls around the extraction pit is a condition of the existing Environmental Authority approval to achieve flood immunity from a Q100 flood event (i.e., 1% Annual Exceedance Probability – AEP) and ensure flood water cannot enter the pits. There is no requirement on the EA approval for bunding around the whole of the site. Condition 7.8 addresses this concern in the following ways: <ul style="list-style-type: none"> • A Flood Impact Assessment must be submitted with the Operational Works application for site works. • All site works inclusive of stockpiles and/or banks/bund walls 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 adjoining properties or infrastructure.
	Public notification not undertaken effectively	All public notification actions were undertaken by the applicant as required in accordance with the Planning Act 2016 and Development Assessment Rules: <ul style="list-style-type: none"> • Notice published in newspaper on 27 July 2022; • Notice (sign) placed on premises from 27 July 2022 until 18 August 2022; • Adjoining landowners notified by mail on 26 July 2022.
Matters	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and 	

prescribed by regulation	<ul style="list-style-type: none"> The common material, being the material submitted with the application.
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RECOMMENDATION B

THAT in relation to the Application for an 'Other Change' to Development Permit D/589-2013 for Material Change of Use for Extractive Industry (Sand Quarry), made by Nine Mile Sands Pty Ltd T/A Rockhampton Sands, located at Lot 250 Fogarty Road, Fairy Bower described as Lot 250 on R2621, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
 - 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
 - 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
 - 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
 - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Deleted
 - (ii) Deleted
 - (iii) Site Works.
 - 1.6.2 Building Works Assessable against the Planning Scheme (Preliminary Approval)
 - 1.6.3 Building Works against the Building Assessment Provisions
 - 1.7 The Environmentally Relevant Activity Permit must be amended to reflect this development approval and approved by the Department of Environment and Science prior to the commencement of the use.
 - 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
 - 1.9 All engineering drawings/specifications, design and construction works must comply 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 the conditions of this permit:

<u>Plan / Document Name</u>	<u>Plan / Document Number</u>	<u>Revision / Issue</u>	<u>Dated</u>	<u>Stages</u>
Site Based Management Plan	4363	-	27 November 2013	1

Road Impact Assessment report by McMurtrie Consulting Engineers	026-10-11	-	29 November 2010	1
Site Layout Plan	2493.DRG.003	Revision 4	11 July 2022	All Stages
Traffic and Pavement Impact Assessments	2022-705_10574_TIA	Issue 2	05 July 2022	2 and 3
Rockhampton Sand Quarry – Responses to Council’s Traffic Matters	2022-705_10574_TIA	N/A	16 September 2022	2 and 3
Rockhampton Sands Quarry Environmental Management Plan	2493_610_002	Issue 2	June 2022	2 and 3

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 STAGED DEVELOPMENT
- 3.1 This approval is for a development to be undertaken in three (3) discrete stages. The stages are to be carried out in accordance with the following parameters:
- 3.1.1 Stage 1 = maximum 100,000 tonnes per annum (tpa);
- 3.1.2 Stage 2 = maximum 250,000 tpa; and
- 3.1.3 Stage 3 = maximum 1,000,000tpa of which not more than 250,000tpa is permitted for supply to the general market, with any balance permitted for supply to the Rockhampton Ring Road (RRR) project.
- 3.2 Stage one must be completed prior to any other Stage. Stages 2 and 3 must be undertaken in chronological order or may be undertaken concurrently.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 3.4 The maximum quantity of material hauled from the site must not exceed the limits associated with each stage in Condition 3.1.
- 3.5 Stage 3 must cease operation upon completion of the RRR project or when a maximum haulage of 4 million tonnes has been supplied to the RRR project from commencement, whichever occurs first.
- 4.0 ROAD WORKS
- 4.1 Deleted.
- 4.2 Deleted.
- 4.3 Deleted.
- 4.4 For Stage 1, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be

provided to Council every six months which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the March 2014 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
0-100,000 tonnes	\$0.22 per tonne

