



# **ORDINARY MEETING**

## **MINUTES**

**23 NOVEMBER 2021**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 23 NOVEMBER 2021 COMMENCING AT 9:01AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country

## **2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Mr G Bowden – Executive Manager Advance Rockhampton  
Mr J Webb – Manager Communities and Culture  
Mr D Morrison – Project Manager Art Gallery – Operations  
Mr D Scott – Planning and Regulatory Services  
Ms A O'Mara – Principal Planning Officer  
Ms K Walsh – Acting Senior Committee Support Officer  
Ms T Conrad – Executive Personal Assistant to the Chief Executive Officer

Via Webex:

Ms M Taylor – Chief Financial Officer  
Mr A Collins – Manager Project Delivery  
Mr M Crow – Manger Infrastructure Planning  
Ms A Davie – Grants and Policy Advisor  
Mr M Mansfield – Coordinator Media and Communications  
Mr J Buckenham – Coordinator Local Laws  
Ms R Wright-Coxon – Economic Development & Industry Engagement Advisor

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

Leave of Absence for the meeting was previously granted to Councillor Neil Fisher.

## **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting of 9 November 2021 be confirmed.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED**

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

“I, Councillor Ellen Smith inform the meeting that I have a prescribed conflict of interest in **Item 11.8 - Capital Project Report October 2021 - Alliance Maintenance Facility**. This prescribed conflict of interest arises as my niece, Jacqueline Lebish and her husband Ross Lebish own properties at 48 Hunter Street and 60 Hunter Street.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

“I, Councillor Ellen Smith inform the meeting that I have a prescribed conflict of interest in **Item 11.8 - Capital Project Report October 2021 – Mount Morgan Water Security**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Industries who have recently commenced a contract with FRW to cart potable drinking water to Mount Morgan. My brother John James McEvoy is employed by MTC Industries to drive the water tanker.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

“I, Councillor Ellen Smith inform the meeting that I have a declarable conflict of interest in **Item 11.9 – Airport Precinct Feasibility Study Project Report – October 2021**. This prescribed conflict of interest arises as my niece, Jacqueline Lebish and her husband Ross Lebish own properties at 48 Hunter Street and 60 Hunter Street.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

“I, Councillor Ellen Smith inform the meeting that I have a prescribed conflict of interest in **Item 11.12 – Federal Election Advocacy Priorities – Flynn – Mount Morgan Water Security**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Industries who have recently commenced a contract with FRW to cart potable drinking water to Mount Morgan. My brother John James McEvoy is employed by MTC Industries to drive the water tanker.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

“I, Councillor Ellen Smith inform the meeting that I have a prescribed conflict of interest in **Item 11.12 – Federal Election Advocacy Priorities – Flynn – Gracemere Saleyards building upgrades**. This prescribed conflict of interest arises as I and all my family sell cattle through the Gracemere Sale Yards.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

I, Councillor Shane Latcham inform the meeting that I have a declarable conflict of interest in **Item 11.6 - Surrendered and Unclaimed Animals Policy**. This declarable conflict of interest arises as I volunteer for Capricorn Animal Aid who may receive funds from the Policy.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

## **6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## **8 PRESENTATION OF PETITIONS**

### **8.1 PETITION - ILLEGAL FISHING AT ROCKHAMPTON BARRAGE**

**File No: 4418**

**Responsible Officer: Peter Kofod – General Manager Regional Services**

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### **SUMMARY**

*Councillor Cherie Rutherford presented a petition with 18 signatures with their concern relating to the increased incidences of illegal fishing being undertaken at the Rockhampton Barrage – South Precinct.*

### **COUNCIL RESOLUTION**

THAT the petition presented by Councillor Cherie Rutherford be received and a report be presented to a future Council meeting with options to address the illegal fishing currently occurring at the Rockhampton Barrage – Southside Precinct.

**Moved by: Councillor Rutherford**

**Seconded by: Mayor Williams**

**MOTION CARRIED UNANIMOUSLY**

## 9 COMMITTEE REPORTS

### 9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING – 18 NOVEMBER 2021

#### COUNCIL RESOLUTION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 18 November 2021 as circulated, be received and that the recommendations contained within these minutes be adopted.

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

(**Note:** The complete minutes are contained in the separate Minutes document)

Recommendation of the Audit and Business Improvement Committee, 18 November 2021

#### 9.1.1 CEO UPDATE

**File No:** 13900

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

*The CEO will update the committee on any matters of importance.*

#### COMMITTEE RECOMMENDATION

THAT the CEO's Update be received.

Recommendation of the Audit and Business Improvement Committee, 18 November 2021

### 9.1.2 FINAL MANAGEMENT REPORT

**File No:** 8151  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marnie Taylor - Chief Financial Officer

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#### SUMMARY

*Following the certification of the Financial Statements for the period ended 30 June 2021, the Final Management Report was received from the Queensland Audit Office (signed by Thomas Noble & Russell as delegate).*

#### COMMITTEE RECOMMENDATION

THAT the Final Management Report for the 2020/2021 financial audit of Rockhampton Regional Council be received

Recommendation of the Audit and Business Improvement Committee, 18 November 2021

### 9.1.3 AUDITED FINANCIAL STATEMENTS INCLUDING INDEPENDENT AUDITOR'S REPORT

**File No:** 8151  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marnie Taylor - Chief Financial Officer

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#### SUMMARY

*The certified Financial Statements for the period ended 30 June 2021 are presented.*

#### COMMITTEE RECOMMENDATION

THAT the certified Financial Statements for the period ended 30 June 2021 be received.



Recommendation of the Audit and Business Improvement Committee, 18 November 2021

#### 9.1.4 FINANCE SECTION UPDATE

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

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#### SUMMARY

*Chief Financial Officer providing a Finance Section Update on matters to date for the 2021/2022 Financial Year.*

#### COMMITTEE RECOMMENDATION

THAT the Finance Section Update be received.

Recommendation of the Audit and Business Improvement Committee, 18 November 2021

#### 9.1.5 COUNCIL'S INSURANCE COVER

**File No:** 1902, 1903  
**Authorising Officer:** Drew Stevenson - Manager Corporate and Technology Services  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Kellie Roberts - Coordinator Property and Insurance

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#### SUMMARY

*Coordinator Property & Insurance reporting on Council's insurance cover.*

#### COMMITTEE RECOMMENDATION

THAT the committee 'receives' the report.

## Recommendation of the Audit and Business Improvement Committee, 18 November 2021

**9.1.6 LOSS / THEFT ITEMS - JULY TO OCTOBER 2021**

**File No:** 3911  
**Authorising Officer:** Drew Stevenson - Manager Corporate and Technology Services  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Kellie Roberts - Coordinator Property and Insurance

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**SUMMARY**

*Presenting details of the Loss / Theft register for the period 1 July to 31 October 2021.*

**COMMITTEE RECOMMENDATION**

THAT the Committee 'receives' the Loss/Theft Report for the period 1 July to 31 October 2021.

## Recommendation of the Audit and Business Improvement Committee, 18 November 2021

**9.1.7 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

**File No:** 5207  
**Authorising Officer:** Tracy Sweeney - Executive Manager Workforce and Governance  
**Author:** Travis Pegrem - Coordinator Workforce Relations and Ethics

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**SUMMARY**

*Coordinator Workforce Relations and Ethics presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.*

**COMMITTEE RECOMMENDATION**

THAT the update of Investigative and Legal matters for Rockhampton Regional Council be received.

## Recommendation of the Audit and Business Improvement Committee, 18 November 2021

**9.1.8 SAFETY UPDATE**

**File No:** 4868  
**Authorising Officer:** Tracy Sweeney - Executive Manager Workforce and Governance  
**Author:** Tony Hauenschild - Coordinator Safety and Training

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**SUMMARY**

*Coordinator Safety and Training presenting an update on safety matters for the information of the committee.*

**COMMITTEE RECOMMENDATION**

THAT the Safety Update report be 'received'.

## Recommendation of the Audit and Business Improvement Committee, 18 November 2021

**9.1.9 ACTION PROGRESS REPORT NO.1**

**File No:** 5207  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The Action Progress Report is required twice yearly, as per the Local Government regulation – S207(3), and S211(1). This is the first of the two progress reports required for the year.*

**COMMITTEE RECOMMENDATION**

THAT The first of two progress reports be received and the activity noted.

