



ORDINARY MEETING

MINUTES

27 JUNE 2023

These Minutes are due to be confirmed at the next
Ordinary Council meeting on 11 July 2023.

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 27 JUNE 2023 COMMENCING AT 9:00AM**

1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Strategy and Planning
Mr Z Garven – Acting Executive Manager Advance Rockhampton
Mr D Morrison – Manager Workforce and Governance
Mr M Vycke – Manager Airport (via video-link)
Mr M O’Keeffe – Manager Rockhampton Regional Waste and Recycling
Mr J Kann – Manager Office of the Mayor
Ms M Younger – Manager Corporate and Technology Services
Mr M Millett – Acting Manager Communities and Culture
Mr G Meacham – Coordinator Resource Recovery Strategy
Ms A O’Mara – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Ms A Brennan – Coordinator Legal and Governance
Mr B Standen – Principal Planning Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

10.3 LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON: MONDAY 26 JUNE TO FRIDAY 30 JUNE 2023

File No: 10072
Authorising Officer: Nicole Semfel - Acting Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Drew Wickerson requesting leave of absence from Monday 26 June 2023 to Friday 30 June 2023 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted for Councillor Drew Wickerson from Monday 26 June 2023 to Friday 30 June 2023 inclusive.

Moved by: Mayor Williams
Seconded by: Councillor Mathers

MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 13 June 2023 be confirmed.

Moved by: Councillor Kirkland
Seconded by: Councillor Mathers

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Shane Latcham informed the meeting:

“I have a declarable conflict of interest in **Item 16.2 – Summary of Partnership Discussions with Beef Australia** as I received hospitality from Beef Australia between 2 to 8 May 2021 and the value is greater than \$500.00. As a result of my declarable conflict of interest, I will leave the meeting room while the matter is discussed and voted on.”

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - COUNCILLOR NEIL FISHER - FRENCHVILLE STATE SCHOOL: INDIGENOUS GARDEN PROJECT

File No: 8295

Authorising Officer: Nicole Semfel - Acting Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer

Author: Megan Careless - Executive Support Officer

SUMMARY

This report requests Council's consideration and approval for an allocation from Councillor Neil Fisher's Councillor Discretionary Fund towards an indigenous garden project at Frenchville State School.

COUNCIL RESOLUTION

THAT Council approves the allocation of \$2,800.00 from Councillor Neil Fisher's Councillor Discretionary Fund towards an indigenous garden project at Frenchville School.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

10.2 LEAVE OF ABSENCE - COUNCILLOR ELLEN SMITH: 5 JULY 2023 TO 24 JULY 2023 INCLUSIVE

File No: 10072
Authorising Officer: Nicole Semfel - Acting Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Ellen Smith requesting leave of absence from Wednesday 5 July to Monday 24 July 2023 inclusive.

COUNCIL RESOLUTION

THAT leave of absence be granted for Councillor Ellen Smith from Wednesday 5 July to Monday 24 July 2023 inclusive.

Moved by: Mayor Williams
Seconded by: Councillor Kirkland
MOTION CARRIED

11 OFFICERS' REPORTS

11.1 NATIONAL BUSH SUMMIT - A VOICE FOR RURAL AND REGIONAL AUSTRALIA

File No: 14966
Authorising Officer: Zac Garven - Acting Executive Manager Advance
Rockhampton
Author: Wade Clark - Industry Engagement Manager

SUMMARY

The National Bush Summit is being held in Rockhampton on 18 August 2023. The Summit will provide a forum for approximately 300 farmers, community leaders, key stakeholders and the general community to shine a light on issues facing the region and opportunities to improve the lives of regional Australians. The Summit provides an opportunity for the Rockhampton Region to project itself on the national stage.

COUNCIL RESOLUTION

THAT Council sponsors The National Bush Summit as a bronze partner to be held in Rockhampton on 18 August 2023 for the amount of \$8,500 (plus GST).

Moved by: Mayor Williams
Seconded by: Councillor Latcham
MOTION CARRIED UNANIMOUSLY

11.2 RADF ROUND TWO FUNDING

File No: 8944
Authorising Officer: John Webb - Manager Communities and Culture
 Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

Applications received for Round Two of the 2022-23 Regional Arts Development fund have been assessed by the RADF committee and seven (7) applications are recommended for funding.

Three (3) applications to join the committee were received and their appointment to the committee is recommended.

9:10AM Councillor Smith attended the meeting

COUNCIL RESOLUTION

THAT:

1. Council endorses the persons listed in table (A) of this report to be appointed to the Regional Arts Development Fund Committee; and
2. Council endorses the applications listed below in Table (B) for funding from the Regional Arts Development fund:

Table (A) – Applicants recommended for Endorsement to the RADF Committee

<i>Name of Applicant</i>	<i>Skills and Expertise</i>
Oliver Skrzypczynski	Theatre, Dance/Movement - CV attached (confidential)
Patric Lilleboe	Visual Arts, Theatre, Dance, Museums and Cultural Heritage. <i>*Please note Patric is a Council Employee (Heritage Village)</i> Community Cultural Development – CV attached (confidential)
Kay Wolfs	Visual Arts, Craft, Design, Writing, Multimedia, Community Cultural Development – Application and Letter of Support attached (confidential)

Table (B) – Applications recommended for Funding

Applicant	Purpose of grant	Grant Recommended
Blue Eagle Productions	Project – Koch and Boules Season 2 To produce a locally made, follow up web series in Mount Morgan with local cast and crew members.	\$9,910.00
Dr Suzie May Camm	Development – The Linda Memorial Mount Morgan The creation of a music composition for string quartet dedicated to the memory of miners lost at the Mount Morgan Gold Mine 1894-1909.	\$2,500.00

Jacky Ming How Chan	Project – Portraits of Darumbal Elders Artist will create four (4) portraits of Darumbal Elders. These paintings will then be gifted to Darumbal Enterprises for exhibition.	\$10,000.00
Mount Morgan Promotion and Development Inc (MMPAD)	Project – Artistic Workshops as part of the Wattle Day Festival and 125 Year Mount Morgan Railway Celebrations MMPAD will host it's annual Wattle Day Festival in conjunction with the 125 years of the Mount Morgan Railway Station on Saturday 2 September 2023. As a component of this festival, MMPAD plans to conduct a range of artistic and cultural workshops. These workshops include pottery and mosaic tiling, indigenous art techniques and other art techniques.	\$6,236.00
Mundagatta Didgeridoos	Project – Neon Corroboree A contemporary and traditional Indigenous dance performance with the use of neon and fluorescent ochre (body paint) to be performed at the Dreamtime Cultural Centre as part of NAIDOC Week.	\$9,035.00
Rockhampton Symphony Orchestra	Project – Return of the Proms Collaborative professional workshops and a performance between the Rockhampton Symphony Orchestra and a community choir to celebrate the RSO 5 th Anniversary.	\$9,665.00
Rockhampton Youth Orchestra Inc.	Project – Rockhampton Creative Bootcamps 2023 Four (4) day Creative Bootcamp in Rockhampton with a community Performance outcome.	\$9,573.00

Moved by: Councillor Rutherford

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.3 TASTES OF THE WORLD PARTNERSHIP

File No: 6097
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

It is proposed to deliver the Tastes of the World event occurring August 19th 2023 under a partner delivery model between Rockhampton Regional Council (RRC) and Central Queensland Multicultural Association (CQMA) to celebrate diversity in the region.

