



ORDINARY MEETING

AGENDA

26 SEPTEMBER 2023

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 26 September 2023 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", is positioned above the typed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
20 September 2023

Next Meeting Date: 10.10.23

Please note:

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

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1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

Deputy Mayor, Councillor N K Fisher (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

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Tony Williams - Leave of Absence for 19 September 2023 and 26 September 2023

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 12 September 2023

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 QUEENSLAND MINING & ENGINEERING EXPO 2024 EXHIBITOR SITE PROPOSAL

File No:	8444
Attachments:	1. QME 2024 Prospectus ⇒
Authorising Officer:	Wade Clark - Economic Development Manager Angus Russell - Executive Manager Advance Rockhampton
Author:	Jack Duncan - Economic Development & Industry Engagement Advisor

SUMMARY

Rockhampton Regional Council has the opportunity to exhibit at the 2024 Queensland Mining and Engineering Expo (QME 2024). It is proposed that the exhibition site is secured to better promote and position the Rockhampton region in the mining and resource industry sector.

OFFICER'S RECOMMENDATION

THAT Rockhampton Regional Council exhibit at Queensland Mining and Engineering Expo (QME) 2024 with an exhibitor fee of \$21,883.10 GST incl.

COMMENTARY

QME is the leading industrial exhibition in Queensland, having been held in Mackay since 1993.

QME brings together buyers, specifiers and industry professionals to keep abreast of products, technologies and industry trends. It provides an opportunity for industry leaders to network among over 500 exhibitors and over 10,000 attendees.

The next QME is to be held in Mackay from July 23 – 25, 2024.

There is an opportunity for Rockhampton Regional Council through Advance Rockhampton to exhibit at the expo. Rockhampton Regional Council has previously exhibited at this event and have seen positive impact in the Region's resources & mining sector, a key growth sector within the Rockhampton Region Economic Development Strategy.

It is recommended that to obtain maximum exposure from a value perspective is to secure a 6 m x 3 m (18 m²) corner stand with a gold package upgrade which includes: furnishings, branding, timber flooring and a higher level of aesthetics at \$21,883.10 GST Incl.

Previously Advance Rockhampton have engaged local businesses to co-exhibit at QME at the Advance Rockhampton site to showcase local industry capability. It is proposed that at QME 2024, local proponents who are registered and attending the event may join Advance Rockhampton within the stand.

This event will provide exposure for the Rockhampton region as a resource sector hub and the gateway to Bowen and Galilee basins. The event provides an opportunity to position and promote the region to a wide audience across the resources, mining and engineering sectors.

BACKGROUND

Advance Rockhampton has had a presence at numerous QME events in Mackay previously. Exhibiting at QME has lifted Rockhampton's profile at this key mining promotion event for the industry.

PREVIOUS DECISIONS

Council resolved on 24 August 2021 that Rockhampton Regional Council through Advance Rockhampton exhibit at QME 2022 with an exhibitors fee of \$16,236.

BUDGET IMPLICATIONS

The exhibition site at QME 2022 will cost \$21,883.10 GST Incl. and will be met using the dedicated Queensland Mining Expo budget allocation within the Advance Rockhampton, Economic Development budget.

CORPORATE/OPERATIONAL PLAN

Operational Plan – Our Economy

3.1.1.1 Focus upon the growth opportunities identified in the Rockhampton Region Economic Development Strategy and Action Plan 2023-2028.

Rockhampton Region Economic Development Action Plan 2023-2028

P1.B.AC1 Work with the local resources sector and support services to help secure economic opportunities.

P1.B.AC2 Host inbound and outbound investor delegations.

CONCLUSION

QME 2024 will provide promotional benefits for Rockhampton Regional Council and Advance Rockhampton to better promote the region as a mining, resources and engineering destination to an audience of professionals, industry groups and suppliers from around Australia.

11.2 ROCKHAMPTON BASKETBALL INC. - REQUEST FOR TRUSTEE LEASE

File No: 1370
Attachments: 1. [Rockhampton Basketball - Lease Area](#)⇒
Authorising Officer: Aaron Pont - Manager Parks
Alicia Cutler - General Manager Community Services
Author: Justin Bulwinkel - Supervisor Business Support
Jack Barnett - Sports and Recreation Advisor

SUMMARY

In accordance with Section 236(1)(b)(ii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought to enter a Trustee Lease with a community organisation over lot 37 on SP220201 (Sir Raymond Huish Dr, Wandal).

OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) Council approve Rockhampton Basketball Inc request for a Trustee Lease over Lot 37 on SP220201; and
2. Council authorises the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions of the agreement with Rockhampton Basketball Inc in preparation for execution by the delegated officer.

COMMENTARY

Rockhampton Basketball are a successful community organisation that have provided a home for basketball within our Region for decades. Council have not worked directly with the organisation, and they are the only Community Organisation located within the Victoria Park Reserve that do not have a formal relationship with Council.

As Trustee, the Department of Resources (DoR) offer to directly manage this agreement allows Officers and our Council to build stronger working relationships that will benefit short- and long-term planning objective within the Wandal area and support the operational management of Reserve.

Over time, our role as Lessor will provide Rockhampton Basketball better connectivity with other likeminded community organizations within the region and provide them with better access to Councils services and support framework.