Note: CPI of March 2014 – 105.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.5 For Stage 2, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
100,001 - 250,000 tonnes	\$0.422 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.6 For Stage 3, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 -1,000,000 tonnes	\$0.496 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.7 Prior to commencing haulage from site greater than 100,000tpa (applies to Stages 2 and 3), two sets of roadside signs including 'Narrow Bridge' (W4-1) and 'Next 200m' (R9-6) must be installed at 200m south and 200m north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed at 15m south of the Lion Creek Bridge with appropriate line markings.
- 4.8 Prior to commencing haulage from site greater than 250,000tpa or commencing supply to the RRR project (applies to Stage 3) the developer is to undertake a Road Safety Audit of Nine Mile Road for the development traffic scenario up to 1,000,000tpa. The road safety audit is to be prepared by a Registered Professional Engineer of Queensland (RPEQ) and is to be submitted to and approved by Council.
- Note:** If necessary, the developer will need to apply for a subsequent Change to the Development Approval or an Operational Works (Road Works) application to action any recommendations of the road safety audit.
- 4.9 For Stage 3, a 'bridge/major drainage structures' levy must be paid on a six-monthly basis

for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 -1,000,000 tonnes	\$0.11 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

5.0 ACCESS WORKS

5.1 Deleted.

5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines and relevant Australian Standards.

5.3 Deleted.

6.0 STORMWATER WORKS

6.1 Deleted

6.2 Deleted

6.3 All stormwater drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

6.4 Deleted

7.0 SITE WORKS

7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.

7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:

7.2.1 the location of cut and/or fill;

7.2.2 the type of fill to be used and the manner in which it is to be compacted;

7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.

7.3 Deleted.

7.4 Deleted.

7.5 Deleted.

7.6 Deleted.

7.7 Deleted.

7.8 A Flood Impact Assessment, prepared and endorsed by a Registered Professional Engineer of Queensland (RPEQ), must be submitted with the Operational Works (site works). All site works inclusive of stockpiles, hardstand areas and/or banks and bund walls 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 an actionable nuisance to surrounding properties or infrastructure.

7.9 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes;
- (ii) removed for disposal at a location approved by Council within sixty (60) days of clearing; or
- (iii) Burned in accordance with a permit obtained from the local Fire Warden.

7.10 All site works must be undertaken to ensure there is:

7.10.1 No increase in upstream or downstream flood levels for all levels of immunity up to Q100; and

7.10.2 No increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development.

8.0 ASSET MANAGEMENT

8.1 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 at full cost to the Developer.

8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

9.0 ENVIRONMENTAL

9.1 Deleted.

9.2 Deleted.

9.3 Deleted.

9.4 Deleted.

9.5 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans. Any additional vegetation clearing on the subject site must be in accordance with the requirements of the *Vegetation Management Act 1999* and the planning scheme current at the time of the proposed clearing.

9.6 Deleted.

9.7 The operator must implement measures for the control of weed infestations during excavation, processing or transport of material in accordance with an approved Weed and Pest Control Plan. A Weed and Pest Control must be kept on-site and available for inspection.

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Fogarty Road or Nine Mile Road.

10.2 Deleted.

10.3 The hours of operations must be limited to:

- (i) 0600 hours to 1800 hours on Monday to Saturday; and
- (ii) no operations on Sunday or Public Holidays

- 10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 10.5 All waste materials and consumables generated by the operation must be immediately removed from site and disposed of at a licensed waste receiver. Any chemicals, fuels or consumables in containers of greater than 15 litres must be stored within a secondary containment system.
- 10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 10.7 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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*'.
- 10.8 Deleted.
- 10.9 Deleted.
- 10.10 Deleted.
- 10.11 B-Double or larger vehicles are not permitted to enter or be used within the subject site.