COUNCIL RESOLUTION

THAT:

1. Council supports the joint delivery of Tastes of the World for the next 3 years; and
2. A review of the partnership delivery model be conducted following the 2026 event.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR SERVICE STATION, RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENTS) AND OPERATIONAL WORKS FOR ADVERTISING DEVICES (PYLON SIGN X 1, WALL SIGN X 2 AND CANOPY SIGN X 3)

File No: D/25-2020

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Brendan Standen - Principal Planning Officer

SUMMARY

Development Application Number: D/25-2020

Applicant: Pearl Energy Pty Ltd

Real Property Address: Lot 81 on SP300144

Common Property Address: 1018-1038 Yaamba Road, Parkhurst

Area of Site: 98,470m²

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

Planning Scheme Zone: Low Density Residential

Planning Scheme Overlays: Airport Environs Overlay;
Flood Hazard Overlay; and
Steep Land Overlay.

Existing Development: Shed

Approval Sought: Development Permit for Material Change of Use for Service Station, Reconfiguring a Lot (one lot into two lots and access easements) and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3)

Level of Assessment: Impact Assessable

Submissions: Two (2)

Referral Agency: Department of State Development, Infrastructure, Local Government and Planning and Ergon Energy

9:50AM Councillor Fisher left the meeting (via video-link)

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for Service Station, Reconfiguring a Lot (One Lot into Two Lots and Access Easements) and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3), made by Pearl Energy Pty Ltd, located at 1018-1038 Yaamba Road, Parkhurst, described as Lot 81 on SP300144, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for Service Station, Reconfiguring a Lot (One Lot into Two Lots and Access Easements) and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3)	
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	
The development was assessed against the following assessment benchmarks:	
<ul style="list-style-type: none"> • Strategic Framework; • Low Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Filling and Excavation Code; • Reconfiguring a Lot Code; • Advertising Devices Code; and • Flood Hazard Overlay 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
Strategic Framework	<p>3.3.8.1 (1) (8) (9)</p> <p>The proposed development presents conflicts with aspects of the Strategic Framework. This notably includes specific outcomes (1), (8) and (9) relating to the settlement pattern theme for the urban and new urban designation. These specific outcomes identify that the area provides primarily for residential activities and non-residential activities when they provide a localised service function for the immediate local residential community.</p> <p>While the specific outcomes are focused on the above, they do not preclude non-residential uses occurring within the urban and new urban designation, rather that residential uses prevail. The proposed development seeks to occupy approximately ten percent (10%) of the site for a service station activity. The rest of the site remains undeveloped and zoned Low Density Residential. The proposed development has been designed and conditioned to ensure it does not prejudice future development over Proposed Lot 2.</p>

	<p>What is taken to be a 'localised service function' in this instance is considered to go beyond the immediate bounds of Parkhurst. The reason being the site is located on a State-controlled road that provides linear development that is generally highway focussed and servicing transient customers. Notwithstanding this, it is acknowledged it may only service a relatively small portion of the immediate local community.</p> <p>In instances where there are clear conflicts with the specific outcomes of the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p>
<p>Low Density Residential Zone Code</p>	<p>PO16</p> <p>The proposed development does not comply with aspects of relating to instances where non-residential uses can occur in the Low Density Residential Zone. Conflicts may exist with outcomes relating to development being small-scale and consistent with the surrounding built form and functioning to service the needs of the immediate local residential community.</p> <p>Despite this, the proposal is considered to on balance comply for the following reasons:</p> <ul style="list-style-type: none"> • The design of the proposed development in conjunction with conditions of approval seek to ensure there are no adverse offsite impacts to the residential character and amenity of the surrounding area. Specifically, this is achieved through acoustic barriers, landscaping and operational restrictions for the activity; • The development is consistent with aspects of the surrounding built form. The surrounding built form is characterised by a combination of industrial, commercial and short and long term accommodation activities. Industrial development prevails on the western side of Yaamba Road and in this context the proposed built form is consistent; • The development provides a convenience function for road users of Yaamba Road (Bruce Highway). The proposal will provide refuelling and rest facilities including for heavy vehicles north of the Rockhampton Ring Road's (RRR) intersection with Yaamba Road, which avoids heavy vehicles having to re-enter Rockhampton City and undermine the purpose of the RRR project; • The site does not adjoin an existing centre zone and has been designed and conditioned to minimise impacts on local amenity and the local street network. <p>To the extent any conflicts are identified with PO16 and are not otherwise overcome by higher order provisions in the Planning Scheme, regard to relevant matters is considered to outweigh those conflicts.</p> <p>PO21</p> <p>The proposed development does not comply with AO21.1 because the hours of operation for the service station are 24 hours, seven (7) days per week, rather than being restricted to 07:00 to 22:00.</p> <p>Despite this, the application material demonstrated the use can operate 24 hours, seven days per week without adversely impacting on adjoining land uses and the surrounding area. This includes:</p> <ul style="list-style-type: none"> • The site design and recommendations (namely acoustic fencing and restricting the operation of mobile refrigeration vehicles) ensure the acoustic quality objective criteria during the day, evening and night set by the <i>Environmental Protection (Noise) Policy 2019</i> can be achieved; and • Conditions of approval have been included that regulates outdoor lighting so as not to cause nuisance to nearby residents and motorists.