**Recommendation of the Audit and Business Improvement Committee, 18 November 2021****9.1.10 DEVELOPER CONTRIBUTIONS PRACTICES FOLLOW UP REVIEW**

**File No:** 5207  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*This audit from last year's audit plan, is now finalised, and presented to the Committee. At the end of the 2020-2021 Audit Plan Period, an interim report only had been issued to management on 8 June 2021. The final report 28 September 2021 now includes some updated material. This review was included in the audit plan based on a management request.*

*Internal Audit co-sourced BDO from Brisbane in 2017 to assist with a review of – Developer Contributions Revenue Collection Practices.*

**COMMITTEE RECOMMENDATION**

THAT the Developer Contributions Practices Review be received.

**Recommendation of the Audit and Business Improvement Committee, 18 November 2021****9.1.11 ROADS MAINTENANCE GOVERNANCE REVIEW**

**File No:** 5207  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The planned review for – Roads Maintenance Governance, has now been completed and is presented to the committee. This is one of the two major operational type reviews planned for the year.*

**COMMITTEE RECOMMENDATION**

THAT the Roads Maintenance Governance Review be received.

**Recommendation of the Audit and Business Improvement Committee, 18 November 2021****9.1.12 INTERIM REPORT - BUSHFIRE PREVENTION GOVERNANCE REVIEW - PARKS**

**File No:** 5207  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The planned review for “Bushfire Prevention Governance – Parks”, has been completed by Internal Audit and is presented to the committee as an Interim Report. This is the second one of the two major operational type reviews planned for the year.*

**COMMITTEE RECOMMENDATION**

THAT the Interim Report for the “Bushfire Prevention Governance Review – Parks” be received and the management response be reported to the next Audit and Business Improvement Committee Meeting

**Recommendation of the Audit and Business Improvement Committee, 18 November 2021****9.1.13 CAE UPDATE**

**File No:** 13900  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*Standing placeholder for any matters requiring discussion or for information to the committee.*

**COMMITTEE RECOMMENDATION**

THAT the CAE update be received and the meeting dates below be formally noted:

- 10 March 2022
- 14 July 2022
- 6 October 2022
- 24 November 2022

Recommendation of the Audit and Business Improvement Committee, 18 November 2021

**9.1.14 ANNUAL SELF-ASSESSMENT BY AUDIT AND BUSINESS IMPROVEMENT COMMITTEE - 2020-2021 FINANCIAL YEAR**

**File No:** 7678  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*Audit and Business Improvement Committee's annual self-assessment for the 2020-21 financial year is presented for the information of the committee.*

**COMMITTEE RECOMMENDATION**

THAT the completed annual Audit and Business Improvement Committee's self-assessment, covering the 2020-21 financial year, as attached to the report, be received and the members' comments be noted for improvement or action where relevant and appropriate.

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

## 11 OFFICERS' REPORTS

### 11.1 ROCKYNATS - TRADE FEES AND CHARGES

**File No:** 14299  
**Authorising Officer:** Graham Sheppard - Economic Development Manager  
Greg Bowden - Executive Manager Advance  
Rockhampton  
**Author:** Rachael Wright-Coxon - Economic Development &  
Industry Engagement Advisor

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#### SUMMARY

*The intention of this report is to outline the Rockynats Food, Trade and Market Site Fees and Charges that have now been established for the Rockynats Car Festival 15-17 April 2022 for review and adoption.*

#### COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009* Council adopts the Rockynats Food, Trade and Market Site Fees for the 2021-2022 financial year.

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

**11.2 SUBMISSION TO ROCKHAMPTON REGIONAL COUNCIL - MEMORIAL FOR JOHN AND MARGARET SHANNON**

**File No:** 2117  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Alicia Cutler - General Manager Community Services

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**SUMMARY**

*A request has been received from Mr Ross Shannon who is interested in making a memorial for his grandparents, John & Margaret Shannon who had lived in Rockhampton circa 150 years ago.*

**COUNCIL RESOLUTION**

THAT Council decline the offer of a memorial to John & Margaret Shannon at this stage, pending further policy development.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Kirkland

**MOTION CARRIED UNANIMOUSLY**



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**11.3 TENDER CONSIDERATION PLAN FOR OPENING OF THE ROCKHAMPTON MUSEUM OF ART WEEKEND EVENT**

**File No:** 5883  
**Authorising Officer:** Alicia Cutler - General Manager Community Services  
**Author:** John Webb - Manager Communities and Culture

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**SUMMARY**

*This report seeks Council's approval for the Tender Consideration Plan outlining the purchasing process that will be utilised for the coordination of the Rockhampton Museum of Art opening weekend in 2022.*

**COUNCIL RESOLUTION**

THAT pursuant to s235(b) of the *Local Government Regulation 2012* Council approve the Tender Consideration Plan for the purchasing process that will be utilised for the coordination of the Rockhampton Museum of Art opening weekend in 2022.

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Mathers

**MOTION CARRIED**

**11.4 THE GOLD AWARD 2022**

**File No:** 5883  
**Authorising Officer:** Alicia Cutler - General Manager Community Services  
**Author:** Damon Morrison - Project Manager Art Gallery - Operations

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**SUMMARY**

*The purpose of this report is to seek Council's approval for the administration of prize monies for the Gold Award 2022 invitational art award.*

**COUNCIL RESOLUTION**

THAT Council approve the administration of \$50,000.00 in prize monies awarded for the Rockhampton Museum of Art Gold Award 2022

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Smith  
**MOTION CARRIED**

**11.5 ROCKHAMPTON MUSEUM OF ART - LONG GALLERY COMMISSION**

**File No:** 5883  
**Authorising Officer:** Alicia Cutler - General Manager Community Services  
**Author:** Damon Morrison - Project Manager Art Gallery - Operations

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**SUMMARY**

*This report presents details of the artwork commissioned for exhibition at the Long Gallery of the Rockhampton Museum of Art following the official public opening of the facility.*

**COUNCIL RESOLUTION**

THAT Council receives this report and a further report be presented to the table prior to the changeover of the Long Gallery.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Kirkland

**MOTION CARRIED UNANIMOUSLY**

9:39AM

Councillor Latcham, having earlier informed the meeting of a declarable conflict of interest and his decision not to participate in **Item 11.6 – Surrendered and Unclaimed Animals Policy**, 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.

## 11.6 SURRENDERED AND UNCLAIMED ANIMALS POLICY

**File No:** 1464  
**Authorising Officer:** Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Jon Buckenham - Coordinator Local Laws

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### SUMMARY

*The Manager Planning and Regulatory Services presents the report on two draft Animal Management – Surrendered and Unclaimed Animals Policy for review and possible adoption. These amendments have been discussed previously at Planning & Regulatory Portfolio workshop.*

### COUNCIL RESOLUTION

THAT Council adopts the Animal Management - Surrendered and Unclaimed Animals Policy with the amendments to the Animal Welfare Agency incentive scheme.

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Smith

### MOTION CARRIED UNANIMOUSLY

Councillors Mathers, Smith, Williams, Wickerson, Rutherford and Kirkland voted in the affirmative.

Councillor Latcham was not in the meeting room.