Note: B-Double or larger vehicles are not permitted to use Fogarty Road and Nine Mile Road as it is not a B-Double route, except where an appropriate National Heavy Vehicle Regulator Permit has been obtained.

- 10.12 The processing of End of Waste Code (EOWC) resources can occur on-site where ancillary to the primary extractive industry land use occurring on the site. Suitable ancillary activities include processing of:
- (i) concrete products (concrete washout and returned hardened concrete from concrete plants);
 - (ii) recovered pavement products (removed, surplus and/or unused asphalt, bitumen, road base and sub-base materials)
 - (iii) brick, tile and masonry products; and
 - (iv) coal combustion products (Furnace Bottom Ash from Stanwell Power Station).

Note: The developer must maintain registration to the End of Waste Codes for the relevant resources used in this activity, including EOWC Recycled Aggregates, EOWC Returned Concrete, EOWC Solid Concrete Washout and EOWC Coal Combustion Products.

- 10.13 The developer must limit the range of products produced using EOWC resources to those that are required to be mixed or blended with or added to extracted material and the resulting by-products. The above activities are only considered ancillary to the approved Extractive Industry use on the site where consistent with the following parameters:
- 10.13.1 The maximum quantity of EOWC resource that is imported to the site is limited to 15% of the quantity of material extracted in that year.
 - 10.13.2 The maximum quantity of EOWC resource that is sold and exported from the site is limited to 10% of the quantity of material extracted in that year.
 - 10.13.3 The EOWC resources used on site are limited to those required to be mixed or blended with extracted material from the site.
 - 10.13.4 The maximum quantity of material outgoing from the site (i.e., both produced and sold) is within the limits considered as part of the approved Traffic and Pavement Impact Assessment report prepared by Traffic and Transport Plus.
 - 10.13.5 Any waste generated during this activity that is not re-used as a resource must be disposed of at an approved facility that is the holder of a relevant ERA for the type of waste being disposed. Stockpiling of waste at the site is not permitted. Disposal of waste to landfill at the site is not permitted.

10.14A record of all weighbridge receipts must be kept on-site for Council inspection as requested. Weighbridge receipts must be recorded, maintained and retained for a minimum period of ten (10) years.

11.0 PLUMBING AND DRAINAGE WORKS

11.1 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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 www.dsdsatsip.qld.gov.au/

NOTE 2. Deleted

NOTE 3. General Environmental Duty

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

NOTE 4. Deleted

NOTE 5. Deleted

NOTE 6. General Safety Of Public During Construction

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

NOTE 7. Deleted

NOTE 8. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

NOTE 9. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 10. Environmental Nuisance

Emissions from the activity must not cause an environmental nuisance.

NOTE 11. Building Work

A Development Permit for Building Works assessable against the Building Assessment Provisions must be obtained for any buildings or structures on the site.

NOTE 12. Building Work Assessable Against the Planning Scheme

A Preliminary Approval for Building Works Assessable against the Planning Scheme must be obtained for any buildings or structures on the site. An application must be made to Council and be accompanied by a Flood Impact Assessment prepared and

endorsed by a Registered Engineer Professional of Queensland (RPEQ).

NOTE 13. Plumbing and Drainage Work

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

NOTE 14. Sanitary Drainage Work

On-site sewerage treatment and disposal must be provided in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

All regulated sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.

RECOMMENDATION C

THAT in relation to the application for 'Other Change' to Development Permit D/589-2013 for Material Change of Use for Extractive Industry (extension), made by Nine Mile Sands Pty Ltd T/A Rockhampton Sands, located at Lot 250 Fogarty Road, Fairy Bower, described as Lot 250 on R2621, Council resolves not to issue an Infrastructure Charges Notice.