As Trustee, officers recommend Council take on the role of Lessor by offering a Reserve/Trustee Lease over lot 37 on SP220201 to Rockhampton Basketball Inc under the following conditions:

- Term: Six (6) years, effective from 1 August 2024
 - Applicable fees will be set in accordance with Parks Sports & Recreation adopted fees and charges schedule.
 - Special Conditions:
 - As Negotiated
 - Tenants must provide copies of the following documents on an annual basis:
 - Audited Financial Statements
 - Constitution
 - AGM Minutes
-

- Player and Member numbers

BACKGROUND

On 10 May 2023 the DoR notified Council that Rockhampton Basketball Inc existing Special Lease was set to expire 31st July 2024. The Department provided Council the following two (2) option:

1. On expiry of the existing lease, would you as Trustee be prepared to offer the current lessee a Trustee Lease or Trustee Permit over the subject area in accordance with Section 57 of the *Land Act 1994* and Operational Policy SLM/2013/495 – Leases over reserves.
2. If entering into a Trustee Lease or Trustee Permit is not an option, please provide reasons for this and also your views or requirements to the granting of a new Term Lease over the subject area.

In response these options, Officers completed reasonable due diligence before presenting this recommendation to council. Recommendation supports of option one (1) listed above.

Investigation key findings:

- Council will not inherit any risk/obligation fiscally by taking on the role of Lessor. Ownership of all assets and improvements on lot 37 on SP220201 will remain responsible to the Lessee (Rockhampton Basketball Inc).
- A desktop review was completed by our Development Assessment team, no outstanding building approvals or contentious matters were identified with the site.
- Lot 37 on SP220201 holds a reserve purpose of “Sport and Recreation”, consistent with existing operational use.

Officers also consulted Rockhampton Basketball’s Committee about the potential change in Lessor, in-principal their board strongly supported the option to enter into a lease with the Trustee (Rockhampton Regional Council).

PREVIOUS DECISIONS

There are no previous decision relating to this matter.

BUDGET IMPLICATIONS

No financial implications imposed on Council.

All Leases will be subject to annual fees set by Council’s 2023/2024 Fees and Charges schedule.

LEGISLATIVE CONTEXT

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is required to issue a Reserve Lease.

LEGAL IMPLICATIONS

It is proposed that Council will enter into a Reserve Lease with the Tenant which satisfies the requirements of the *Land Act 1994(Qld)*.

STAFFING IMPLICATIONS

Existing resources within Parks and Property and Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

There are no risk implications.

CORPORATE/OPERATIONAL PLAN

The proposal aligns with the following Corporate Plan objectives:

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

It is recommended that Council approve the Reserve Lease and support the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions in preparation for consideration and execution by the delegated officer.

11.3 GUIDES QUEENSLAND - SURRENDER OF FREEHOLD LEASE

File No: 12687
Attachments: 1. [Guides QLD](#)⇒
Authorising Officer: Aaron Pont - Manager Parks
Alicia Cutler - General Manager Community Services
Author: Jack Barnett - Sports and Recreation Advisor
Justin Bulwinkel - Supervisor Business Support

SUMMARY

Request for surrender of Freehold Lease over 34 Larnach Street, Allenstown from Guides Queensland.

OFFICER'S RECOMMENDATION

THAT Council accepts the surrender of the Freehold Lease held by Guides Queensland over 34 Larnach Street, Allenstown in unison with the Department of Resources surrender of the adjoining site.

COMMENTARY

Girls Guides Queensland have secured surrender of their tenure over 32 Larnach Street, Allenstown through their lease with Department of Resources (DoR). This site houses the clubhouse and facilities that has been utilised and occupied by the group for over 50 years, since the early 1970's.

Girls Guides Queensland sequentially have an existing freehold lease with Council over the land adjoining the DoR lease site, at 34 Larnach Street, Allenstown (Lot 1 on RP610854). This site is vacant, unused, and populated with trees. (See Attachment 1).

Future use or tenure of this site is yet to be determined by DoR.

BACKGROUND

Guides Queensland formally secured tenure over 34 Larnach Street in 2017 with Council, after years of informal and ad hoc usage of the vacant land.

PREVIOUS DECISIONS

There have been no previous decisions regarding this matter.

BUDGET IMPLICATIONS

All applicable rates, leasing fees and charges will no longer be received for the site.

LEGISLATIVE CONTEXT

Not applicable.

LEGAL IMPLICATIONS

Property & Insurance will ensure the titles forms required to surrender the lease are registered and finalised.

STAFFING IMPLICATIONS

Existing resources within Parks and Property & Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

No risks assessments associated with this matter.

CORPORATE/OPERATIONAL PLAN

Not Applicable

CONCLUSION

It is recommended that Council approve the request for surrender of the Freehold Lease over 34 Larnach Street, Allenstown from Guides QLD.