9.41AM Councillor Latcham returned to the meeting room

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**11.7 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MEDIUM IMPACT INDUSTRY (VEHICLE SMASH REPAIRS WORKSHOP)**

**File No:** D/78-2021  
**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Amanda O'Mara - Principal Planning Officer

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**SUMMARY**

**Development Application Number:** D/78-2021  
**Applicant:** AMA Group Limited  
**Real Property Address:** Lot 3 and 0 on SP289414, Park Avenue  
**Common Property Address:** 3/57 Alexandra Street, Park Avenue  
**Area of Site:** 1.365 hectares  
**Planning Scheme:** *Rockhampton Region Planning Scheme 2015* (version 2.1)  
**Planning Scheme Zone:** Low Impact Industry Zone  
**Planning Scheme Overlays:** Nil  
**Existing Development:** Warehouse  
**Approval Sought:** Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop)  
**Level of Assessment:** Impact Assessable  
**Submissions:** Seven (7) properly made submissions (including a petition of 44 people)  
One (1) not properly made submission  
**Referral Agency:** Nil  
**Infrastructure Charges Area:** Charge Area 1

**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop), made by AMA Group Limited, located at 3/57 Alexandra Street, Park Avenue, described as Lot 3 and 0 on SP289414, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS**

<b>Description of the development</b>	The proposed development is for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop)
<b>Reasons for Decision</b>	<p>a) The proposal is for a use that is contemplated in the Low Impact Industry Zone as the nature of the proposed operations do not create greater impacts than anticipated for a Low Impact Industry use, as envisioned under the Low Impact Industry Zone Code and the Strategic Framework.</p> <p>b) The proposed development will not restrict or limit the ability or suitability of adjoining tenancies and properties to operate as Low Impact Industry uses and the viability of the zone will not be compromised by the proposed operations.</p> <p>c) 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 or local character and amenity; and</p> <p>d) 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>
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Low Impact Industry Zone Code;</li> <li>• Access, Parking And Transport Code;</li> <li>• Filling and Excavation Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>

<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Impact Industry Zone Code	<p>PO11</p> <p>The proposal does not comply with Acceptable Outcome 11.3, as the access driveway to the use is adjoining a residential zone and tow trucks with a load greater than 4.5 tonne tare in weight will be entering the site on Sundays to drop off vehicles.</p> <p>Intermittent access by tow trucks on a Sunday is required, but is likely to be limited, infrequent and sporadic. The industrial use will not operate on Sunday. Tow truck drivers will deliver vehicles in the car park, which staff will then move once business starts on Monday. The Sunday operations will be infrequent and irregular and trucks will only be on-site for a short period to deliver a vehicle, before leaving the site. Therefore, the proposed use will not adversely impact on the amenity of adjoining sensitive uses or cause a nuisance.</p>
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	<p>Pollution, noise and traffic:</p> <ul style="list-style-type: none"> <li>• Impacts associated with pollution from land use, dust, vehicle emissions, noise, fumes and odours.</li> <li>• Noise impacts on adjoining residents and businesses.</li> <li>• Increase in traffic to the site.</li> </ul>	<p>Specialists reporting has been provided which demonstrates the proposed development will not generate adverse noise or odour / air quality impacts that have potential to impact on the amenity, health and safety of residents.</p> <p>Two (2), fully self contained spray booths are proposed within the warehouse, on the northern wall of the floor layout, as far from residential properties as possible. No spray painting will occur outside of these spray booths. Furthermore, all vehicle repairs will be undertaken within the existing building.</p> <p>In regard to traffic, it has been conditioned all tow trucks must enter and exit the site via the access driveway in Alexandra Street. In addition, the site has been constructed to accommodate industrial type uses and comprises appropriate driveway, car parking and hardstand areas that have been designed to accommodate the intended type, nature and number of vehicles proposed by this development. Although the development involves the repair of vehicles, the use is not a high traffic generating use.</p>

		<p>Vehicles will arrive at the site by truck (tow truck) or will be driven to the site for repair. The vehicles will then exit the site once repaired. Therefore, the number of vehicle movements to and from the site is not unreasonable for what is expected for an industrial use in an industrial zone. Only passenger vehicles and small commercial vans will be repaired on-site. Furthermore, the proposed traffic volumes expected by this development are no different to a Low Impact Industry use involving a mechanic or other type of vehicle repair workshop.</p>
	<p>Chemical leakage, stormwater run-off and waste management:</p> <ul style="list-style-type: none"> <li>• Potential for hazardous gas and / or liquids to leak from damaged vehicles.</li> <li>• Stormwater run-off into adjoining properties.</li> <li>• Waste management procedures not adequate.</li> </ul>	<p>The proposed spray painting activities are to be wholly conducted in brand new, insulated pre-fabricated spray painting booths which are designed and built to meet the minimum requirements and legislation. No spray painting will occur outside of these spray painting booths. All vehicles will be repaired wholly within the warehouse. No outdoor areas or hardstand areas will be used to repair vehicles. As such, the proposed development will not result in any hazardous materials running off into adjoining properties. No changes to the current stormwater drainage regime is proposed. A trade waste connection will be required, in order to connect the proposed car wash area to the existing trade waste infrastructure. No other run-off will be directed to this trade waste connection, with all stormwater run-off directed to the existing stormwater network.</p> <p>Waste will be managed and collected from the site by private contractors. All waste will be stored in designated areas within the building or the bin storage area and collected by private contractors. Licensed waste containers and approved contractors will only be permitted for the collection and disposal of specialised waste associated within the proposed development.</p>
	<p>Impact on adjoining residents and businesses:</p> <ul style="list-style-type: none"> <li>• Impacts on privacy for adjoining residents.</li> <li>• Conflicts with adjoining businesses.</li> </ul>	<p>The development proposes an industrial use, within an industrial zone. The impacts of the proposed industrial use have been assessed as appropriate for the location. The warehouse was previously used for an industrial use and there are existing industry and trade related businesses that operate on the site.</p> <p>In addition, privacy for adjoining residents will not be impacted as the use is proposed in only part of Lot 3, where it is centralised to the site and co-located with the area's existing industrial uses.</p>



	Concerns Council should not support the rezoning of the entire three lots for Medium impact industry.	This application seeks to have a Medium Impact Industry use approved to operate within an existing warehouse on a site which is zoned Low Impact Industry. The zoning of the land will not change as part of this application.
	No economic benefit to the land uses on site.	The proposal is for an industrial land use in an industrial zone, reflecting the policy intent of the Low Impact Industry Zone Code and that of the Strategic Framework whereby industrial development is located within existing industrial zones. As such, the introduction of this industrial land use will not significantly or detrimentally impact on the economic viability of the site's industrial zoned land or its existing tenancies. As demonstrated, all operations will be carried out internally in the warehouse, with the use of the car parking area of Lot 3 used to accommodate vehicles. No storage, parking or loading will occur in the common property hardstand areas. Existing business operations on Lots 1 and 2 can continue as is, irrespective of the use of Lot 3, ensuring their on-going commercial viability.
	Existing works undertaken on-site.	Building works are a separate, non-planning matter that is not being applied for as part of this application. However, the conditions of approval have been proposed requiring all relevant approvals are obtained prior to the use commencing.
	The development does not align with the <i>Central Queensland Regional Plan 2013</i> .	The proposed development is for an urban purpose in an urban area. The development does not conflict with the <i>Central Queensland Regional Plan 2013</i> .
	Accuracy of the application – public notification and application forms: <ul style="list-style-type: none"> <li>• Accuracy of the application's public notification as not all residents were informed of the development.</li> <li>• Application forms have not been completed correctly.</li> </ul>	The application forms and public notification were both completed correctly in accordance with legislative requirements.
	Accuracy of application – town planning report and information included:	The applicant has provided information regarding the expected number of vehicles and traffic accessing the site, based on information from other Gemini Warehouses.

	<ul style="list-style-type: none"> <li>Information contained in the application is inaccurate and misleading (e.g. number of car parks provided, staff numbers, traffic volumes).</li> <li>Application fails to recognise congestion and logistical access due to the high volume of existing traffic in the site.</li> </ul>	<p>The site has been established for industrial uses and comprises existing driveways, crossovers and manoeuvring areas that are suitable for delivery trucks and passenger vehicles. No upgrades to the driveways or car parking areas are required, as the site is designed to accommodate uses and vehicles associated with industrial uses. The development will not obstruct or impact on the manoeuvring, car parking or operational areas used by adjoining businesses. The use will operate wholly within the area for Lot 3.</p>
<p><b>Matters prescribed by regulation</b></p>	<ul style="list-style-type: none"> <li>The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and</li> <li>The common material, being the material submitted with the application.</li> </ul>	

## RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop), made by AMA Group Limited, located at 3/57 Alexandra Street, Park Avenue, described as Lot 3 and 0 on SP289414, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use,
 unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Plumbing and Drainage Works; and
  - 1.5.2 Building Works:
    - (i) Demolition Works; and
    - (ii) Building Works.

- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
<b>Site Plan</b>	<b>Alisha Rea Interior Design &amp; Drafting</b>	<b>3 June 2021</b>	<b>A.01.01</b>	<b>G</b>
<b>Plan - Proposed</b>	<b>Alisha Rea Interior Design &amp; Drafting</b>	<b>1 April 2021</b>	<b>A.02.01</b>	<b>D</b>
<b>External Elevations</b>	<b>Alisha Rea Interior Design &amp; Drafting</b>	<b>3 June 2021</b>	<b>A.03.01</b>	<b>G</b>
<b>Internal Elevations</b>	<b>Alisha Rea Interior Design &amp; Drafting</b>	<b>3 June 2021</b>	<b>A.03.02</b>	<b>G</b>
<b>Technical Memorandum</b>	<b>McMurtrie Consulting Engineers</b>	<b>31 March 2021</b>	<b>0852021</b>	<b>-</b>

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of the use.
- ## 3.0 PLUMBING AND DRAINAGE WORKS
- 3.1 A Development Permit for Plumbing and Drainage Works must be obtained for the installation of any required infrastructure associated with the proposed washbay.
- 3.2 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.
- 3.3 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.
- 3.4 All internal plumbing and sanitary drainage works must be completely independent for each tenancy.

- 3.5 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 4.0 BUILDING WORKS
- 4.1 A Development Permit for Building Works must be obtained for modification of any existing structure on the development site.
- 5.0 LANDSCAPING WORKS
- 5.1 All landscaping must be established and maintained generally in accordance with the approved plans (refer to condition 2.1).
- 6.0 ASSET MANAGEMENT
- 6.1 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.
- 6.2 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.
- 7.0 ENVIRONMENTAL HEALTH
- 7.1 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"*.
- 7.2 Noise emitted from the activity must not cause an environmental nuisance.
- 7.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 7.4 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.
- 7.5 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.
- 7.6 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 7.7 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:
- 7.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
  - 7.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - 7.7.3 waste bags and ties.

- 7.8 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.
- 7.9 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 8.0 OPERATING PROCEDURES
- 8.1 The hours of operations for the use must be limited to:
- 8.1.1 0730 hours to 1800 hours on Monday to Friday; and
- 8.1.2 0800 hours to 1300 hours on Saturday,  
with no operations on Sundays or Public Holidays.
- 8.2 All vehicle repairs must be carried out within the existing building.
- 8.3 No storage, parking or loading will occur in the common property hardstand areas.
- 8.4 All tow trucks must enter and exit the site via the access driveway in Alexandra Street.
- 8.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 8.6 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 8.6.1 the area is kept in a clean and tidy condition;
- 8.6.2 fences and screens are maintained;
- 8.6.3 no waste material is stored external to the waste storage area/s;
- 8.6.4 all wash down of refuse containers takes place in the washdown facility;
- 8.6.5 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
- 8.6.6 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 8.7 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 9.0 SURFACE COATING AND SPRAY PAINTING
- 9.1 Surface coating and spray painting must be carried out in a fully enclosed booth built to *Australian Standard AS4114.1:2003 "Spray painting booths, designated spray painting areas and paint mixing rooms Part 1: Design, construction and testing"* and *Australian Standard AS4114.2:2003 "Spray painting booths, designated spray painting area and paint mixing rooms Part 2: Installation and maintenance"*.
- 9.2 Certification that the surface coating or spray painting booth has been built and installed in accordance with *Australian Standard AS4114.1:2003* and *Australian Standard AS4114.2:2003* must be provided to Council prior to the commencement of the use.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a

person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au)

NOTE 2. General Environmental Duty

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

NOTE 3. Infrastructure Charges Notice

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

### RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop), made by AMA Group Limited, located at 3/57 Alexandra Street, Park Avenue, described as Lot 3 and 0 on SP289414, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Mathers

**MOTION LOST**

### *Meeting Adjourned*

### COUNCIL RESOLUTION

10.24AM

The Mayor, Councillor Williams declared the meeting be adjourned for a short recess.

**Moved by:** Mayor Williams

**Seconded by:** Councillor Mathers

**MOTION CARRIED**

10:34AM The meeting resumed

### Members Present:

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

## In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Mr D Morrison – Project Manager Art Gallery – Operations  
Mr D Scott – Planning and Regulatory Services  
Ms A O'Mara – Principal Planning Officer  
Mr M Mansfield – Coordinator Media and Communications  
Ms G Dwyer – Senior Communications Officer  
Ms K Walsh – Acting Senior Committee Support Officer  
Ms T Conrad – Executive Personal Assistant to the Chief Executive Officer

## Via Webex:

Ms M Taylor – Chief Financial Officer  
Mr M Crow – Manger Infrastructure Planning  
Ms A Davie – Grants and Policy Advisor  
Mr J Buckenham – Coordinator Local Laws  
Ms K Roberts – Coordinator Community Assets

**11.7 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR MEDIUM IMPACT INDUSTRY (VEHICLE SMASH REPAIRS WORKSHOP)**

**File No:** D/78-2021  
**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Amanda O'Mara - Principal Planning Officer

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**SUMMARY**

**Development Application Number:** D/78-2021  
**Applicant:** AMA Group Limited  
**Real Property Address:** Lot 3 and 0 on SP289414, Park Avenue  
**Common Property Address:** 3/57 Alexandra Street, Park Avenue  
**Area of Site:** 1.365 hectares  
**Planning Scheme:** *Rockhampton Region Planning Scheme 2015 (version 2.1)*  
**Planning Scheme Zone:** Low Impact Industry Zone  
**Planning Scheme Overlays:** Nil  
**Existing Development:** Warehouse

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<b>Approval Sought:</b>	Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop)
<b>Level of Assessment:</b>	Impact Assessable
<b>Submissions:</b>	Seven (7) properly made submissions (including a petition of 44 people) One (1) not properly made submission
<b>Referral Agency:</b>	Nil
<b>Infrastructure Charges Area:</b>	Charge Area 1

## COUNCIL RESOLUTION

### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop), made by AMA Group Limited, located at 3/57 Alexandra Street, Park Avenue, described as Lot 3 and 0 on SP289414, Council resolves to provide the following reasons for its decision:

### STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop)
<b>Reasons for Decision</b>	<p>a) The proposal is for a use that is contemplated in the Low Impact Industry Zone as the nature of the proposed operations do not create greater impacts than anticipated for a Low Impact Industry use, as envisioned under the Low Impact Industry Zone Code and the Strategic Framework.</p> <p>b) The proposed development will not restrict or limit the ability or suitability of adjoining tenancies and properties to operate as Low Impact Industry uses and the viability of the zone will not be compromised by the proposed operations.</p> <p>c) 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 or local character and amenity; and</p> <p>d) 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>
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Low Impact Industry Zone Code;</li> <li>• Access, Parking And Transport Code;</li> <li>• Filling and Excavation Code;</li> <li>• Landscape Code;</li> </ul>



	<ul style="list-style-type: none"> <li>• Stormwater Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Impact Industry Zone Code	<p>PO11</p> <p>The proposal does not comply with Acceptable Outcome 11.3, as the access driveway to the use is adjoining a residential zone and tow trucks with a load greater than 4.5 tonne tare in weight will be entering the site on Sundays to drop off vehicles.</p> <p>Intermittent access by tow trucks on a Sunday is required, but is likely to be limited, infrequent and sporadic. The industrial use will not operate on Sunday. Tow truck drivers will deliver vehicles in the car park, which staff will then move once business starts on Monday. The Sunday operations will be infrequent and irregular and trucks will only be on-site for a short period to deliver a vehicle, before leaving the site. Therefore, the proposed use will not adversely impact on the amenity of adjoining sensitive uses or cause a nuisance.</p>
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	<p>Pollution, noise and traffic:</p> <ul style="list-style-type: none"> <li>• Impacts associated with pollution from land use, dust, vehicle emissions, noise, fumes and odours.</li> <li>• Noise impacts on adjoining residents and businesses.</li> <li>• Increase in traffic to the site.</li> </ul>	<p>Specialists reporting has been provided which demonstrates the proposed development will not generate adverse noise or odour / air quality impacts that have potential to impact on the amenity, health and safety of residents.</p> <p>Two (2), fully self contained spray booths are proposed within the warehouse, on the northern wall of the floor layout, as far from residential properties as possible. No spray painting will occur outside of these spray booths. Furthermore, all vehicle repairs will be undertaken within the existing building.</p> <p>In regard to traffic, it has been conditioned all tow trucks must enter and exit the site via the access driveway in Alexandra Street. In addition, the site has been constructed to accommodate industrial type uses and comprises appropriate driveway, car parking and hardstand areas that have been designed to accommodate the intended type, nature and number of vehicles proposed by this</p>