PROPOSAL IN DETAIL

The subject application is seeking to amend an existing Development Permit for Material Change of Use for Extractive Industry (Sand Quarry) at Lot 250 Fogarty Road, Fairy Bower – described as Lot 250 on R2621. The application proposes to alter the current maximum material extraction of 100,000 tonnes per annum (tpa) to 250,000 tpa for sale to the general market as well as an additional 750,000 tpa for supply to the Rockhampton Ring Road (RRR) Project. This would result in a temporary maximum extraction of 1,000,000 tpa during the life of RRR Project before being reduced back down to 250,000 tpa. The proposal constitutes substantially different development with additional impacts to be considered compared to what is currently approved and is therefore considered a non-minor change (i.e. an 'other' change).

The land use involves environmentally relevant activities (ERAs) which are regulated by the Department Environment and Science (DES). The proposal also requires amendments to the existing Environmental Authority approvals; however this is undertaken through a separate application with DES.

The existing quarry operation involves the following activities:

- Scalping – topsoil will be removed by excavator and front end loader and stockpiled for use in rehabilitation activities as required.
- Dredging – sand is pumped via the dredge from the pit to the wash plant.
- Screening and washing – unwashed sand is pumped into the wash plant, washed and stockpiled. Washed sand will be allowed 24 hours minimum to drain. Wash water will be directed back into the settling pond via silt traps.
- Stockpiling and dispatch – the screened and washed material will be stockpiled and loaded onto trucks for dispatch from the site via the weighbridge.
- Silt trap maintenance – silt from the silt traps will be removed and stockpiled as required and used in land rehabilitation.

The proposal also includes the receiving and reprocessing of external products to be mixed, blended and/or combined with sand material extracted on site. Imported material is to be no more than 15% of the quantity of material extracted on-site and included within the maximum quantity of quarry material produced as part of the development. Relevant material processed as part of this proposal includes:

- concrete products (concrete washout and returned hardened concrete from concrete plants);
- road pavement products (asphalt, bitumen, road base recovered during road maintenance activities);
- brick, tile and masonry products; and
- coal combustion products (Furnace Bottom Ash from Stanwell Power Station).

CHANGES TO CONDITIONS

As a result of the proposed changes to the development, a number of conditions of the existing approval are required to be amended. The conditions which are being amended in relation to the requested change have been summarised below:

Condition Amended	Type of Amendment
Condition 1.6	Changed
Condition 1.7	Changed
Condition 2.1	Changed
Condition 3.1	Changed
Condition 3.2	Changed
Condition 3.3	Changed
Condition 3.4	New
Condition 3.5	New
Condition 4.1	Deleted
Condition 4.2	Deleted
Condition 4.3	Deleted
Condition 4.4	Changed
Condition 4.5	New
Condition 4.6	New
Condition 4.7	New
Condition 4.8	New
Condition 4.9	New
Condition 5.3	Deleted
Condition 6.1	Deleted
Condition 6.2	Deleted
Condition 6.4	Deleted
Condition 7.4	Deleted
Condition 7.6	Deleted
Condition 7.7	Deleted
Condition 7.8	Changed
Condition 7.9	Changed
Condition 9.7	Changed
Condition 10.2	Deleted
Condition 10.5	Changed
Condition 10.8	Deleted
Condition 10.11	New
Condition 10.12	New

Condition 10.13	New
Condition 10.14	New
Condition 11.1	New

In addition to the above changes, a number of advisory notes have also been updated or otherwise amended to align with current standards, legislation and other requirements.

Advisory Note Amended	Type of Amendment
Advisory Note 1	Changed
Advisory Note 2	Deleted
Advisory Note 4	Deleted
Advisory Note 5	Deleted
Advisory Note 7	Deleted
Advisory Note 8	New
Advisory Note 9	New
Advisory Note 10	New
Advisory Note 11	New
Advisory Note 12	New
Advisory Note 13	New
Advisory Note 14	New

SITE AND LOCALITY

The subject site is located on property described as Lot 250 Fogarty Road, Fairy Bower or Lot 250 on R2621. The site is located in the Rural Zone of the *Rockhampton Region Planning Scheme 2015* (version 2.2). The quarry site is affected by several overlays within the scheme, most notably the Flood Hazard Overlay. The site is located within the Fitzroy River 1% Annual Exceedance Probability (AEP) flood inundation area and identified as subject to Extreme (H5) Flood Hazard.