11.4 D/76-2023 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR UTILITY INSTALLATION (CONTAINER REFUND FACILITY)

File No: D/76-2023

Attachments: 1. [Locality Plan](#)⇒
2. [Site Plan](#)⇒

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

Author: Declan Cox - Planning Officer

SUMMARY

Application Number: D/76-2023

Applicant: D M Webster and K L Webster

Real Property Address: Lot 9 on RP600655

Common Property Address: 78 James Street, Mount Morgan

Area of Site: 1,002 square metres

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

Planning Scheme Zone: Low Density Residential Zone

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

Existing Development: Shop and Dwelling Unit

Approval Sought: Development Permit for Material Change of Use for Utility Installation (Container Refund Facility)

Level of Assessment: Impact Assessable

Submissions: Nil

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

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for Utility Installation (Container Refund Facility), made by D M Webster and K L Webster, located at 78 James Street, Mount Morgan, described as Lot 9 on RP600655, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for Utility Installation (Container Refund Facility)	
Reasons for Decision	
<p>a) Assessment of the development against the Strategic Framework and the Low Density Residential Zone Code of <i>Rockhampton Region Planning Scheme 2015 (Version 2.2)</i> demonstrates that although there are conflicts with elements of the assessment benchmarks, on balance the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment, infrastructure, community facilities, or local character and amenity;</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Flood Hazard Overlay Code; and • Telecommunications Facilities and Utilities 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 exception(s) listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Strategic Framework	<p>3.3.1 <i>Strategic outcomes</i></p> <p>3.3.1 (14) <i>Specific outcomes</i></p> <p>The proposed development for a Utility Installation is located within the Low Density Residential Zone. The use has been demonstrated to support economic development in Mount Morgan region however, due to the location adjoining residential lots, the proposal does not comply with <i>Specific outcome 3.3.1 (14) of the strategic outcomes for settlement pattern</i>. This is because the proposal is for a land use that is not clearly</p>

		<p>contemplated for within a residential area. Despite this, regard to relevant matters is considered to outweigh any conflicts.</p>
	<p>3.3.8 <i>Element – Urban and new urban</i> 3.3.8.1 (8) <i>Specific outcomes</i></p>	<p>The proposed development for a Utility Installation is located within the Low Density Residential Zone. The proposal is considered to service the needs of the immediate local residential community of Mount Morgan, however the site location is adjoining to sensitive land uses being dwelling houses and is not consistent with the purpose of the Low Density Residential Zone.</p> <p>In consideration of the above, the proposal does not comply with <i>Specific outcome 3.3.8.1 (8) under the 3.3.8 Element – Urban and new urban, Settlement Patterns</i>. Despite this, regard to relevant matters is considered to outweigh any conflicts.</p>
<p>Low Density Residential Zone Code</p>	<p>PO13</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 13.1 because part of the existing building used as part of the development has a zero (0) metre setback to the road frontage in lieu of the three (3) metre setback required. The proposed containers for change collection point is within part of the existing building, which is currently used as a shop and dwelling unit.</p> <p>Whilst the proposal does not comply with the Acceptable Outcome, the proposed development does not introduce any new building work to the existing building. The form of the building, which has historically been used as a convenience store and dwelling unit, will remain unchanged. Further, the part of the existing building that will be used as the collection point for containers has been used for this purpose for approximately five (5) years.</p> <p>Given the age of the building, which in part establishes the existing streetscape and character for that portion of James Street, and the continuation of that part of the building for collecting containers, there are not considered to be any new impacts that would compromise streetscape character or compromise existing levels of amenity because a reduced setback for the wall.</p> <p>Therefore, the proposal is considered to comply with Performance Outcome (PO13) of the code.</p>
	<p>PO16</p>	<p>The proposed development does not comply with parts of PO16, which relates to in what scenarios non-residential development may occur in the Low Density Residential Zone. Specifically, the proposed development is not considered small scale and may compromise residential amenity given the nature of the use.</p> <p>Despite this, the proposed development is considered to comply with the balance of the outcomes sought by PO16 and the overall outcomes for the Code.</p>

		<p>Specifically:</p> <ul style="list-style-type: none"> • The proposed development will continue to provide the sole facility in Mount Morgan for residents to return eligible recyclable containers. In this sense, given the catchment it is required to service, greater Mount Morgan is considered the '<i>local neighbourhood</i>'. • The proposed development will primarily utilise the existing built form on the site, including the historical shop and dwelling unit, and a shed to the rear of this. This existing built form is considered consistent with the surrounding built form and streetscape. • The use is considered to serve a 'convenience function', in that it removes the need for Mount Morgan residents to travel to Gracemere, the next closest Containers for Change facility. • The proposed development does not adjoin an existing centres zone and therefore does not result in its incremental expansion. • Has been conditioned to minimise impacts on local amenity. Conditions of approval have been included requiring visual screening from the adjoining sensitive receptors, and that all containers be stored indoors, except during collection. A condition of approval has also been included limiting how long the use may operate for after the development approval takes effect. • James Street is categorised as a Highway and the development application was assessed by technical officers in the Department of Transport and Main Roads (DTMR). DTMR, through the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) provided a response with conditions, therefore indicating the development is capable of operating without compromising the safety or efficiency of the road network. <p>To the extent any conflicts are identified with the Zone Code or Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p>
	<p>PO24</p>	<p>The proposal does not comply with AO24.1 as a minimum ten (10) percent (%) landscaping onsite has not been provided. No additional landscaping is proposed or conditioned as part of the development. The development will maintain the existing landscaping onsite from the shop and dwelling unit, which includes an established mature tree at the rear of the site.</p> <p>Despite this:</p> <ul style="list-style-type: none"> • 1.8 metre high solid screen fence has been conditioned to be provided along both side boundaries to protect the amenity of adjoining