		<p>development. Although the development involves the repair of vehicles, the use is not a high traffic generating use.</p> <p>Vehicles will arrive at the site by truck (tow truck) or will be driven to the site for repair. The vehicles will then exit the site once repaired. Therefore, the number of vehicle movements to and from the site is not unreasonable for what is expected for an industrial use in an industrial zone. Only passenger vehicles and small commercial vans will be repaired on-site. Furthermore, the proposed traffic volumes expected by this development are no different to a Low Impact Industry use involving a mechanic or other type of vehicle repair workshop.</p>
	<p>Chemical leakage, stormwater run-off and waste management:</p> <ul style="list-style-type: none"> <li>• Potential for hazardous gas and / or liquids to leak from damaged vehicles.</li> <li>• Stormwater run-off into adjoining properties.</li> <li>• Waste management procedures not adequate.</li> </ul>	<p>The proposed spray painting activities are to be wholly conducted in brand new, insulated pre-fabricated spray painting booths which are designed and built to meet the minimum requirements and legislation. No spray painting will occur outside of these spray painting booths. All vehicles will be repaired wholly within the warehouse. No outdoor areas or hardstand areas will be used to repair vehicles. As such, the proposed development will not result in any hazardous materials running off into adjoining properties. No changes to the current stormwater drainage regime is proposed. A trade waste connection will be required, in order to connect the proposed car wash area to the existing trade waste infrastructure. No other run-off will be directed to this trade waste connection, with all stormwater run-off directed to the existing stormwater network.</p> <p>Waste will be managed and collected from the site by private contractors. All waste will be stored in designated areas within the building or the bin storage area and collected by private contractors. Licensed waste containers and approved contractors will only be permitted for the collection and disposal of specialised waste associated within the proposed development.</p>
	<p>Impact on adjoining residents and businesses:</p> <ul style="list-style-type: none"> <li>• Impacts on privacy for adjoining residents.</li> <li>• Conflicts with adjoining businesses.</li> </ul>	<p>The development proposes an industrial use, within an industrial zone. The impacts of the proposed industrial use have been assessed as appropriate for the location. The warehouse was previously used for an industrial use and there are existing industry and trade related businesses that operate on the site.</p> <p>In addition, privacy for adjoining residents will not be impacted as the use is</p>

		proposed in only part of Lot 3, where it is centralised to the site and co-located with the area's existing industrial uses.
	Concerns Council should not support the rezoning of the entire three lots for Medium impact industry.	This application seeks to have a Medium Impact Industry use approved to operate within an existing warehouse on a site which is zoned Low Impact Industry. The zoning of the land will not change as part of this application.
	No economic benefit to the land uses on site.	The proposal is for an industrial land use in an industrial zone, reflecting the policy intent of the Low Impact Industry Zone Code and that of the Strategic Framework whereby industrial development is located within existing industrial zones. As such, the introduction of this industrial land use will not significantly or detrimentally impact on the economic viability of the site's industrial zoned land or its existing tenancies. As demonstrated, all operations will be carried out internally in the warehouse, with the use of the car parking area of Lot 3 used to accommodate vehicles. No storage, parking or loading will occur in the common property hardstand areas. Existing business operations on Lots 1 and 2 can continue as is, irrespective of the use of Lot 3, ensuring their on-going commercial viability.
	Existing works undertaken on-site.	Building works are a separate, non-planning matter that is not being applied for as part of this application. However, the conditions of approval have been proposed requiring all relevant approvals are obtained prior to the use commencing.
	The development does not align with the <i>Central Queensland Regional Plan 2013</i> .	The proposed development is for an urban purpose in an urban area. The development does not conflict with the <i>Central Queensland Regional Plan 2013</i> .
	Accuracy of the application – public notification and application forms: <ul style="list-style-type: none"> <li>• Accuracy of the application's public notification as not all residents were informed of the development.</li> <li>• Application forms have not been completed correctly.</li> </ul>	The application forms and public notification were both completed correctly in accordance with legislative requirements.
	Accuracy of application – town planning report and	The applicant has provided information regarding the expected number of

	<p>information included:</p> <ul style="list-style-type: none"> <li>Information contained in the application is inaccurate and misleading (e.g. number of car parks provided, staff numbers, traffic volumes).</li> <li>Application fails to recognise congestion and logistical access due to the high volume of existing traffic in the site.</li> </ul>	<p>vehicles and traffic accessing the site, based on information from other Gemini Warehouses.</p> <p>The site has been established for industrial uses and comprises existing driveways, crossovers and manoeuvring areas that are suitable for delivery trucks and passenger vehicles. No upgrades to the driveways or car parking areas are required, as the site is designed to accommodate uses and vehicles associated with industrial uses. The development will not obstruct or impact on the manoeuvring, car parking or operational areas used by adjoining businesses. The use will operate wholly within the area for Lot 3.</p>
<p><b>Matters prescribed by regulation</b></p>	<ul style="list-style-type: none"> <li>The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and</li> <li>The common material, being the material submitted with the application.</li> </ul>	

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THAT in relation to the application for a Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop), made by AMA Group Limited, located at 3/57 Alexandra Street, Park Avenue, described as Lot 3 and 0 on SP289414, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Plumbing and Drainage Works; and
  - 1.5.2 Building Works:
    - (i) Demolition Works; and

## (ii) Building Works.

- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
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<b>External Elevations</b>	<b>Alisha Rea Interior Design &amp; Drafting</b>	<b>3 June 2021</b>	<b>A.03.01</b>	<b>G</b>
<b>Internal Elevations</b>	<b>Alisha Rea Interior Design &amp; Drafting</b>	<b>3 June 2021</b>	<b>A.03.02</b>	<b>G</b>
<b>Technical Memorandum</b>	<b>McMurtrie Consulting Engineers</b>	<b>31 March 2021</b>	<b>0852021</b>	<b>-</b>

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of the use.
- 3.0 PLUMBING AND DRAINAGE WORKS
- 3.1 A Development Permit for Plumbing and Drainage Works must be obtained for the installation of any required infrastructure associated with the proposed washbay.
- 3.2 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.
- 3.3 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.
- 3.4 All internal plumbing and sanitary drainage works must be completely independent for each tenancy.
- 3.5 Alteration, disconnection or relocation of internal plumbing and sanitary drainage

works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.

#### 4.0 BUILDING WORKS

4.1 A Development Permit for Building Works must be obtained for modification of any existing structure on the development site.

#### 5.0 LANDSCAPING WORKS

5.1 All landscaping must be established and maintained generally in accordance with the approved plans (refer to condition 2.1).

#### 6.0 ASSET MANAGEMENT

6.1 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.

6.2 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.

#### 7.0 ENVIRONMENTAL HEALTH

7.1 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"*.

7.2 Noise emitted from the activity must not cause an environmental nuisance.

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

7.4 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.

7.5 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.

7.6 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.

7.7 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:

7.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;

7.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and

7.7.3 waste bags and ties.

7.8 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.
- 7.9 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 8.0 OPERATING PROCEDURES
- 8.1 The hours of operations for the use must be limited to:
- 8.1.1 0730 hours to 1800 hours on Monday to Friday; and
- 8.1.2 0800 hours to 1300 hours on Saturday,  
with no operations on Sundays or Public Holidays.
- 8.2 All vehicle repairs must be carried out within the existing building.
- 8.3 No storage, parking or loading will occur in the common property hardstand areas.
- 8.4 All tow trucks must enter and exit the site via the access driveway in Alexandra Street.
- 8.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 8.6 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 8.6.1 the area is kept in a clean and tidy condition;
- 8.6.2 fences and screens are maintained;
- 8.6.3 no waste material is stored external to the waste storage area/s;
- 8.6.4 all wash down of refuse containers takes place in the washdown facility;
- 8.6.5 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
- 8.6.6 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 8.7 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 8.8 Any movement of delivery vehicles must be restricted to the operating hours as per condition 8.1
- 9.0 SURFACE COATING AND SPRAY PAINTING
- 9.1 Surface coating and spray painting must be carried out in a fully enclosed booth built to *Australian Standard AS4114.1:2003 "Spray painting booths, designated spray painting areas and paint mixing rooms Part 1: Design, construction and testing"* and *Australian Standard AS4114.2:2003 "Spray painting booths, designated spray painting area and paint mixing rooms Part 2: Installation and maintenance"*.
- 9.2 Certification that the surface coating or spray painting booth has been built and installed in accordance with *Australian Standard AS4114.1:2003* and *Australian Standard AS4114.2:2003* must be provided to Council prior to the commencement of the use.