	<p>Therefore, the development is taken to comply with PO21. To the extent any conflicts are identified with PO21, regard to relevant matters is considered to outweigh those conflicts.</p>
Landscape Code	<p>PO11</p> <p>The proposed development does not comply with AO11.1-11.3 because shade tree planting within the car parking area adjoining the service station building is not provided in accordance with the rates set out in the Landscape Code.</p> <p>Despite this, the approved vehicle parking area adjoining the service station building does not practically allow for shade tree planting given the awning. Landscaping within and around the site, including shade tree planting along the rear boundary of the heavy vehicle parking area, does assist in reducing the visual appearance of car parking areas, provide shade, reduce glare and reduce heat stored in hard surfaces.</p> <p>Therefore, the development is taken to comply with PO11.</p>
Advertising Devices Code	<p>PO1</p> <p>The proposed development does not comply with AO1.2 because it involves a freestanding sign and wall signs in the Low Density Residential Zone.</p> <p>Despite this, the signage is a consequence of the service station activity, which is the more prominent feature on the site. The freestanding sign and wall signs are considered to be appropriately designed and sited for the following reasons:</p> <ul style="list-style-type: none"> • The signs present towards Yaamba Road, which is a high order road where the streetscape is characterised by a combination of industrial and commercial uses, which all provide similar types of signage; • Is designed, sited and been conditioned to ensure it does not compromise vehicle or pedestrian safety. Specifically, all signage is contained within the site and conditions of approval have been imposed around limiting lighting, visual displays and acoustics impacts; and • Due to the combination of land use activities along Yaamba Road, including residential activities, there is not a proliferation of signage. There are no advertising devices immediately north of the site. The industrial activities on the western side of Yaamba Road and the short-term accommodation to the south provide business wall signs and pylon signs. <p>Therefore, the development is taken to comply with PO1.</p> <p>PO2</p> <p>The proposed development does not comply with AO2.1 because the pylon sign incorporates a digital display for fuel prices.</p> <p>Despite this, the illumination associated with the digital display of fuel prices, rather than for example a billboard with images, is considered very minor. Notwithstanding this, conditions of approval have been imposed that limit the luminance levels.</p> <p>Therefore, the development is taken to comply with PO2.</p>
Relevant Matters	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • The proposal and site are significant in the context of providing dedicated heavy vehicle parking, refuelling and rest facilities along the Bruce Highway, particularly having regard to the Rockhampton Ring Road (RRR) alignment: 	

- Yaamba Road (Bruce Highway) is categorised as a Highway and is a significant road transport corridor on the east coast of Queensland. An average of 2,640 heavy vehicles transit through Rockhampton daily.
- The intent of the RRR project is, among other things, to provide freight efficiencies and improve travel times. Vehicles will therefore seek to utilise the Ring Road, bypassing existing service stations within the city that cater for heavy vehicles.
- The site is located approximately 3.5 kilometres (km) north of the Yeppoon Road-Yaamba Road intersection, which is where the RRR links back up to the existing Highway. Therefore, the site's location is important in servicing road users and fulfilling the intent of the RRR project.
- There are no service stations north of the site for 318 kilometres that provide modern facilities that offer truck lounge, B-Double access and truck parking. Therefore, there is a planning need to provide these facilities.
- There is a planning need to provide improved service stations outside Rockhampton City. The current zoning and availability of otherwise appropriately zoned land north of RRR intersection with Yaamba Road does not accommodate service stations suitable for heavy vehicles.
- There is an established mixed land use pattern on the eastern side of Yaamba Road in proximity to the site. There is a combination of short-term accommodation, service station, hotel, educational establishment and long-term accommodation uses.
- The service station development represents a relatively small footprint on the site, accounting for approximately ten percent (10%) of site area. The service station does not prejudice residential development from occurring within Proposed Lot 2 or adjoining land.

Matters raised in submissions

Cultural heritage	<p>The submitter raised concern the unique cultural heritage of Parkhurst would be compromised by the proposed development. The cultural heritage values raised include the site was once part of a property that provided open space and clean living.</p> <p>The site is not identified in the Planning Scheme or under State legislation as being either a local or State heritage place. The gradual transition of undeveloped land within the Priority Infrastructure Area to urban activities is an ordinary consequence of population growth and development.</p>
Pedestrian and cyclist safety	<p>The submitter raised concern the proposed development would compromise pedestrian and cyclist safety. There is an existing shared path along the site's frontage to Yaamba Road, which will be interrupted at the vehicle crossover location.</p> <p>A shared pathway has recently been extended from Stirling Drive to the north through to Olive Street to the south, for a distance of approximately 1.4km. It is acknowledged pedestrian and cyclist interactions should be limited where possible; however, the shared path is already interrupted by residential and commercial activities, including tourist parks and a service station.</p> <p>Irrespective of the type of development occurring on the site, a new crossover from Yaamba Road would likely be required for the site to realise its full development potential. The reason being that access is restricted from the north and south, and there are no future trunk infrastructure works planned to the east to extend Norman Road to provide access from the rear.</p>
Undermine tourism and economy	<p>The submitter raised concern the proposed development would undermine existing tourism in Parkhurst, and consequently the local economy, because it would adversely impact the current "country town" brand of the locality.</p> <p>Parkhurst is not recognised as a tourism destination within the Region. That part of Yaamba Road within Parkhurst is, however, recognised as providing highway dependent development, such as short-term accommodation that</p>

	<p>by extension supports tourism and the local economy.</p> <p>The design of the proposed development in conjunction with conditions of approval imposed by Council ensure the development will not compromise the ability of adjoining land to be developed for the purpose it was zoned (Low Density Residential).</p>
Devaluing of land	<p>The submitter raised concern the proposed development would result in the loss of property value. Property value is not a matter Council must or may have regard to under the <i>Planning Act 2016</i>.</p>
Loss of fertile farming land	<p>The submitter raised concern the development would result in the loss of fertile farming land. The site is not mapped as being Good Quality Agriculture Land and is zoned Low Density Residential Development under the <i>Rockhampton Region Planning Scheme 2015</i>. The site would ultimately be developed for urban activities.</p>
Loss of environmental values	<p>The submitter raised concern the proposed development would result in the removal of three (3) large gum trees, result in contamination of soils and groundwater and have adverse impact on the environment.</p> <p>The site is not mapped as containing any matters of local or environmental State significance. The development has also been designed and conditioned to ensure it meets the stormwater quality objectives contained in the <i>State Planning Policy July 2017</i>.</p>
Traffic	<p>The submitter raised concern the proposed development would compromise the safety and efficiency of Yaamba Road, and that traffic assessments would not have had regard to the completed Rockhampton Northern Access Upgrade (RNAU).</p> <p>Yaamba Road is a State-controlled road. The development application was assessed by the Department of Transport and Main Roads, having regard to the changed traffic conditions as a result of the RNAU. The State provided a concurrence agency response with conditions. Therefore, it is taken the State is satisfied the proposed development will not compromise the safety or efficiency of the road network, subject to conditions.</p>
Lack of need	<p>The submitter raised concern there is a lack of need for the proposed development given there are already two (2) service stations within Parkhurst and there is no need for an additional service station.</p> <p>The existing two service stations are located at Parkhurst Town Centre and the Parkhurst Motel and Van Park. Neither of these two service stations are suitable to cater for heavy vehicles in the quantity that will be bypassing Rockhampton City.</p>
Acoustic impacts	<p>The submitters raised concern the proposed development would adversely impact on residential amenity because of noise levels.</p> <p>A Noise Impact Assessment was provided with the application material, which demonstrates noise impacts can be mitigated to achieve the acoustic quality objectives and background creep criteria. This is principally achieved through sound barriers (acoustic fences) and operational measures, including prohibiting mobile refrigeration units operating between 10:00pm and 6:00am.</p>
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for Service Station, Reconfiguring a Lot (One Lot into Two Lots and Access Easements) and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3), made by Pearl Energy Pty Ltd, located at 1018-1038 Yaamba Road, Parkhurst, described as Lot 81 on SP300144, Council resolves to Approve the application subject to the following conditions:

MATERIAL CHANGE OF USE CONDITIONS**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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) Water Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Site Works; and
 - (vi) Landscaping Works
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
- 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 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

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:

Plan/Document Name	Prepared by	Date	Reference No.	Version/Issue/Rev
Development Site Plan	Verve Building Design Co	14 March 2023	22175 DA01	E
Building Elevations & Perspectives	Verve Building Design Co	14 March 2023	22175 DA03	D
Building Elevations & Perspectives	Verve Building Design Co	14 March 2023	22175 DA04	D
Subdivision Plan	Verve Building Design Co	14 March 2023	22175 DA06	D
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	25 November 2022	007-18-19	C
Flood Impact Assessment & Stormwater Management Plan	McMurtrie Consulting Engineers	06 March 2023	J20037	R1v3
Environmental Noise Assessment Proposed Service Station	RoadPro Acoustics	2 December 2022	1376R1-R0	0
Landscape Concept Plan (DA)	Madden Landscape Architects Pty Ltd	December 2022	LA-DA-CP-01	-
Landscape Concept Plan (DA)	Madden Landscape Architects Pty Ltd	December 2022	LA-DA-CP-02	-

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

2.3 Submit to Council for approval, prior to submission of a development application for Operational Works for Landscaping Works, an amended Development Site Plan that shows the following:

- 2.3.1 A 2.5 metre wide landscaped area located on the southern side of the acoustic barrier fence at the southern extent of the service station. This landscaped area must be provided for the full extent of the acoustic barrier fence; and
- 2.3.2 A 2.5 metre wide landscaped area on the northern side of the acoustic barrier fence at the northern extent of the service station. This landscaped area must be provided for the full extent of the acoustic barrier fence.
- 2.4 Submit to Council for approval, prior to submission of a development application for Operational Works for Landscaping Works, an amended Subdivision Plan that shows the following:
- 2.4.1 The 2.5 metre wide landscaped area at the northern side of the acoustic barrier fence, required by condition 2.3, included wholly within proposed Lot 1.
- Alternatively, submit to Council for approval, an amended acoustic barrier fence design that is wholly contained within the proposed Lot 1 boundary that provides additional articulation (recesses etc.) and landscaping along the northern side of the acoustic barrier fence.
- 2.5 Submit to Council for approval, prior to submission of a Building Application, amended Building Elevation and Perspectives Plans that show elevation plans for the proposed acoustic barrier fence with at least three (3) variations in textures, materials and colours for the full extent of the acoustic barrier fence (exterior to the service station).
- Note: Treatments on the eastern side of the acoustic barrier fence must be capable of being maintenance free.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 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.
- 3.2 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).
- 3.3 All car parking and access areas and manoeuvring areas must be 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).
- 3.4 Two new accesses (Entry only – northernmost one and Exit only – southernmost one) to the development must be provided from the Yaamba Road (Bruce Highway).
- 3.5 A minimum of fourteen (14) parking spaces including one person with disability (PWD) parking space must be provided on-site. Additionally, nine (9) parking spaces for articulated vehicles (AV) must be provided on-site. This includes two B-Double parking spaces.
- 3.6 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"*.
- 3.7 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).
- 3.8 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.

- 3.9 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"*.
- 3.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 3.12 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 4.2 All water 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 (water works).
- 4.3 The development must be connected to Council's reticulated water network.
- 4.4 A 150 millimetre diameter Water Main must be constructed (extended) from the existing fire hydrant at the common boundary with Lot 3 on SP316476 and Lot 81 on SP300144 along Yaamba Road (Bruce Highway) reserve to the full frontage of the development site. This water main must be terminated at the common boundary of Lot 81 on SP300144 and Lot 72 on SP258697 and a Fire Hydrant (FH) must be installed at the termination point.

Note: Should the Reconfiguring a Lot component be completed prior to Material Change of Use component this water main must be completed under the Reconfiguring a Lot component.

- 4.5 A new water connection point must be provided to the development from the new 150 millimetre water main at Yaamba Road required by Condition 4.4. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 4.6 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.7 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the proposed building structure on the development site.
- 5.2 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.
- 5.3 The development must be connected to Council's reticulated sewerage network.

- 5.4 A new sewerage connection point must be provided to the development from the existing 225 millimetre sewerage main located within the subject site.
- 5.5 Sewer connections within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.6 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 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 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).
- 6.3 All stormwater discharge must be lawful and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation tank.
- 6.5 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.
- 6.6 The installation of gross pollutant traps must be in accordance with relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 6.7 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.
- 6.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.9 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:
- 6.9.1 be suitable to the climate and incorporate predominately native species;
 - 6.9.2 maximise areas suitable for on-site infiltration of stormwater;
 - 6.9.3 incorporate shade trees; and
 - 6.9.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin/s as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

6.10 The on-site detention area must be completely outside of the existing sewerage easement.

6.11 Proposed drainage channels must be able to accommodate the one per cent (1%) Annual exceedance probability flood event plus have appropriate freeboard in accordance with the Queensland Urban Drainage Manual (QUDM).

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 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.

7.2 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).

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

8.0 SITE WORKS

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

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

8.2.1 the location of cut and/or fill;

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

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

8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and

8.2.5 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.

8.3 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.

9.0 BUILDING WORKS

9.1 A Development Permit for Building Works must be obtained for the proposed building structures on the development site.

9.2 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:

9.2.1 designed and located so as not to cause a nuisance to neighbouring properties;

9.2.2 screened so as not to be visible from a public space;

- 9.2.3 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;
- 9.2.4 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.
- 9.3 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 flood level.
- 9.4 The finished floor level of all proposed building structures (refer to condition 2.1) must be a minimum of 500 millimetres above the one per cent (1%) annual exceedance probability flood inundation level.
- 10.0 LANDSCAPING WORKS
- 10.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 10.2 Submit to Council for approval, prior to submission of a development application for Operational Works for Landscaping Works, an amended Landscape Concept Plan that provides the following:
- 10.2.1 Landscaping within the landscaped areas required by conditions 2.3 that includes a vegetated buffer, created through a two tier planting approach consisting of:
- 10.2.1.1 A minimum of two (2) shade or rounded canopy trees for every five (5) linear metres or part thereof of the length of the vegetated buffer;
- 10.2.1.2 A minimum of two (2) shrubs for every three (3) linear metres or part thereof of the length of the vegetated buffer.
- 10.3 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).
- 10.4 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 10.5 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:
- 10.5.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 10.5.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.6 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.7 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

- 10.8 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 10.8.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 10.8.2 adversely affect any road lighting or public space lighting; or adversely affect any Council infrastructure, or public utility plant
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 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.
- 13.3 '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)*.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 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, odour, noise or dust.
- 14.4 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*.
- 14.5 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 14.6 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.