		<p>residential uses.</p> <ul style="list-style-type: none"> • A condition has been imposed requiring all containers, except for glass ones and those awaiting immediate collection, to be stored within an enclosed building. • A condition has been imposed restricting the period the use can operate for to five (5) years, therefore it is not considered reasonable to require the Applicant to establish landscaping during this period. <p>On this basis, there will be no change to the streetscape, existing onsite environment or road frontage screening and the proposal is considered to comply with Performance Outcome (PO24).</p>
Telecommunications Facilities and Utilities Code	PO12	<p>AO12.1</p> <p>The proposed development is visible and located less than 30 metres from a Highway, therefore does not comply with (AO12.1).</p> <p>Although the proposal is considered visible and does not comply with setback requirements, the proposal will only have enclosed metal bins located on a hardstand area and the remaining of the development will occur within existing and proposed enclosed buildings and structures onsite. The scale of the metal bins is conditioned and restricted onsite and therefore, the development is considered to not adversely impact any existing residential amenity or visual character of adjoining residential lots.</p> <p>In consideration of the above, the proposal is considered to comply with Performance Outcome (PO12).</p>
	PO14	<p>AO14.1</p> <p>The proposal does not comply with AO14.1.1 as the development is located within fifteen (15) metres of common boundaries that adjoin sensitive land uses (dwelling houses) within a Low Density Residential Zone.</p> <p>The proposal is considered to comply with Performance Outcome (PO14) based on the following justifications of the proposal below.</p> <ul style="list-style-type: none"> • 1.8 metre high solid fencing has been conditioned to be provided along both side boundaries to protect the amenity of adjoining residential uses. • A condition has been imposed requiring all containers, except for glass ones and those awaiting immediate collection, to be stored within an enclosed building. • The development is not considered to have additional impacts on light, noise, glare, overshadowing or visual obtrusiveness.

		A condition has been imposed restricting the period the use can operate for to five (5) years, therefore it is not considered reasonable to require the Applicant to establish landscaping during this period.
Relevant Matters		
<p>The proposed development was assessed against the following relevant matters:</p> <p>Planning Need</p> <ul style="list-style-type: none"> • The existing facility processes approximately 3.5 million containers each year, with the number of containers returned per capita for Mount Morgan residents greatly exceeding the State average. There is no other Containers for Change facility in Mount Morgan currently, with the closest facility in Gracemere. • The existing facility provides an important service to the community. Mount Morgan is a lower socio-economic area based on a number of key indicators (participation in the labour workforce and median weekly income), and some residents are reliant on the Containers for Change Scheme to supplement their income. • The <i>Rockhampton Region Planning Scheme 2015 (v2.2)</i> does not clearly contemplate industry activities (such as a Containers for Change facility) in Mount Morgan presently. Therefore, there is limited appropriately zoned land where the facility could readily establish while meeting community needs. • A condition of approval has been imposed restricting the duration of the use to approximately five (5) years (being the duration of the Containers for Change scheme contract with the current operator), allowing the existing facility to continue to operate while allowing opportunity to investigate other more appropriate locations in Mount Morgan. 		
Matters raised in submissions		
The proposal was the subject of public notification between 12 June 2023 and 3 June 2023, in accordance with the requirements of the <i>Planning Act 2016</i> and the Development Assessment Rules, and no submissions were received.		
Matters prescribed by regulation		
<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015 (version 2.2)</i>; 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 Utility Installation (Container Refund Facility), made by D M Webster and K L Webster, located at 78 James Street, Mount Morgan, described as Lot 9 on RP600655, Council resolves to Approve the application subject to the following conditions:

- 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 with conditions notice 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 Building Work
- 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 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 OPERATIONAL PERIOD

- 2.1 The approved development must cease by 1 November 2028. All containers must be removed from the site at the cessation of the use.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 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>
Proposed Site Plan	Design + Architecture	25 July 2023	SK-002	2
Operational Management Plan	Gideon Town Planning	-	-	-

- 3.2 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.

4.0 BUILDING WORKS

- 4.1 A temporary enclosed structure (e.g., a shipping container) must be erected over the existing hardstand area adjoining the existing shed structure along the northern side boundary as per the approved plans (refer to condition 2.1 and 11.3).
- 4.2 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:
- 4.2.1 designed and located so as not to cause a nuisance to neighbouring properties; and
- 4.2.2 aesthetically screened from any road frontage or adjoining property.
- 4.3 Any fence to be erected along the western boundary and/or western side of the front boundary must not restrict, impair or change the overland flow (floodway) or cause an actionable nuisance to surrounding land or infrastructure.

4.4 A minimum 1.8 metre high solid screen fence must be erected along the common boundaries of the development site with Lots 8 and 10 on RP600655.

5.0 ACCESS AND PARKING WORKS

5.1 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".

6.0 PLUMBING AND DRAINAGE WORKS

6.1 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.

6.2 Sewer connections and 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.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 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.

7.2 Note: Existing sheet flow regime within the site must be maintained at all times. No additional impervious areas and/or building/shed structures are permitted within the site.

8.0 SITE WORKS

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

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.

10.0 ENVIRONMENTAL HEALTH

10.1 The hours of operations for the development site (Utility Installation) must be limited to:

10.1.1 9:00am to 3:00pm on Monday to Sunday; and

10.1.2 with no operations on Public Holidays.

11.0 OPERATING PROCEDURES

11.1 Waste collection is to be a minimum of two (2) a week via a tautliner truck with a 16-ton capacity and forklift.

11.2 Metal bins for storage of glass waste is to be restricted to the existing hardstand area located south of the existing shed structure as per the approved plans (refer to condition 2.1).