ADVISORY NOTESNOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. Infrastructure Charges Notice

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

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for a Material Change of Use for Medium Impact Industry (vehicle smash repairs workshop), made by AMA Group Limited, located at 3/57 Alexandra Street, Park Avenue, described as Lot 3 and 0 on SP289414, Council resolves not to issue an Infrastructure Charges Notice.

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

**MOTION CARRIED**



**11.8 CAPITAL PROJECT REPORT OCTOBER 2021**

**File No:** 7028  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Manager Project Delivery

**SUMMARY**

*Monthly status report on all projects currently managed by the Project Delivery unit.*

**COUNCIL RESOLUTION**

THAT the Project Delivery Monthly Report for October 2021, with the exclusion of Alliance Maintenance Facility and Mount Morgan Water Security, be received.

**Moved by:** Councillor Kirkland  
**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

During the discussion of the agenda item there was more detailed discussion required on the Cultural Precinct Activation Works project and in particular potential legal proceedings and commercial negotiations.

**CLOSED SESSION**

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

**COUNCIL RESOLUTION**

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

**11.8 Capital Project Report October 2021 – Cultural Precinct Activation Works**

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

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:** Councillor Wickerson  
**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION****10:39AM**

THAT pursuant to s5.11 Council Meeting Procedures the meeting moves into Closed Session and be closed to the public

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

**MOTION CARRIED****COUNCIL RESOLUTION****11:07AM**

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

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

**MOTION CARRIED**

11.07AM

Councillor Smith, having earlier informed the meeting of a prescribed conflict of interest and her decision not to participate in **Item 11.8 – Capital Project Report October 2021 – Alliance Maintenance Facility and Item 11.8 – Capital Project Report October 2021 – Mount Morgan Water Security**, 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 Project Delivery Monthly Report for October 2021 – Alliance Maintenance Facility and Mount Morgan Water Security be received.

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

**MOTION CARRIED UNANIMOUSLY**

Councillors Williams, Kirkland, Wickerson, Rutherford, Latcham and Mathers voted in the affirmative.

Councillor Smith was not in the meeting room.

11.10AM Councillor Smith returned to the meeting room

11:10AM

Councillor Smith, having earlier informed the meeting of a prescribed conflict of interest and her decision not to participate in **Item 11.9 – Airport Precinct Feasibility Study Project Report – October 2021**, 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.

## **11.9 AIRPORT PRECINCT FEASIBILITY STUDY PROJECT REPORT - OCTOBER 2021**

**File No:** 13702  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Martin Crow - Manager Infrastructure Planning

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### **SUMMARY**

*Project Status Report for the Rockhampton Airport Precinct Feasibility Study.*

### **COUNCIL RESOLUTION**

THAT the Rockhampton Airport Precinct Levee Feasibility Study report for October 2021 be received.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Mathers

### **MOTION CARRIED UNANIMOUSLY**

Councillors Rutherford, Mathers, Williams, Kirkland, Wickerson, and Latcham voted in the affirmative.

Councillor Smith was not in the meeting room.

11:12AM Councillor Smith returned to the meeting room

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**11.10 TENDER CONSIDERATION PLAN FOR THE COMPLETION OF THE GLENMORE WATER TREATMENT PLANT SOLAR FARM PROJECT**

**File No:** 14456  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Manager Project Delivery

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**SUMMARY**

*The purpose of this report is to seek approval under S230 of the Local Government Regulation (2012), to enter into a contract to complete the design and construction of the Glenmore Water Treatment Plant Solar Farm.*

**COUNCIL RESOLUTION**

THAT Council:

1. Receives this report for the preparation and adoption of the Tender Consideration Plan; and
2. Approves the engagement of Alliance Automation Pty Ltd under a variation to the current Design and Construct contract on the Glenmore Water Treatment Plant Upgrade for the completion of the Glenmore Water Treatment Plant Solar Farm project.

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

**MOTION CARRIED**

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**11.11 CURRENT GRANT PROGRAMS AND PROJECT RECOMMENDATIONS**

**File No:** 12534  
**Authorising Officer:** Martin Crow - Manager Infrastructure Planning  
Peter Kofod - General Manager Regional Services  
**Author:** Ann Davie - Grants and Policy Advisor

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**SUMMARY**

*This report provides information about upcoming grant programs and projects for consideration to be funded.*

**COUNCIL RESOLUTION**

THAT Council seeks funding through:

- the Building Our Regions grant program for the North Rockhampton Sewage Treatment Plant Sludge Management System;
- the Preparing Australian Communities Program for the Gracemere Bulk Water Supply Security;
- the Walking Local Government Grant for the Wandal Walking Network Plan;
- the Heavy Vehicle Safety and Productivity Program and Bridges Renewal Program for road projects in the Parkhurst Industrial Network, and Somerset Road in Gracemere; and bridges projects at Old Capricorn Highway, O'Shanesy Road, and Fairybower Road;
- the North Queensland Disasters Mitigation Program in priority order for the Moore's Creek Catchment and South Rockhampton Catchment Floodplain Risk Management Studies and the Climate Risk Planning for the Rockhampton Region; and
- the CQ Bushfires Flexible Funding program for a Community Education Disaster Management Officer, responsible for development of community engagement and education programs, networking programs, and education and communication materials.

**Moved by:** Councillor Kirkland

**Seconded by:** Councillor Smith

**MOTION CARRIED**

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**11.12 FEDERAL ELECTION ADVOCACY PRIORITIES**

**File No:** 10097  
**Authorising Officer:** Matthew Mansfield - Coordinator Media and Communications  
Evan Pardon - Chief Executive Officer  
**Author:** Genevieve Dwyer - Senior Communications Officer

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**SUMMARY**

*This report proposes the adoption of a list of Council advocacy priorities for the federal election.*

**COUNCIL RESOLUTION**

THAT Council endorse the proposed Federal election advocacy projects, with the exclusion of the Electorate of Flynn, and begin advocacy efforts to seek commitments from candidates.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Kirkland

**MOTION CARRIED UNANIMOUSLY**

11:32AM

Councillor Smith, having earlier informed the meeting of a prescribed conflict of interest and her decision not to participate in **Item 11.12 – Federal Election Advocacy Priorities – Electorate of Flynn – Mount Morgan Water Security and Gracemere Saleyards building upgrades**, 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 Council endorse the proposed federal election advocacy priorities for the electorate of Flynn and begin advocacy efforts to seek commitments from candidates.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Mathers

**MOTION CARRIED**

Councillors Rutherford, Mathers, Williams, Kirkland, Wickerson, and Latcham voted in the affirmative.

Councillor Smith was not in the meeting room.

11:33AM Councillor Smith returned to the meeting room

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS QUESTIONS****14.1 COVID-19 RESTRICTIONS 17 DECEMBER 2021**

**File No. 10097**

**Responsible Officer: Evan Pardon – Chief Executive Officer**

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**SUMMARY**

*Councillor Kirkland has presented a "Notice of Motion" in relation to COVID-19 Restrictions 17 December 2021.*

**COUNCILLOR RECOMMENDATION:**

THAT:

1. Rockhampton Regional Council submit a letter to our State Premier following the offer to Queensland Councils to provide feedback on her Governments proposal to introduce COVID-19 restrictions for unvaccinated persons from 17<sup>th</sup> December 2021 advising that:
  - a. over the last week councillors have been inundated with communications from the local community and business owners expressing strong and unreserved concern about the social and financial impacts that the new restrictions will have on businesses, patrons and employees;
  - b. business owners and employees represented in their communications that vaccination should be an individual's choice, and employers should not be forced to exclude valued employees from the workplace for exercising that choice;
  - c. examples from communications received expressed that mandated restrictions will hinder businesses from operating to their fullest potential due to loss of the ability to conduct business as usual, and loss of critical staff – some to the point of closure.
  - d. local Businesses remain unsure of their obligations and liabilities for employees under Work Health and Safety legislation;
2. Council respectfully seeks the support of the Premier in taking into account the voice put forward by the business community, and that she reconsider the decision of introducing mandated restrictions from December 17 2021.

Moved by: Councillor Kirkland  
Seconded by: Councillor Latcham

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"I, Councillor Kirkland will be begin by informing council that I myself am a local business owner, and that position may be considered a conflict of by some – yet as the proposed mandates do not target my businesses, I do not believe that I have a conflict of interest, in addition the matter I wish to present represents not only the entire Rockhampton Regional Council, but in fact the entire State of Queensland, and as such I do not stand to gain, or lose an more than that greater populous.