- 14.7 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 14.8 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 14.8.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 14.8.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 14.8.3 waste bags and ties.
- 14.9 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.10 Regulated waste and any other contaminated waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 14.11 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.
- 15.0 OPERATING PROCEDURES
- 15.1 Noise barrier fencing must be established, retained and maintained in accordance with section 6.1 of the approved Environmental Noise Assessment and approved plan (refer to condition 2.1).
- 15.2 Mobile refrigeration plant (vehicles with generators or refrigeration equipment) is not permitted to be used on-site between 22:00 and 06:00.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include food preparation/sale. Approval for such activities is required before 'fitout' and operation.

RECONFIGURING A LOT CONDITIONS**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 issue of the Survey Plan Approval Certificate, 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 issue of the Survey Plan Approval Certificate, 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) Water Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Easements A and B over Lot 1 must provide unrestricted access to Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate. The easement must be in favour of Lot 2.
- 1.9 A stormwater easement (Easement E) must be provided over Lot 1. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate.

- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

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:

Plan/Document Name	Prepared by	Date	Reference No.	Version/Issue/Rev
Subdivision Plan	Verve Building Design Co	14 March 2023	22175 DA06	D

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

- 2.3 Submit to Council for approval prior to survey plan endorsement, an amended Subdivision Plan that shows the following:

- 2.3.1 The 2.5 metre wide landscaped area on the northern side of the acoustic barrier fence, required by Condition 2.3 of this development approval relating to the Material Change of Use component, included within proposed Lot 1. If the Material Change of Use for Service Station does not get acted upon, an amended Subdivision Plan is not required to be submitted for approval.

3.0 SEWERAGE WORKS

- 3.1 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*, and *Plumbing and Drainage Act 2018*.

- 3.2 All lots within the development must be connected to Council's reticulated sewerage network. Each lot must be provided with its own separate sewerage connection point, located wholly within its respective property boundary.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.

- 4.2 All water 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 (water works).

- 4.3 All lots within the development must be connected to Council's reticulated water network.

- 4.4 A 150 millimetre diameter Water Main must be extended from the existing fire hydrant located at the common boundary with Lot 3 on SP316476 and Lot 81 on SP300144 along Yaamba Road for the full frontage of the development site. This water main must be terminated at the common boundary of Lot 81 on SP300144 and Lot 72 on SP258697 and a Fire Hydrant (FH) must be installed at the termination point.

Note: Any works proposed within the state controlled corridor will require a road corridor permit to be obtained from Department of Transport and Main Roads (DTMR).

5.0 STORMWATER WORKS

- 5.1 All stormwater discharge must be lawful and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 5.2 An easement must be provided over the one per cent (1%) annual exceedance probability inundation extents for the local catchment flooding over the site. The easement will be in favour of Council.

6.0 SITE WORKS

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

7.0 ELECTRICITY

- 7.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

8.0 TELECOMMUNICATIONS

- 8.1 Telecommunications services must be provided to each lot in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

9.0 ASSET MANAGEMENT

- 9.1 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.
- 9.2 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.
- 9.3 '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 issue of the Survey Plan Approval Certificate. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

OPERATIONAL WORKS CONDITIONS**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 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 The following further development permits are required prior to the commencement of any works on the site:
- 1.4.1 Building Works.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved advertising device must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Signage Plan & Details	Verve Building Design Co	14 March 2023	22175 DA07	C

- 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.

3.0 OPERATING PROCEDURE

- 3.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.

- 3.2 All text and images displayed on the approved advertising device:
- 3.2.1 must be static;
 - 3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
 - 3.2.3 must not involve moving parts or flashing lights.
- 3.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*' and '*Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers*'.
- 4.0 DIGITAL SCREEN DISPLAY FEATURES
- 4.1 The digital display screen must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the screen malfunction.
 - 4.2 The display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
 - 4.3 The display screen must provide for on-site control, operation, configuration and diagnosis of the screen display.
 - 4.4 Messages must remain static for a minimum dwell time of eight (8) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
 - 4.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).
- 5.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT
- 5.1 The display screen must not be split to display multiple advertisements on the one (1) display screen.
 - 5.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
 - 5.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
 - 5.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, and legible. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.
Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that vehicle drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.
 - 5.5 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
 - 5.6 A blank black, white, or any coloured screen must not be displayed between advertisements.
 - 5.7 Advertisements that incorporate moving visual images, such as videos or animations must not be displayed.

5.8 Advertising devices must not be capable of playing audio nor be synchronised with any outdoor sound system utilised for advertising purposes.

6.0 LUMINANCE

6.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 2 below.

**Table 2: Luminance levels for Advertising Devices
(Source: OMA)**

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m ²	6000-7000 cd/m ²	6000-7000 cd/m ²
Morning/Evening/Twilight/inclement weather	1000 cd/m ²	700 cd/m ²	600 cd/m ²
Night Time	500 cd/m ²	350 cd/m ²	300 cd/m ²

Note:

Zone 1 very high ambient off street lighting i.e central city locations

Zone 2 high to medium off street ambient lighting

Zone 3 low levels of off street ambient lighting, i.e. most residential areas, rural areas.

7.0 BUILDING WORKS

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

7.2 No external loadings are to occur to the existing 225 millimetre sewerage main from the proposed pylon signage footings/structure. Any damage caused to the existing 225 millimetre sewerage main during the signage construction must be rectified

8.0 ASSET MANAGEMENT

8.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:

8.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or

8.1.2 as soon as reasonably possible as agreed with Council.

9.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

9.1 Council reserves the right for uninterrupted access to the site at all times during construction.

9.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times, unless otherwise approved by Council in writing.

- 9.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 9.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 9.5 The pylon sign must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 9.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 9.7 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".
- 9.8 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

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 the *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety of Public During Construction

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

Moved by: Councillor Kirkland

Seconded by: Councillor Latcham

MOTION CARRIED

Councillor Rutherford recorded her vote against the motion

11.5 ROCKHAMPTON REGIONAL COUNCIL RESOURCE RECOVERY STRATEGY REVISION 2023

File No: 121
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

SUMMARY

The purpose of this report is to provide Councillors with the final revised Rockhampton Regional Council Resource Recovery Strategy and to seek endorsement.

COUNCIL RESOLUTION

THAT Council endorse the revised Rockhampton Regional Council Resource Recovery Strategy.

Moved by: Councillor Latcham
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

10:07AM Councillor Smith left the meeting room
10:07AM Councillor Smith returned to the meeting room

11.6 FOGO BUSINESS CASE UPDATE

File No: 121
Authorising Officer: Martin Crow - Acting General Manager Regional Services
Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

SUMMARY

The purpose of this report is to provide Councillors with update on FOGO business case, in particular focusing on several specific barriers holding up its finalisation.