11.3 A temporary shipping container with maximum dimensions of 2.44 metres x 6.06 metres is to be located on the existing hardstand area adjoining the shed structure along the northern side boundary as per the approved plans (refer to condition 2.1).

- 11.4 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 11.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council 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. Council will require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 11.6 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 11.7 All surface treatments must be operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note:** If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 11.8 All waste storage areas must be:
- 11.8.1 kept in a clean and tidy condition; and
 - 11.8.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 11.9 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 11.10 All containers must be stored in an approved enclosed structure/s, except for those permitted by condition 11.2 or if waiting collection (on the same day).

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 *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.

NOTE 5. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

NOTE 6. Building Works

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.

BACKGROUND

The Applicant established the Containers for Change activity in late 2018 within part of the existing building that was formerly used as part of the shop (Golden Mount Convenience Store). This was established as an ancillary component of the historical shop use (i.e., did not constitute a Material Change of Use and did not require planning approval), with parameters set by Council officers at the time limiting the intensity and scale of the activity to ensure it remained ancillary.

The activity progressively grew in intensity and scale and has exceeded the parameters set by Council officers. Given the quantity of containers being processed and that the use has expanded from an approximate 20m² area within the existing building, to a larger part of the existing building, the yard and shed at the rear of the property, separate development approval is now required to regularise the activity and for Containers for Change to renew the Applicant's contract.

PROPOSAL IN DETAIL

The Applicant seeks a Development Permit for Material Change of Use to regularise a Utility Installation (Container Refund Facility) use over 78 James Street, Mount Morgan, formally described as Lot 9 on RP600655. The proposal is to use a large portion of the site as part of the Containers for Change Scheme. Containers for Change allows eligible containers (e.g. aluminium cans, glass bottles, cardboard cartons etc.) to be returned by the public to a container refund point for a 10 cent refund.

Specifically, the proposal is to use part of the existing building that also contains the shop and dwelling unit as the collection and sorting point, and an existing shed and proposed shed/shipping container behind the existing building for container storage. Notable components of the proposal include:

- Containers for change collection point – 57.15m² (Gross Floor Area)
- Containers storage areas (shed and shipping container) – 57.98m² (GFA))
- Existing Hardstand (for the metal bins for glass containers) – 36m²
- Existing Hardstand (adjoining container storage shed) – 12.5m²

The facility is the only Containers for Change collection point in the Mount Morgan area and collects approximately 3.5 million containers per year. The southeast portion of the existing shop building fronting James Street, will be used as the collection point for the proposed development. The existing shed at the rear of the site will be used for storage of the collected containers and an additional temporary structure on the existing hardstand adjoining the rear shed structure will be used for storage.

The proposed hours of operation will be between 9:00am – 3:00pm seven (7) days a week with no operations on public holidays.

Access is proposed from James Street (State-controlled Road). The applicant proposes utilisation of the existing carparking along the site frontage within James Street to service approximately five (5) – six (6) customers per hour.

Waste management is proposed to be collected minimum two (2) times a week via a tautliner truck with a 16-ton capacity and forklift to collect waste onsite.

SITE AND LOCALITY

The subject site is located within the Low Density Residential Zone, with a rectangular shaped allotment. Total site area is 1,002m². The site is improved by an approximate 350m² building and a 50m² shed. The main building fronting James Street consists of a three (3) bedroom dwelling unit toward the rear, and the Golden Mount convenience store and the existing Containers for Change collection point operation toward the front. The site slopes downward from James Street toward the rear property boundary.

The site is bound by single detached dwellings to the north and south, James Street (Highway) to the east and the Mount Morgan railway station to the west. The area to the north and south is generally characterised by low density residential development. The area to the east beyond James Street is generally low density residential development before opening into larger rural lots and the Number 7 Dam. The area to west beyond the railway station is the Mount Morgan Mine. Gracemere is located approximately 20 kilometres to the north-east.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

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

TOWN PLANNING COMMENTS

State Planning Policy 2017

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

Central Queensland Regional Plan 2013

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

Rockhampton Region Planning Scheme 2015

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Strategic Framework;
- Low Density Residential Zone Code;
- Access, Parking And Transport Code;
- Landscape Code;

- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Flood Hazard Overlay Code; and
- Telecommunications Facilities and Utilities Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

Strategic framework

The subject site is situated within the Urban Area designation under the scheme's strategic framework map. The following themes of the strategic framework, including their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable and have been considered in the assessment of the proposed development:

- Settlement pattern;
- Natural environment and hazards;
- Community identity and diversity;
- Access and mobility;
- Infrastructure services; and
- Natural resources and economic development.

As the proposed development presents conflicts with Acceptable Outcomes in the applicable Planning Scheme Codes, which cannot otherwise be justified against a Performance Outcome or Overall Outcome, an assessment against elements of the Strategic Framework is necessary. Relevant Strategic Outcomes and/or Specific Outcomes have been considered below.