I wish to participate in this matter and acknowledge that eligible councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, whether I:

- May participate in the decision, including by voting on the matter: or
- Must leave the meeting, including any area set aside for the public and stay away while the eligible councillors discuss and vote on the matter.

### **COUNCIL RESOLUTION**

THAT Councillor Kirkland does not have a perceived conflict of interest and that she may remain in the meeting and participate in the decision, including by voting on the matter.

**Moved by:** Councillor Mathers  
**Seconded by:** Councillor Rutherford

### **MOTION CARRIED**

Councillors Mathers, Rutherford, Williams, Wickerson, Smith and Latcham voted in the affirmative  
Councillor Kirkland did not participate in the vote.

"I, Councillor Latcham inform the meeting that I am a Trustee for a Family Trust of a Tennis Complex in North Rockhampton which is leased to a licenced Sports Club.

I wish to participate in this matter and acknowledge that eligible councillors must now determine, pursuant to section 150ES of the local Government Act 2009, whether I:

- May participate in the decision, including by voting on the matter: or
- Must leave the meeting, including any area set aside for the public and stay away while the eligible councillors discuss and vote on the matter.

### **COUNCIL RESOLUTION**

THAT Councillor Latcham does not have a perceived conflict interest and that he may remain in the meeting and participate in the decision, including by voting on the matter.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Wickerson

### **MOTION CARRIED**

Councillors Smith, Wickerson, Williams, Mathers, Rutherford and Kirkland  
Councillor Latcham did not participate in the vote



**Procedural Motion**

That the matter lay on the table until the next Council meeting to be held on 30 November 2021, pending a response to the recent correspondence sent from CQ-ROC to the Premier of Queensland.

**Moved by: Mayor Williams**

**Division:**

Councillors Williams, Wickerson, Rutherford and Smith voted in the affirmative.  
Councillors Mathers, Kirkland and Latcham voted in the negative.

**14.2 PETITION – QUEENSLAND GOVERNMENT COVID-19 VACCINATION MANDATE  
17 DECEMBER 2021**

**File No. 3086**

**Responsible Officer: Evan Pardon - Chief Executive Officer**

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**SUMMARY**

*Councillor Mathers presented a petition with 78 signatures regarding the State Government's vaccination mandate.*

**COUNCIL RESOLUTION**

THAT the petition tabled by Councillor Mathers be received.

**Moved by: Councillor Mathers**

**Seconded by: Councillor Kirkland**

**MOTION CARRIED**

**15 CLOSURE OF MEETING**

There being no further business the meeting closed at 11:46am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**23 NOVEMBER 2021**

**ANNEXURE A**

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

- Item 8.1            Petition – Illegal Fishing at Rockhampton Barrage**
- Item 11.7        Development Application for a Material Change of Use for Medium Impact Industry (Vehicle Smash Repairs Workshop)**
- Item 14.2        Petition – Queensland Government Covid-19 Vaccination Mandate 17 December 2021**



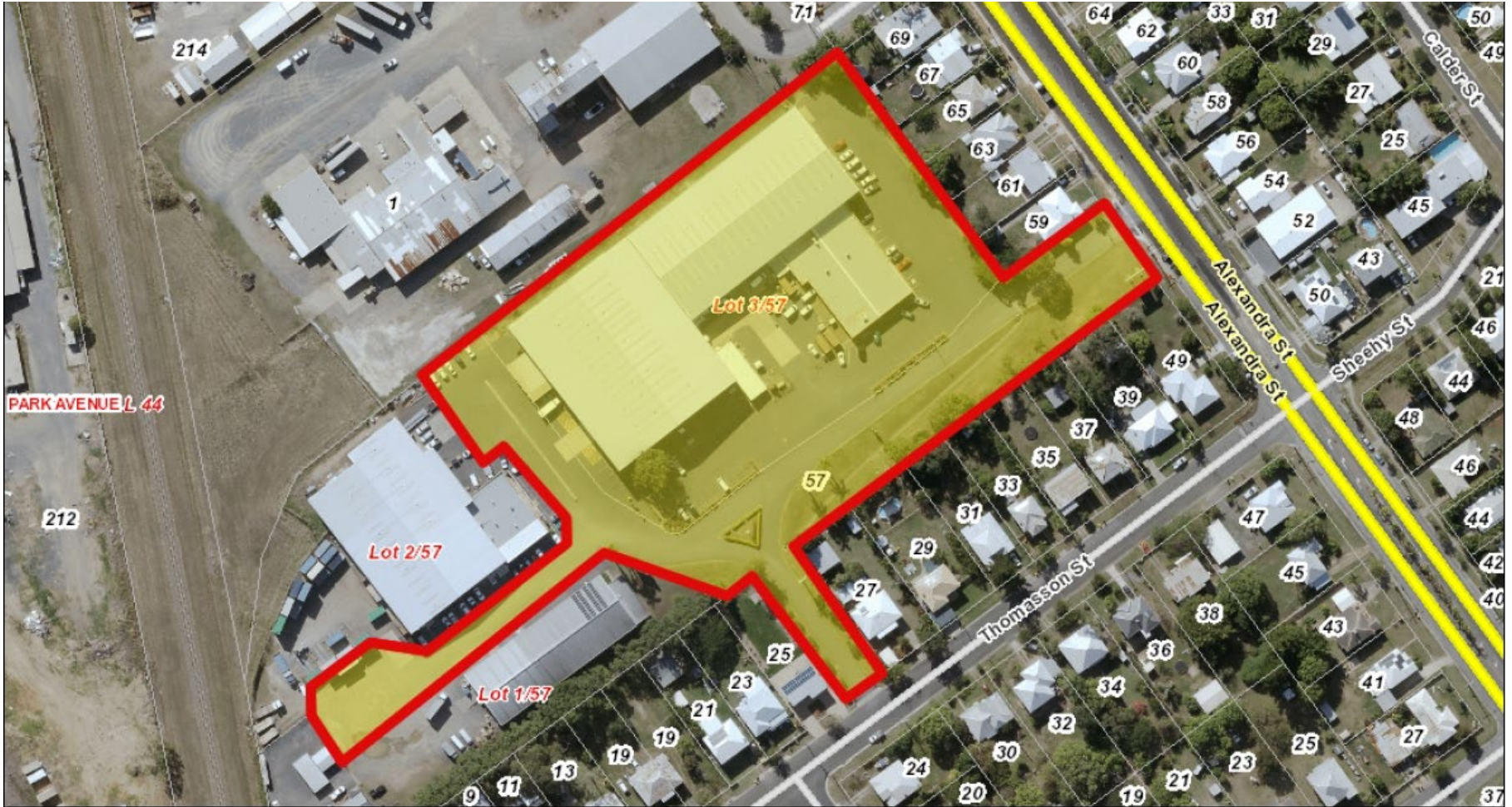
# **Development Application (D/78-2021) for a Material Change of Use for Medium Impact Industry**