COUNCIL RESOLUTION

THAT Council receive this report and adopt the proposed amendment to the 2022-23 Operational Plan detailed within this report and as outlined in Attachment 1 of the report.

Moved by: Councillor Latcham
Seconded by: Councillor Kirkland
MOTION CARRIED UNANIMOUSLY

11.7 SOLE SUPPLIER - ROCKHAMPTON REGIONAL WASTE & RECYCLING

File No: 11760
Authorising Officer: Martin Crow - Acting General Manager Regional Services
Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

SUMMARY

The purpose of this report is to seek a Council resolution that the nominated supplier is deemed as a sole supplier in accordance with Section 235 (a) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT pursuant to s235 (a) of the *Local Government Regulation 2012*, Council approve SITECH as a sole supplier for the Trimble GNSS receiver replacement and any associated, software, license and maintenance requirements for the Landfill Compactor.

Moved by: Councillor Latcham
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

11.8 ANNUAL POLICY REVIEW - PURCHASING POLICY - ACQUISITION OF GOODS AND SERVICES

File No: 5883
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

The annual review of the Purchasing Policy – Acquisition of Goods and Services is presented for Council's consideration and adoption.

COUNCIL RESOLUTION

THAT Council:

1. Adopts the revised Purchasing Policy – Acquisition of Goods and Services; and
2. Approves a review date of the Purchase Policy – Acquisition of Goods and Services of June 2024.

Moved by: Councillor Smith
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

11.9 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No: 12660
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

This report seeks Council's approval of delegations under the Local Government Regulation 2012 to the position of Chief Executive Officer.

COUNCIL RESOLUTION

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the Instrument of Delegation – *Local Government Regulation 2012* (Attachment 1 of report);
2. These powers must be exercised subject to any limitations contained in schedule 2 of the Instrument of Delegation – *Local Government Regulation 2012* (Attachment 1 of report).

Moved by: Mayor Williams
Seconded by: Councillor Kirkland
MOTION CARRIED UNANIMOUSLY

Meeting Adjourned**COUNCIL RESOLUTION**

10:26AM
THAT the meeting be adjourned until 10:45am.

Moved by: Mayor Williams
MOTION CARRIED

Meeting Resumed**COUNCIL RESOLUTION**

10:45AM

THAT the meeting be resumed.

Moved by: Mayor Williams**MOTION CARRIED**

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 D M Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Strategy and Planning
Mr Z Garven – Acting Executive Manager Advance Rockhampton
Mr D Morrison – Manager Workforce and Governance
Mr J Kann – Manager Office of the Mayor
Ms M Younger – Manager Corporate and Technology Services
Mr A Collins – Manager Project Delivery
Ms A Davie – Grants and Policy Advisor
Ms L Leeder – Senior Committee Support Officer

11.10 SUMMARY BUDGET MANAGEMENT REPORT FOR PERIOD ENDED 31 MAY 2023

File No: 8148
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 May 2023.

10:52AM

Councillor Smith left the meeting room having informed the meeting of a prescribed conflict of interest regarding matters relating to Mount Morgan Water, as her nephew Adam John McEvoy is a partner in MTC Industries which has a contract with Fitzroy River Water to cart potable drinking water to Mount Morgan; her brother John James McEvoy is employed by MTC Industries to drive the water tanker.

In relation to the proposed water pipeline to Mount Morgan, the alignment goes along Kabra Road where her brother owns a property at 248 Kabra Road. The proposed alignment also goes along Moonmera Road where her sister and brother-in-law Trish and Don McKinnon own a property on the corner of Moonmera and Poison Creek Roads.

10:53AM

Councillor Smith returned to the meeting room

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 May 2023 be received.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Mathers, Rutherford, Smith, Kirkland and Latcham vote in the affirmative.

Councillor Fisher was not in attendance and did not participate in the vote.

11.11 MAY MONTHLY BUDGET REVIEW

File No: 8785
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer presenting updated budget estimates to 31 May 2023.

COUNCIL RESOLUTION

THAT the report be received and the budget estimate changes be endorsed.

Moved by: Mayor Williams
Seconded by: Councillor Kirkland
MOTION CARRIED UNANIMOUSLY

11.12 ASSET OWNERSHIP RECOGNISED FOR THE ROCKHAMPTON HOCKEY ASSOCIATION

File No: 5960, 4199
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer providing information on the recognition of ownership by the Rockhampton Hockey Association of constructed assets.

COUNCIL RESOLUTION

THAT the report be received and the recognition of assets owned by the Rockhampton Hockey Association be finalised in Council's accounts and Financial Statements for the 2022/23 financial year.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.13 BAD DEBT WRITE OFFS

File No: 1117
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presents a schedule of amounts considered to be uncollectable that require Council's approval to waive as per 5.4 of the Debt Recovery Policy Version 11, Adopted 19 July 2022.

COUNCIL RESOLUTION

THAT the debts contained in the schedule within the report be approved by Council to write off.

Moved by: Mayor Williams
Seconded by: Councillor Smith
MOTION CARRIED UNANIMOUSLY

**11.14 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING MAY 2023**

File No: 1392
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 31 May 2023 for Councillors' information.

COUNCIL RESOLUTION

THAT the Whole of Council Corporate Performance Report for period ending 31 May 2023 be "received".

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

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

14.1 COUNCILLOR DISCRETIONARY FUND REQUEST - COUNCILLOR CHERIE RUTHERFORD - CAPRICORN ANIMAL AID

File No: 8295

Responsible Officer: Nicole Semfel – Acting Executive Assistant to the Mayor

COUNCIL RESOLUTION

THAT Council approves the allocation of \$250.00 from Councillor Cherie Rutherford's Councillor Discretionary Fund to Capricorn Animal Aid.

Moved by: Mayor Williams

Seconded by: Councillor Kirkland

MOTION CARRIED

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.

11:17AM

Councillor Latcham, having earlier informed the meeting of a declarable conflict of interest and his decision to not participate in **Item 16.2 – Summary of Partnership Discussions with Beef Australia**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

COUNCIL RESOLUTION

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

16.2 Summary of Partnership Discussions with Beef Australia

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.

Moved by: Mayor Williams
Seconded by: Councillor Kirkland
MOTION CARRIED

COUNCIL RESOLUTION

11:17AM

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

Moved by: Mayor Williams
Seconded by: Councillor Smith
MOTION CARRIED

COUNCIL RESOLUTION

11:32AM

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

Moved by: Mayor Williams
Seconded by: Councillor Kirkland
MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.2 SUMMARY OF PARTNERSHIP DISCUSSIONS WITH BEEF AUSTRALIA

File No: 11715

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Zac Garven - Acting Executive Manager Advance Rockhampton

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

SUMMARY

This report will provide an update on discussions regarding Beef 2024.