Element	Officer Comment
Settlement pattern theme	
<p>3.3.1 Strategic outcomes 3.3.1 (14) <i>Specific outcomes</i></p>	<p>The proposed development for a Utility Installation is located within the Low Density Residential Zone. The use has been demonstrated to support economic development in Mount Morgan region however, due to the location adjoining residential lots, the proposal does not comply with <i>Specific outcome 3.3.1 (14) of the strategic outcomes for settlement pattern</i>. This is because the proposal is for a land use that is not clearly contemplated for within a residential area. Despite this, regard to relevant matters outlined in Recommendation A of this report are considered to outweigh any conflicts.</p>
<p>3.3.8 Element – Urban and new urban 3.3.8.1 (8) <i>Specific outcomes</i></p>	<p>The proposed development for a Utility Installation is located within the Low Density Residential Zone. The proposal is considered to service the needs of the immediate local residential community of Mount Morgan, however the site location is adjoining to sensitive land uses being dwelling houses and is not consistent with the purpose of the Low Density Residential Zone.</p>

	In consideration of the above, the proposal does not comply with <i>Specific outcome 3.3.8.1 (8) under the 3.3.8 Element – Urban and new urban, Settlement Patterns</i> . Despite this, regard to relevant matters outlined in Recommendation A of this report are considered to outweigh any conflicts.
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The performance assessment of the proposal against the Strategic Framework demonstrates that although there are conflicts with elements of the Framework, regard to relevant matters relating to planning needs are considered to outweigh those conflicts.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 for **non-residential development** applies to the application. Utility Installation is included in the 'Other Uses' use category under Council's Infrastructure Charges Resolution. The Infrastructure Charge for Other Uses is '*the rate for another similar use listed in this table that Council decides to apply to the use*'. In the past for similar uses Council has considered the demand on trunk infrastructure to be comparable to uses in the 'Industry' use category.

As at the date of the Decision, it is determined the charge for the proposed use under the Charges Resolution, when automatic indexation is applied in accordance with section 3.1, exceeds the prescribed amount (maximum charge) under Schedule 16 of the *Planning Regulation 2017* (the Planning Regulation). Therefore, the maximum charge under Schedule 16 of the Planning Regulation for each land use is reflected herein –

The Infrastructure Charges are as follows:

- (a) A charge of \$6,389.72 for Gross Floor Area being 115.13 square metres (containers for change collection point, shed and shipping container);
- (b) A charge of \$1,973.58 for Impervious Area being 177.8 square metres (containers for change collection point, shed, shipping container, hardstand areas and driveway extension); and
- (c) An Infrastructure Credit of \$12,052.94, made up as follows:
 - (i) \$11,418.57 - Infrastructure Credit applicable for the existing shop use - \$199.80 per square metre of Gross Floor Area (57.15 square metres); and
 - (ii) \$634.37 - Infrastructure Credit applicable for the existing impervious area (57.15 square metres).

Column 1 Use Schedule	Column 1A Use	Column 2 Adopted Infrastructure Charge for non-residential development		Column 3 Calculated Charge
		(\$)		
		(a) per m ² of Gross Floor Area (GFA)	(b) per m ² Impervious to Stormwater	
Other Uses	Utility Installation - Decided by <i>Local Government</i> at time of assessment (Low Impact Industry Use)	55.50		\$6,389.72
			11.10	\$1,973.58

Total Base Charge	\$8,363.30
Credit	\$12,052.94
TOTAL CHARGE	\$0

Therefore, no infrastructure charges are payable, and an Infrastructure Charges Notice is not required for the development. A credit of \$3,689.64 remains.

CONSULTATION

The proposal was the subject of public notification between 12 June 2023 and 3 July 2023, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no properly made submissions were received.

REFERRALS

The application was referred to the State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) as a Concurrence Agency. The Department assessed the application and provided a referral agency response with conditions on 4 August 2023.

CONCLUSION

That the proposed development has been assessed against the Strategic Framework and the Low Density Residential Zone of *Rockhampton Region Planning Scheme 2015 (Version 2.2)* and demonstrates that although there are conflicts with elements of the Framework under settlement patterns and overall outcomes of the zone, regard to relevant matters relating to planning needs are considered to outweigh those conflicts. The proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

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

File No: D/34-2022

Attachments:

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

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**INTRODUCTION**

Development Application Number: D/34-2022

Applicant: Waveconn Operations Pty Ltd

Real Property Address: Lot 2 on RP801347

Common Property Address: 652-664 Norman Road, Norman Gardens

Area of Site: 98,200 square metres

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

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Precinct: Nil

Existing Development: Place of worship

Approval Sought: Amended Decision Notice for a Development Permit for Material Change of Use for Telecommunications Facility

Affected Entity: Nil

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

That in relation to the application for a Minor Change to Development Permit D/34-2022 for a Telecommunications Facility, made by Waveconn Operations Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, Council resolves to issue an Amended Decision Notice subject to the following conditions:

ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Site Plan	Stilmark	28 August 2023	AQ4701-001-P1	F-2
Draft Site Setout Plan	Stilmark	28 August 2023	AQ4701-001-P2	F-2
Site Elevation	Stilmark	28 August 2023	AQ4701-001-P3	F-2

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

3.0 STORMWATER WORKS

- 3.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

4.0 SITE WORKS

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

5.0 BUILDING WORKS

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

6.0 ELECTRICITY

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

7.0 ASSET MANAGEMENT

- 7.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 7.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

8.0 ENVIRONMENTAL HEALTH

- 8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Norman Road.
- 9.2 Submit to and have approved by Council a 'Tree Protection Zone/s' plan, prior to the issue of a Development Permit for Building Works. Once approved, the 'Tree Protection Zone/s' plan will form part of the approved plans in Condition 2.1. A property note to this effect will be entered against Lot 2 on RP801347.
- 9.3 The 'Tree Protection Zone/s' plan must show the location of existing established trees on the subject site that must be retained.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of

care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au.