PLANNING ASSESSMENT

Matters for Consideration

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

TOWN PLANNING COMMENTS

State Planning Policy 2017

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

Central Queensland Regional Plan 2013

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

Rockhampton Region Planning Scheme 2015

Strategic Framework

The subject site is situated within the Industrial Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* (version 2.2) are applicable:

- (i) Settlement Pattern;
- (ii) Natural Environment and Hazards;
- (iii) Community Identity diversity;
- (iv) Access and Mobility;
- (v) Infrastructure and Services; and
- (vi) Natural Resources and Economic Development.

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

Rural Zone

The subject site is situated within the Rural Zone under the *Rockhampton Region Planning Scheme 2015* (version 2.2). This application is consistent with the purpose of the Rural Zone and achieves the relevant overall outcomes which have been identified below. This is supported by reasonable and relevant conditions where suitable.

(2) *The purpose of the zone will be achieved through the following outcomes:*

[.....]

(b) *development:*

- (i) *does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;*
- (ii) *is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;*
- (iii) *has legal and practical access to the road hierarchy;*
- (iv) *is serviced by infrastructure that is commensurate with the needs of the use; and*
- (v) *maximises energy efficiency and water conservation;*

[.....]

(e) *development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development;*

Editor's note—Agricultural land classified as Class A or Class B is identified on the agricultural land classification overlay map OM-13.

- (l) *extractive industries (including Marmor limeworks) on rural land are protected from encroachment by incompatible uses;*
- (m) *extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;*

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Rural Zone Code;
- Acid Sulfate Soils Overlay Code;

- Airport Environs Overlay Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Flood Hazard Overlay Code;
- Steep Land Overlay Code;
- Access, Parking And Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes or has otherwise been conditioned to comply. Where the application is in conflict with the Acceptable Outcome/s, an assessment against the Performance Outcome/s is outlined within the Statement of Reasons as detailed in **Recommendation A**.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 for non-residential development applies to the application. An Extractive Industry falls within the ambit of the "Other Uses" category under the Charges Resolution, for which Council has discretion to decide the applicable infrastructure charges at the time of assessment. As the proposed development is conditioned to provide a road maintenance levy and the site is not otherwise serviced by any other Council infrastructure networks, Council has decided not to levy infrastructure charges for the proposed development. Therefore, no infrastructure charges are payable and an Infrastructure Charges Notice is not required for the development.

CONSULTATION

The proposal was the subject of public notification between 28 July 2022 and 18 August 2022, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules. During the course of public notification, one (1) properly submission was received by Council. The matters raised in the submission have been considered by Council officers as part of the assessment of this application. A summary of the concerns raised in the submission and how they have been addressed is included in the Statement of Reasons as presented in **Recommendation A**.

REFERRALS

The application was referred to the State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) as a Concurrence Agency. The Department assessed the application and provided a referral agency response (SARA reference: 2112-26672 SRA) on 15 September 2022.

CONCLUSION

THAT the proposed development is not anticipated to compromise the Strategic Framework of *Rockhampton Region Planning Scheme 2015* (version 2.2). Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/589-2013 - DEVELOPMENT
APPLICATION FOR AN "OTHER
CHANGE" TO A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR EXTRACTIVE INDUSTRY
(SAND QUARRY)**