**3/57 Alexandra Street, Park Avenue**

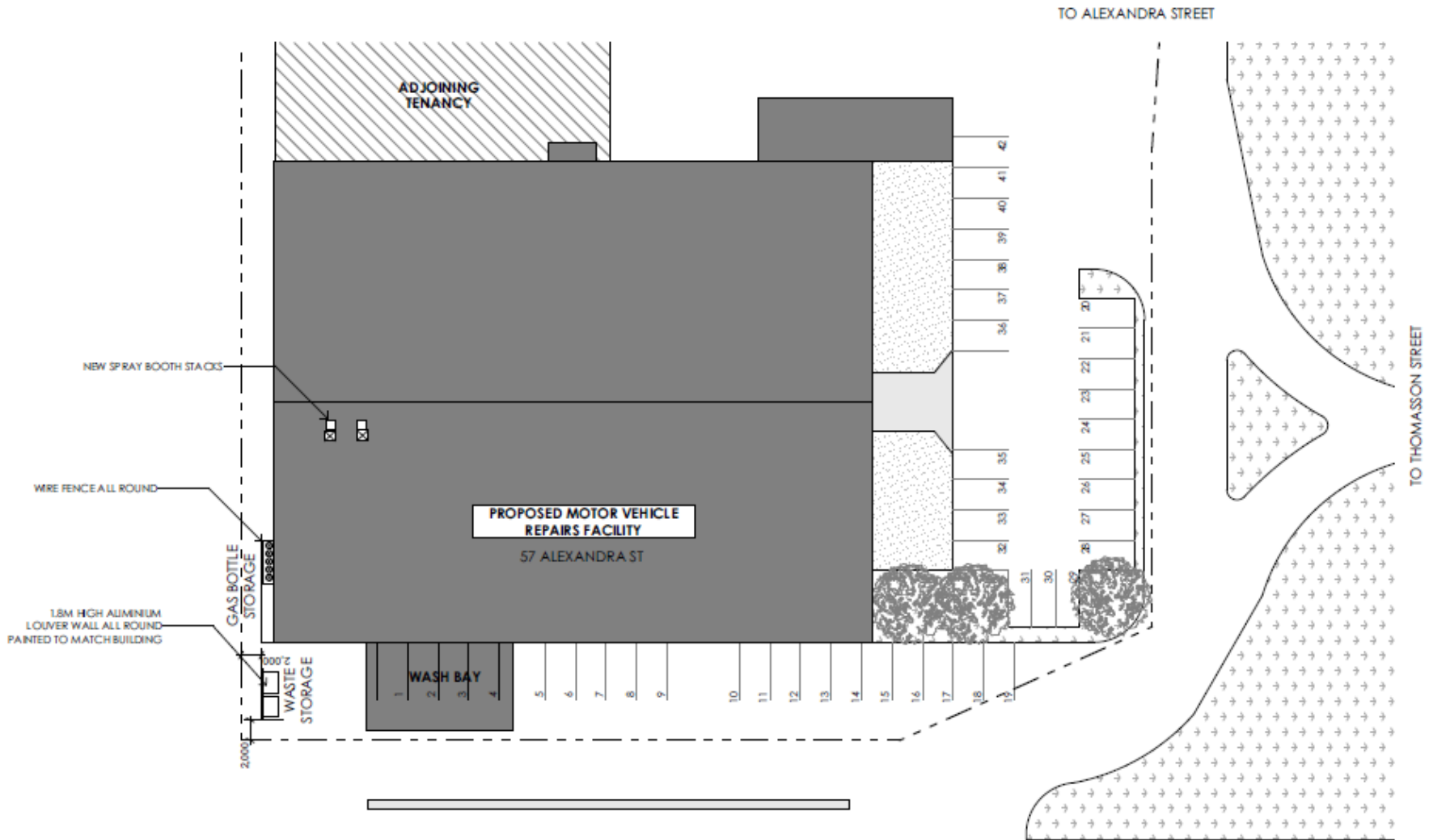
Council meeting – 23 November 2021

Amanda O'Mara – Principal Planning Officer

# Subject Site



# Site Plan






















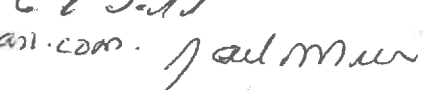

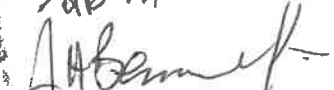
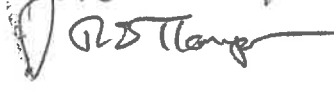




# Public Notification



# Assessment summary

- The proposed development is recommended for approval, subject to the conditions outlined in the report.

We the undersigned respectfully request that the Mayor of RRC Cr Tony Williams write to the Premier of Queensland and ask her that her Government's proposed mandate for a segregated society from the 17th of December 2021 not be brought into being.

Name	Telephone Number	Email/Street Address	Signature
JUSTIN MANDERSON	0414888074	info@mandersons dance.com.au	
CHRISTINA GALINOVIC	0411953824	christina.galinovic.com.au	
Russell Garson	0439972434		
Karl Summons	0449914887		
Leanne Chipperdell	0412950398		
Kristy Hudson	0405412990		
Hayley Clark	0439715862		
Kim Neilson	0439372265		
Jade Rodgers	0434199738	jaderodgers@ live.com.au	
Ben Rodgers	0411113078	benrodgers@ live.com.au	
Rory Burns	040773528		
STEVEN ROBINSON	0448680039	srbsk@netspace.net.au	
LILLIAN BARTON	0429341411	bartonhome@qnet.com.au	
Anita Meyer	0458030314		
Kate Hollingsworth	0455713537		
Patti Dodd	0429005210		
Garry Dodd	0407142932		
GAIL MUIR	0456380519	gailmuir226@gmail.com	
GILL BENNETT	0429332311		
JOAN BENNETT	0427225720	3 TIFORA ST GEMERE	
Rose Thompson	0438263912	<del>XXXXXXXXXX</del> nr271491@gmail.com	
Darryl Richards	0456201358	d111c1ch6609	
Joseph Cooper	0429916395	joe95cooper@gmail.com	
Andy Cooper	0438332376	cooperclan10@bigpond.com	
Liz Roots	0428513264	mooraplains65@live.com	

We the undersigned respectfully request that the Mayor of RRC Cr Tony Williams write to the Premier of Queensland and ask her that her Government's proposed mandate for a segregated society from the 17th of December 2021 not be brought into being.

Name	Telephone Number	Email/Street Address	Signature
E. Shelton	0439 662935	sheltons@bigpond.com	E. O. Shelton
B. SHELTON	0427 263597	"	B. S. Shelton
C. GOODMAN	0435970574	-	C. Goodman
Nicole Gillespie	0412820448	29 McMillan Ave	Nicole Gillespie
Susan McDonald	0418 284903	susie@migjet.com.au	Susan McDonald
Richard McDonald	0427473176	richard@migjet.com.au	Richard McDonald
M. McDonald	0418 284903	"	M. McDonald
<del>Lois McDonald</del>	"	"	<del>Lois McDonald</del>
M. Simmons	0439540862	181 mrs D Kemail.com	M. Simmons
S. Neave	0414755364	johna.neave@hotmail.com	S. Neave
A. Locke	0409491848	adrialoche@gmail.com	A. Locke
Amber Witt	0410430116	zariajewelies@gmail.com	Amber Witt
GAIN McLEOD	49288863	88 CARARA DR.	G. McLeod
TIM ROBERTSON	0402729642	unit 2 2 acacia pl.	Tim Robertson
Rebecca Rideout	0419269368		Rebecca Rideout
Jewell Donora	0412913279	247 Hutton	Jewell Donora
harry Marshall	0466156030	159b earls	harry Marshall
Daphne Finlay	0437456366	54 Alfred	Daphne Finlay
MARVIN CORNELL	0438331078	226 MILDERRA	Marvin Cornell
ALAN MUR	0490091880	FRENCHVILLE	Alan Mur
Ron Atford	0400677312	110 Hyde St	R. Atford
James Hafner	0499170410	jimhafner0895@gmail.com	James Hafner
Tara Hafner	0457390245	toallaville@gmail.com	Tara Hafner
David Hafner	0417202044	davidhafner@bigpond.com	David Hafner
Trish Hafner	0447422307	th.ishere@hotmail.com	Trish Hafner
R. Goddard	0400234840		R. Goddard
Leanne Stewart	0401569555	peanutlover.75@hotmail.com	Leanne Stewart

We the undersigned respectfully request that the Mayor of RRC Cr Tony Williams write to the Premier of Queensland and ask her that her Government's proposed mandate for a segregated society from the 17th of December 2021 not be brought into being.

Name	Telephone Number	Email/Street Address	Signature
MICHAEL POWELL	0422867198	yesteryears at gromen@gmail.com	
Lex Ivers	0435400628	lexivers@	
Res. Scott	0409482640	yymail.com	A Duon
Margaret Pitman	0427240322	vilasini59@ hotmail.com	ffoot
Jana Watkins	0434997344	robiesrust1@outlook.com → draguntoothe@hotmail.com	
Zachel Marshall	0439772868	ra.marshall09@gmail.com	R Marshall
Marg Mauth	0499342138	margymae@	M Mauth
Margaret Koehler	0438193370	margiejeffrey26 @outlook.com	M Koehler
PETER KOEHLER	0427286284		P Koehler
Andrea Chapman	0412612661	a.chapman27@ optusnet.com.au	A Chapman
Rosely Boyle	0402843949		
Jenny Braun	0438265313	jennytb6@gmail.com	J Braun
Collette Corbett	0400934165	collette.corbett@ bigpond.com	C Corbett
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