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. Property Note (Building Works)

Submit to and have approved by Council a 'Tree Protection Zone/s' plan, prior to the issue of a Development Permit for Building Works.

The 'Tree Protection Zone/s' plan must show the location of existing established trees on the subject site that must be retained.

BACKGROUND

Council, at its Ordinary Meeting on 23 August 2022, approved a Development Permit for a Telecommunications Facility located at 652-664 Norman Road, Norman Gardens, formally described as Lot 2 on RP801347. This was the same day a deputation was made by Mark Baade, consultant for the Applicant.

The proposed development has not commenced, and no subsequent development approvals have been sought by the Developer for the establishment of the development. The landowner, The Baptist Union of Queensland, has sought to alter the location of the facility on their site (the landowner is not the Developer) and therefore the Developer must seek a change to the development approval.

SITE AND LOCALITY

The site is located at 652-664 Norman Road, Norman Gardens, formally described as Lot 2 on RP801347. The subject site is approximately 9.82 hectares in area and is improved by a place of worship (Rockhampton Baptist Church) and associated buildings and structures. The buildings and structures are located toward the south-western portion of the site (adjoining Norman Road). The remainder of the site is unimproved and is vegetated by mature trees.

The site is bound by low density residential development to the north, east and south, and Norman Road (Urban Arterial) to the west. The site's frontage to Norman Road is approximately 380 metres. The wider area to the north, south and west is characterised by low density residential development. The Berserker Range is located further to the east.

Mature trees are located across the site. This includes a concentration of mature trees along the creek and clusters of mature trees that provide filtered screening from all adjoining residential lots into the centre of the site. Despite the proposed change in location, the same or similar level of vegetation screening applies (refer to Attachment 3).

PROPOSAL

In accordance with section 78 of the *Planning Act 2016* (the Planning Act), the Applicant has applied for a 'Minor Change' to the development approval. The Applicant has proposed to change the location of the Telecommunications Facility.

Specifically, the proposal is to locate the facility 41.31 metres to the east of the location that was originally approved. No other changes are proposed to the telecommunication facility as part of this application.

The reason for the change is at the request of the landowner and will allow Waveconn Operations Pty Ltd (formerly Stilmark Holdings) to finalise tenure of the land and move forward with construction. The landowner now seeks to use the part of the site where the facility was originally approved as part of their operations.

Table 1 includes the conditions that are to be amended. All conditions to be amended have been requested to or agreed to by the applicant:

TABLE 1 – PROPOSED CHANGES

Requested By Applicant	
<p>Condition 2.1 to be amended to reflect the most recent plan set dated 28 August 2023:</p> <ul style="list-style-type: none"> • Site Plan • Draft Site Setout Plan • Site Elevation 	<p>Council Officer’s Response:</p> <ul style="list-style-type: none"> • Recommended to support change

PLANNING ASSESSMENT

The proposed change satisfies the requirements for a ‘minor change’ to a development approval in the Planning Act. Notably the change does not result in ‘substantially different development’ as described under the Development Assessment Rules as the change does not:

- (a) *Involve a new use;*
- (b) *Result in the application to a parcel of land;*
- (c) *Dramatically changes the built form in terms of scale, bulk and appearance;***
- (d) *Changes the ability of the proposed development to operate as intended;*
- (e) *Removes a component that is integral to the operation of the development;*
- (f) *Significantly impacts on traffic flow and the transport network;*
- (g) *Introduces new or increases the severity of known impacts;***
- (h) *Removes an incentive or offset component that would have balanced a negative impact;*
- (i) *Impacts on infrastructure provisions.*

While the facility is being located nearer to the dwellings to the east, the same or similar degree of vegetation screening is achieved. Attachment 3 demonstrates there are various locations at the perimeter of the site where mature trees provide screening, and that this screening would still be achieved despite the proposed change in location.

There would be no material change to the outcome of the Environmental Electromagnetic Energy (EME) Report submitted as part of the development application. Specifically, the changed location would not result in the maximum EME level calculated (1.67% out of 100% of the public exposure limit) for the proposal exceeding the public exposure limit at any location.

The change application has been assessed in accordance with section 81 of the Planning Act. Relevantly in assessing the change application, Council as responsible entity has considered:

- The information the applicant included with the application;
- Any properly made submissions about the development application or other change application that was approved;

- Any pre-request response notice or response notice given in relation to the change application; and
- All matters Council, as responsible entity, would or may assess against or have regard to, if the change application were a development application.

The proposed change does not introduce any additional non-compliances with the assessment benchmarks contained within the Planning Scheme to that which were considered and addressed as part of the original development application.

CONCLUSION

The Applicant's change application is considered reasonable and recommended for approval.

11.6 ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

File No:	12660
Attachments:	1. Financial Delegation to CEO (Clean)⇒ 2. Financial Delegation to CEO (Tracked)⇒ 3. Legislative Delegations⇒ 4. Limitations to the Exercise of Power⇒
Authorising Officer:	Damon Morrison - Manager Workforce and Governance Ross Cheesman - Acting Chief Executive Officer
Author:	Allysa Brennan - Coordinator Legal and Governance

SUMMARY

In accordance with s257(5) of the Local Government Act 2009 the legislative delegations to the Chief Executive Officer are presented for Council's annual review. This report also seeks Council's approval for the amendment of the Chief Executive Officer's Financial Delegation.