Locality Plan

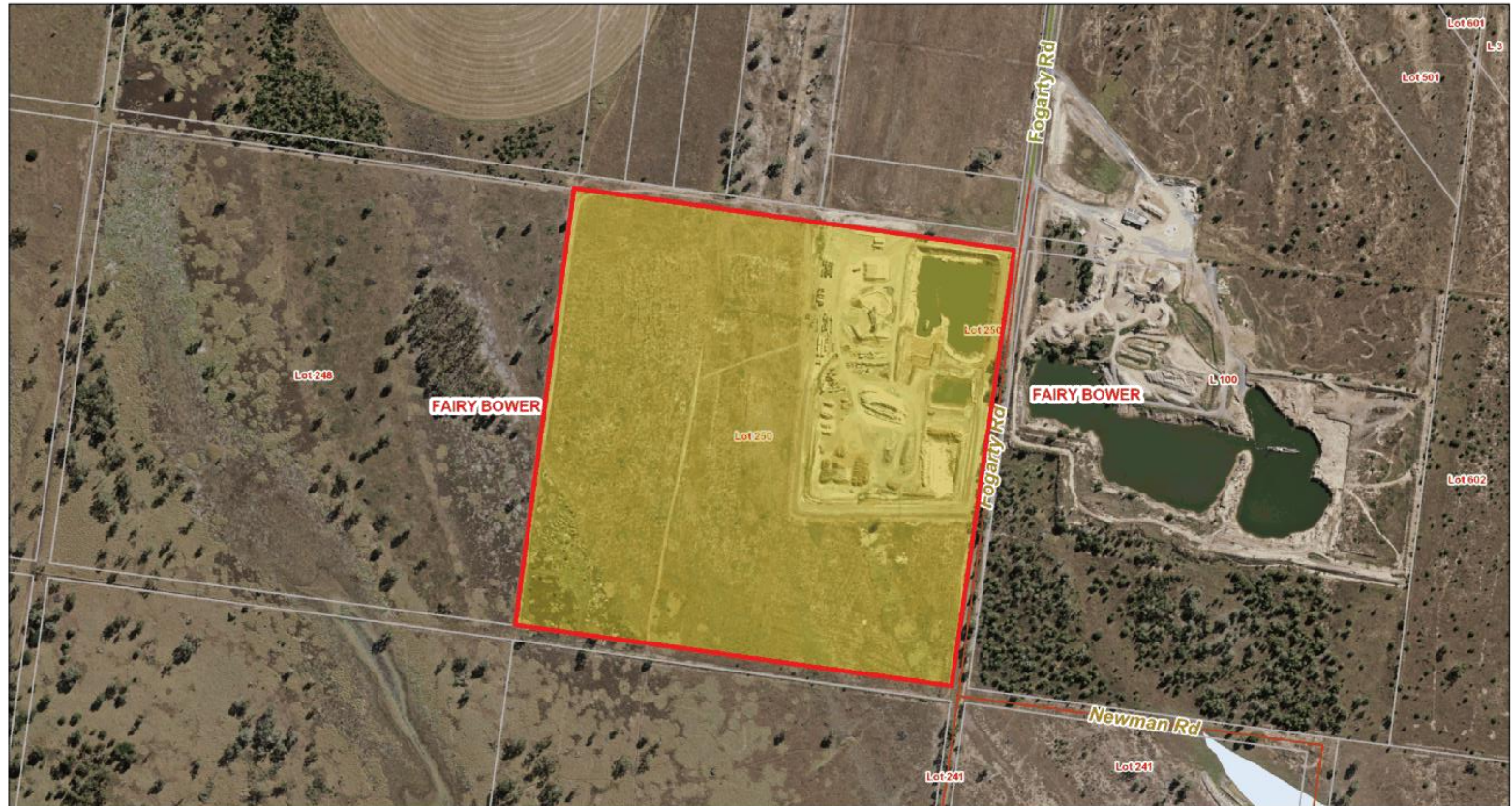
Meeting Date: 12 April 2023

Attachment No: 1

D/589-2013 - Locality Map



A4 Page scale at 1: 7,553.01