COUNCIL RESOLUTION

THAT Council approve for final negotiations for the Beef Australia 2024 partnership to be negotiated by Acting Executive Manager of Advance Rockhampton and approved by the Chief Executive Officer based on the information provided in the report.

Moved by: Mayor Williams

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

Councillor Latcham and Councillor Fisher were not in attendance and did not participate in the vote.

11:33AM Councillor Latcham returned to the meeting room

15 CLOSED SESSION

COUNCIL RESOLUTION

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

16.1 Rockhampton Botanic Gardens and Zoo Construction of Visitor Hub

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.

16.3 Organisational Structure

In accordance with section 254J(3)(b) (i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss industrial matters affecting employees; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

16.4 2023/2024 Budget Briefing

In accordance with section 254J(3)(c) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the local government's budget.

Moved by: Mayor Williams

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

11:33AM

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

Moved by: Councillor Smith

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11:48AM Councillor Fisher attended the meeting

COUNCIL RESOLUTION

12:20PM

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

Moved by: Mayor Williams

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORTS

16.1 ROCKHAMPTON BOTANIC GARDENS AND ZOO CONSTRUCTION OF VISITOR HUB

File No: 14700

Authorising Officer: Alicia Cutler - General Manager Community Services

Author: Andrew Collins - Manager Project Delivery

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

Consideration of options for the construction of a Visitor Hub at the Rockhampton Botanic Gardens and Zoo.

COUNCIL RESOLUTION

THAT Council:

1. Defer the construction of the New Visitor Hub project for a six-to-twelve-month period;
2. Request a further report be presented on alternatives for amenities.

Moved by: Mayor Williams

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned

COUNCIL RESOLUTION

12:21PM

That the meeting be adjourned until 1:00PM.

Moved by: Mayor Williams

MOTION CARRIED

Meeting Resumed**COUNCIL RESOLUTION****1:04PM**

THAT the meeting be resumed.

Moved by: Mayor Williams**MOTION CARRIED**

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 D M Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services (via video-link)
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Strategy and Planning
Mr Z Garven – Acting Executive Manager Advance Rockhampton (via video-link)
Mr D Morrison – Manager Workforce and Governance
Mr J Kann – Manager Office of the Mayor
Ms A Davie – Grants and Policy Advisor
Ms E Brodel – Coordinator Communications and Engagement
Ms L Leeder – Senior Committee Support Officer

COUNCIL RESOLUTION**1:04PM****THAT** pursuant to s5.12 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.**Moved by: Mayor Williams****Seconded by: Councillor Fisher****MOTION CARRIED UNANIMOUSLY**

2:54PM Councillor Rutherford left the meeting room

3:07PM Councillor Rutherford returned to the meeting room

COUNCIL RESOLUTION**3:09PM****THAT** pursuant to s5.12 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.**Moved by: Councillor Kirkland****Seconded by: Councillor Fisher****MOTION CARRIED**

16.4 2023/2024 BUDGET BRIEFING**File No:** 8785**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer**Author:** Marnie Taylor - Chief Financial Officer

In accordance with section 254J(3)(c) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the local government's budget.

SUMMARY

This report will provide an update to Council on the final stages of compilation of the 2023/2024 Budget.

COUNCIL RESOLUTION

THAT Council receive the information associated with the 2023/2024 Budget as presented.

Moved by: Mayor Williams**Seconded by:** Councillor Fisher**MOTION CARRIED**

16.3 ORGANISATIONAL STRUCTURE

File No: 289

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Evan Pardon - Chief Executive Officer

Author: Damon Morrison - Manager Workforce and Governance

In accordance with section 254J(3)(b)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss industrial matters affecting employees; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

This report is seeking Council endorsement of a proposed Organisational Structure to meet Council's ongoing operational needs giving consideration to priorities in the 2023-24 Operational Plan and Budget.

COUNCIL RESOLUTION

THAT:

1. The proposed Organisational Structure be endorsed;
2. The proposed Organisational Structure be distributed to impacted staff and relevant unions for consultation; and
3. The Chief Executive Officer be delegated to approve and implement the final Organisational Structure after consideration of feedback received in the consultation process.

Moved by: Councillor Kirkland

Seconded by: Councillor Mathers

MOTION CARRIED

17 CLOSURE OF MEETING

There being no further business the meeting closed at 3:12pm.

SIGNATURE

CHAIRPERSON

DATE

UNCONFIRMED



**MEETING
ATTACHMENTS**

27 JUNE 2023

UNCOMFIRMED

ANNEXURE A

Documents presented to Councillors for their reference during the Council meeting when dealing with:

- Item 11.4** Development Application for Material Change of Use for Service Station, Reconfiguring a Lot (One Lot into Two Lots and Access Easements), and Operational Works for Advertising Devices (Pylon Sign x 1, Wall Sign x 2 and Canopy Sign x 3)

UNCONFIRMED

**Development Application (D/25-2020) for
Development Permit for Material Change of Use
for Service Station, Reconfiguring a Lot (One Lot
into Two Lots and Access Easements) and
Operational Works for Advertising Devices (Pylon
Sign x 1, Wall Sign x 2 and Canopy Sign x 3)**