Printed from GeoCortex on 12/01/2023



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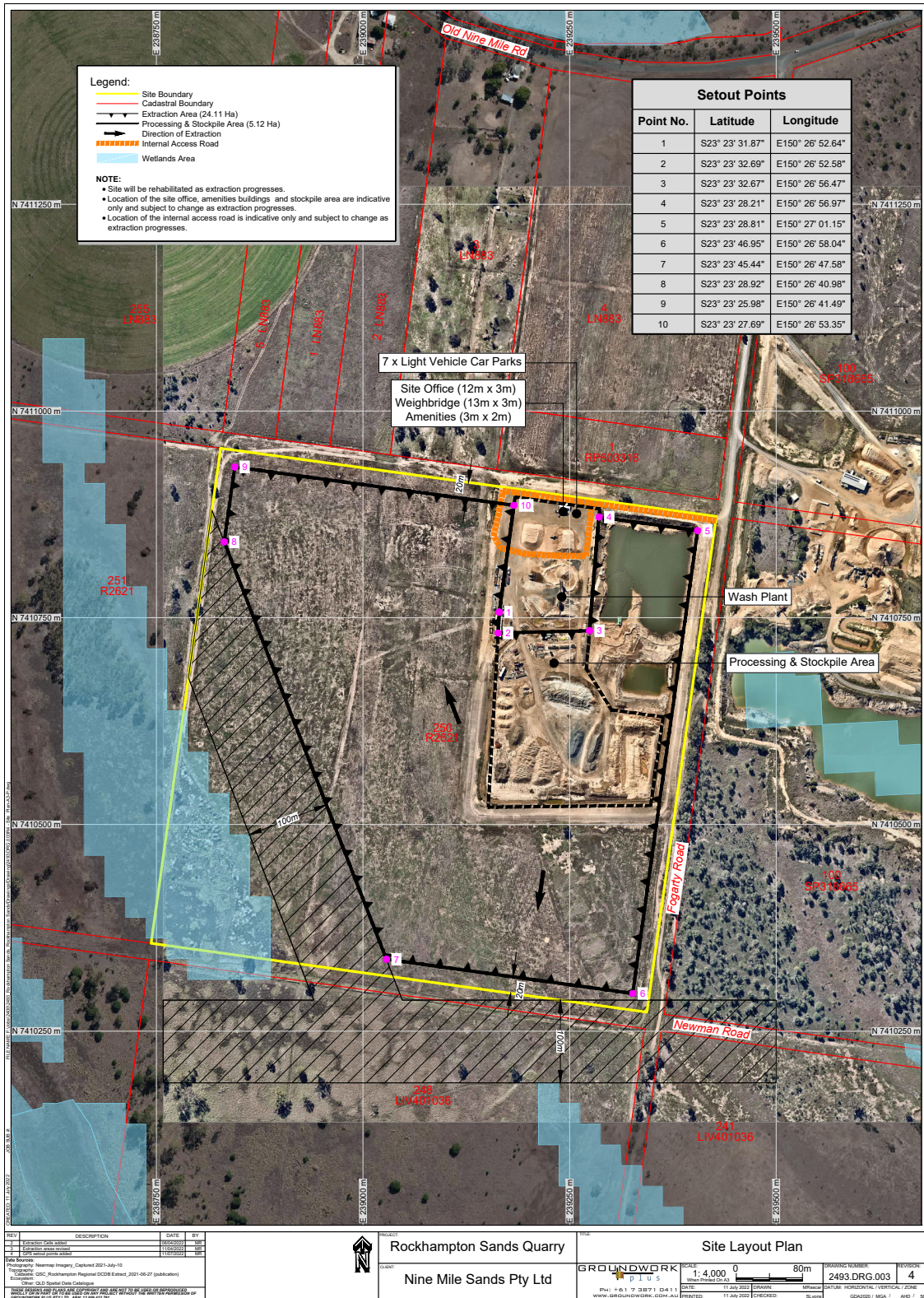


**D/589-2013 - DEVELOPMENT
APPLICATION FOR AN "OTHER
CHANGE" TO A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR EXTRACTIVE INDUSTRY
(SAND QUARRY)**

Site Layout Plan

Meeting Date: 12 April 2023

Attachment No: 2



12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR NEIL FISHER - BOWEN BASIN MINING CLUB LUNCHEON

File No:	10072
Attachments:	1. Notice of Motion
Authorising Officer:	Emma Brodel - Senior Executive Assistant to the Mayor Justin Kann - Manager Office of the Mayor Evan Pardon - Chief Executive Officer
Author:	Nicole Semfel - Executive Support Officer

SUMMARY

Councillor Neil Fisher has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Wednesday 12 April 2023 regarding attendance at Bowen Basin Mining Club Luncheon on 25 May 2023.

OFFICER'S RECOMMENDATION

THAT Councillor Neil Fisher be granted approval to attend the Bowen Basin Mining Club meeting in Mackay on Thursday 25 May 2023.

BACKGROUND

Councillor Neil Fisher is seeking approval to attend the Bowen Basin Mining Club's May Luncheon at the Souths Leagues Club Mackay.

The Bowen Basin Mining Club provides the largest networking events in the Bowen Basin. Rockhampton Regional Council has had a highly visible presence at these events since 2012.

By attending, Rockhampton Regional Council is sending a message of support to the Rockhampton Regions resource industry businesses.

The theme of discussion for May's event is **The Future of Mining Supply Chain Panel** with guest speakers:

- Sebastian Greco, VP Procurement, Minerals Australia, BHP
- Paul Davis, Regional Procurement Manager, Anglo American

Associated costs shall be expended from the Councillor's Travel Expenses Allocation. This would include the \$95.00 registration for BBMC event, travel via vehicle and meals.

**NOTICE OF MOTION –
COUNCILLOR NEIL FISHER –
BOWEN BASIN MINING CLUB
LUNCHEON**

Notice of Motion

Meeting Date: 12 April 2023

Attachment No: 1



Councillor Neil Fisher
Division 2 - Deputy Mayor
Airport Portfolio
neil.fisher@rrc.qld.gov.au
0417 663 961

6 April 2023

The Chief Executive Officer
Rockhampton Regional Council
PO BOX 1860
ROCKHAMPTON QLD 4700

Dear Evan

I hereby give notice that I intend to move the following Motion at the next Ordinary Council Meeting of the Rockhampton Regional Council, on Wednesday 12 April 2023

“THAT Councillor Neil Fisher seeks approval to attend the Bowen Basin Mining Club meeting in Mackay on Thursday the 25th May 2023.”

Background:

Councillor Neil Fisher is seeking approval to attend the Bowen Basin Mining Club’s May Luncheon at the Souths Leagues Club Mackay.

The Bowen Basin Mining Club provides the largest networking events in the Bowen Basin. Rockhampton Regional Council has had a highly visible presence at these events since 2012.

By attending, Rockhampton Regional Council is sending a message of support to the Rockhampton Regions resource industry businesses.

The theme of discussion for this month’s event is ‘The Future of Mining Supply Chain Panel’ with guest speakers;

- Sebastian Greco, VP Procurement, Minerals Australia, BHP
- Paul Davis, Regional Procurement Manager, Anglo American

Associated costs shall be expended from the Councillor’s Travel Expenses Allocation. This would include the \$95.00 registration for BBMC event, travel via vehicle and meals.

Yours sincerely

A handwritten signature in black ink, appearing to read "Neil Fisher".

Cr Neil Fisher
Deputy Mayor
Rockhampton Regional Council

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

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.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Commercial Matter

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

16 CONFIDENTIAL REPORTS

16.1 COMMERCIAL MATTER

File No: 3368

Attachments: Nil

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Marcus Vycke - Manager Airport

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

Manager Airport reporting seeking Council endorsement on a commercial matter.

17 CLOSURE OF MEETING