1018-1038 Yaamba Road, Parkhurst

Council meeting – 27 June 2023

Brendan Standen – Principal Planning Officer

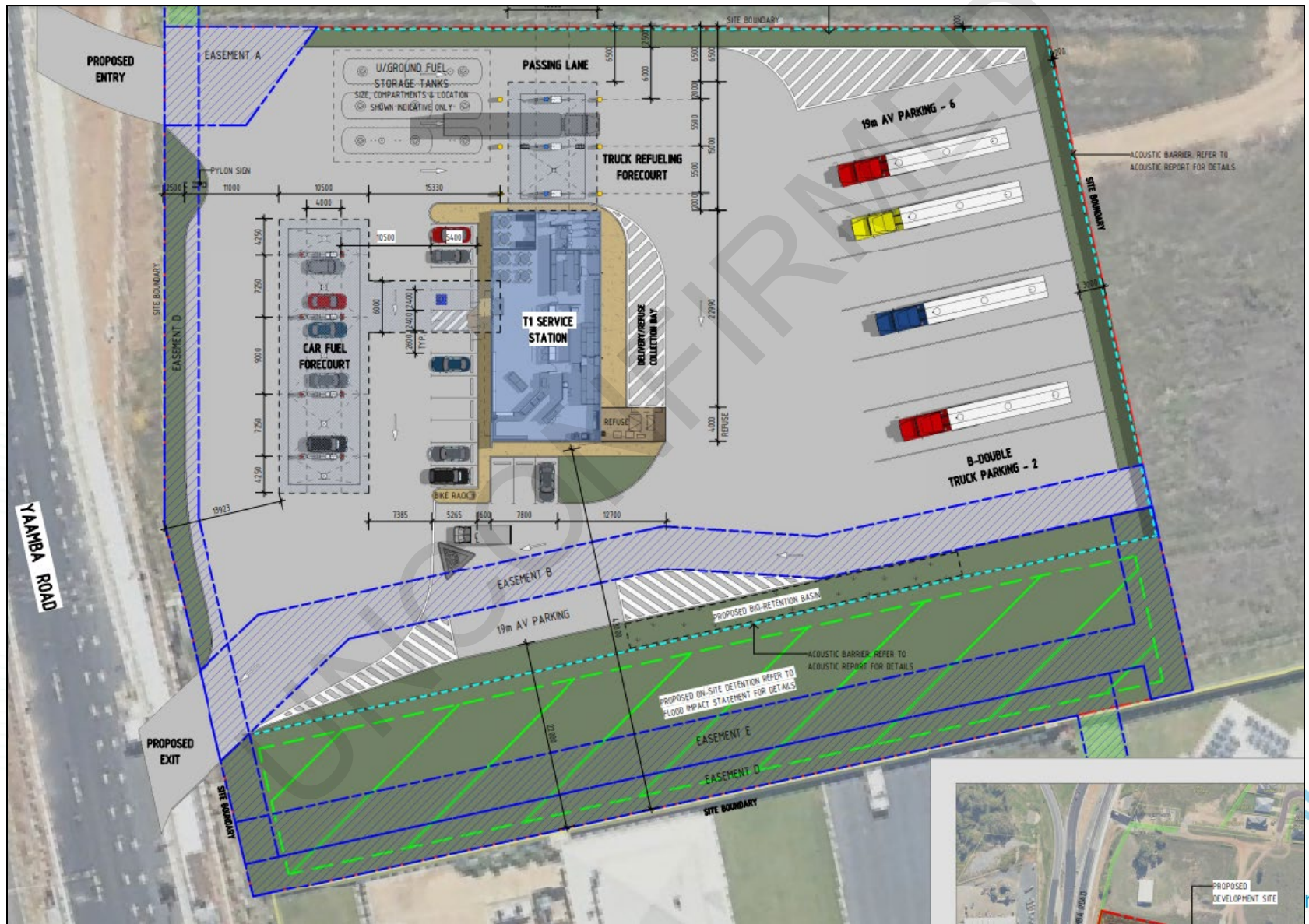
Subject Site



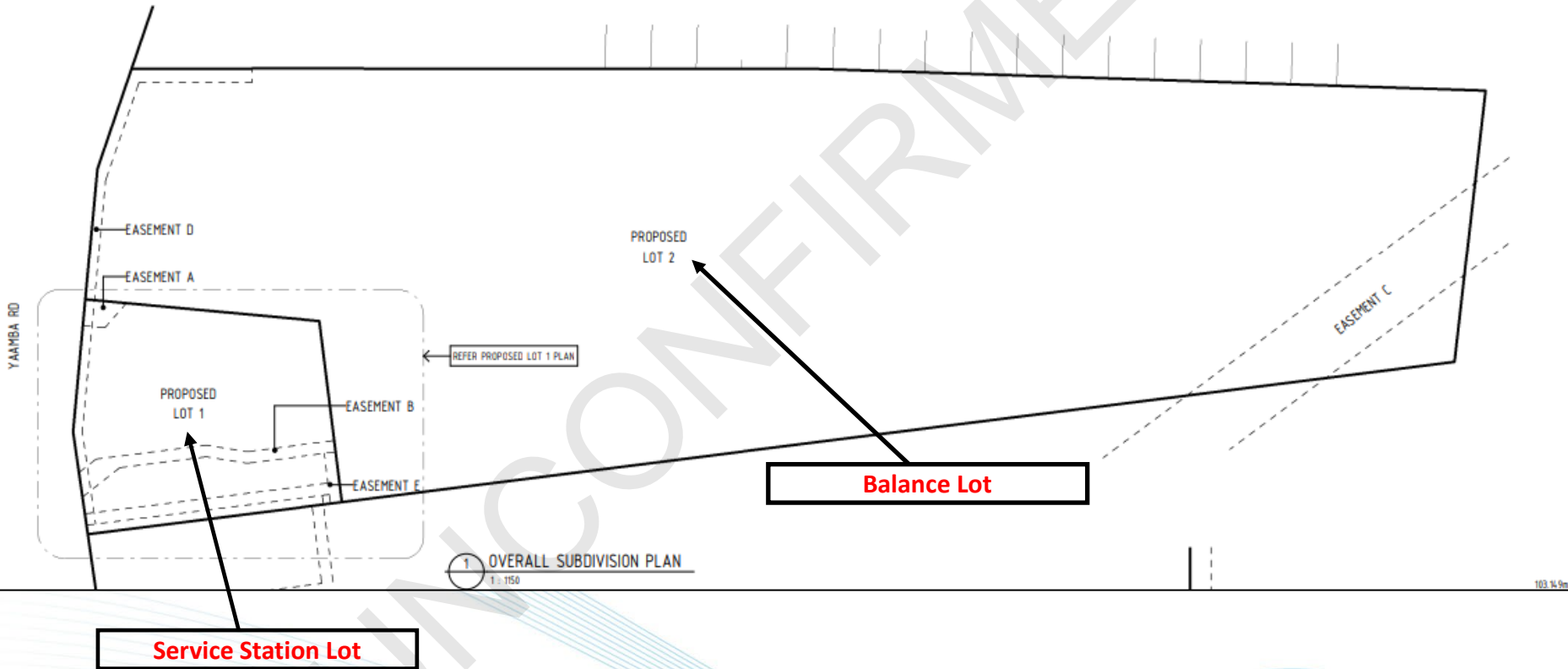
Development Proposal

- **Material Change of Use for Service Station:**
 - Eight (8) bowsers for standard vehicles and two (2) for heavy vehicles
 - 24 hours per day, seven (7) days per week
- **Reconfiguring a Lot:**
 - Creation of two (2) lots – 10,000m² and 88,470m² (balance lot)
 - Creation of two (2) access easements
- **Operational Works for Advertising Devices:**
 - Pylon sign x 1, Wall sign x 2 and Canopy sign x 3
 - Advertising associated with service station activity

Development Proposal – Service Station



Development Proposal – Reconfiguring a Lot



Public Notification

- Two (2) submissions were received
- How the submission was considered and addressed is outlined in the Council Report.



Grounds for Approval

- The development generally complies with the provisions included in the applicable Planning Scheme codes and will not compromise the Strategic Framework.
- Where the development presents conflicts with the Planning Scheme, regarding to relevant matters outweighs those conflicts.
- Therefore, the development application is recommended for approval subject to conditions.