OFFICER'S RECOMMENDATION

THAT:

1. Council resolves under section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer the exercise of powers contained within Attachment 1 of the report Chief Executive Officer Financial Delegation; and
2. In accordance with s257(5) of the *Local Government Act 2009*, the annual review of the legislative and financial delegations to the Chief Executive Officer contained in Attachments 1, 3 and 4 of the report be received.

COMMENTARY**Changes to Existing Delegable Powers**

The CEO's Financial Delegation is amended to provide specific reference to relevant Council policy documents and to include a reporting requirement as outlined in the *Local Government Regulation 2012*, section 173(2).

Attachment 1 is for Council's consideration and adoption.

For Councillor's convenience, the amended wording to the CEO's Financial Delegation is marked up in attachment 2.

Annual Review

The *Local Government Act 2009* requires Council to annually review the legislative powers delegated to the CEO.

A summary of the current legislative sections delegated to the CEO is set out in Attachment 3 of this report. Limitations to the exercise of power are referenced in Attachment 3 with full details of the limitations set out in Attachment 4. Full descriptions of the specific powers conferred by these sections and the limitations to the exercise of power have been previously presented to Council for delegation to the CEO.

The CEO's financial delegations are set out in Attachment 1 and are also presented for annual review.

PREVIOUS DECISIONS

The CEO's Financial Delegations were last considered and adopted by Council at the Council meeting on 22 September 2020.

Specified sections of the legislative acts, regulations as well as the contractual delegations contained within the attachments have previously been presented to Council and adopted at various Council meetings.

The last statutory annual review report was presented to the Council meeting 13 September 2022.

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE CONTEXT

Section 257 *Local Government Act 2009* allows Council to delegate its powers to one or more individuals or standing committees, including to the CEO. Pursuant to section 257(5) *Local Government Act 2009* a legislative delegation to the CEO must be reviewed annually by Council. This annual review ensures that the delegation remains consistent with the local government's policy direction and intent.

To further streamline the decision making process, section 259 of the *Local Government Act 2009* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

The statutory requirement for an annual review is only relevant to the CEO, not other delegates.

Under section 260 of the *Local Government Act 2009*, the CEO must establish a register of delegations. The CEO must record all delegations by the local government, Mayor or CEO in the register.

LEGAL IMPLICATIONS

Important principles applicable to the delegation proposal set out in this report are that:

- Council at all times retains power to revoke the delegation.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations, however, the delegated power cannot be unduly fettered.
- The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

STAFFING IMPLICATIONS

There will be no impact on staffing numbers or changes to positions.

RISK ASSESSMENT

Without powers being delegated to the CEO and subsequently sub-delegated to relevant positions, Council operations would be impeded significantly as separate resolutions would be required to allow decisions to be made for a vast number of operational activities that are undertaken on a daily basis.

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2022-2027 – Goal 1.1:

- We are financially sustainable; and
- We have effective governance with accountable decision-making practices.

CONCLUSION

This report includes the CEO's Financial Delegation to be delegated from the Council to the CEO.

For the reasons stated within the report, it is recommended that Council's annual review of the legislative and financial delegations to the CEO be endorsed.

11.7 FEES AND CHARGES 2023/2024 AMENDMENTS

File No: 7816
Attachments: 1. [2023/2024 Fees & Charges Amendments](#)⇒
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The intention of this report is to submit minor amendments to Council's Fees and Charges Schedule for the 2023/2024 financial year.

OFFICER'S RECOMMENDATION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2023/2024 financial year as detailed in the report.

COMMENTARY

The proposed amendments to the Fees and Charges 2023/2024 schedule are provided below.

BACKGROUND**Regional Services****Civil Operations**

On 15 August 2023, Civil Operations undertook a review of fees and charges incurred during the disposal of abandoned vehicles process and noted that there was no cost recovery in the current Fees and Charges to recover the administration time taken to carry out this process.

When looking at the current Fees and Charges as a whole for Civil Operations, it was also noted that there was an error in the Item Name of Fee 27, whereby duration of a short-term Grazing permit should be less than 3 months, not 12 months.

The proposed changes for Civil Operations are:

- Addition of Fee 34 – Administration Fee - \$372
- Amendment to Item Name of Fee 27 – changing it from Grazing - Short Term (ie. less than 12 months) to Grazing - Short Term (ie. less than 3 months)

Community Services**Heritage Village**

The Heritage Village have identified the need to charge a security bond for the Australian Shearing Shed due to the nature of events held at this venue. This bond is similar to other Council venues and is proposed to be \$1,000, with the bond fully refunded to the booker following satisfactory cleaning and inspection.

PREVIOUS DECISIONS

The 2023/2024 Fees and Charges Schedule was adopted by Council on 23 May 2023, with amendments adopted on 13 June 2023.

BUDGET IMPLICATIONS

The effect of the changes will have minimal budget impact.

LEGISLATIVE CONTEXT

The fees and charges in the schedule can be amended at any time throughout the year in accordance with the legislation.

CONCLUSION

These minor amendments are recommended for inclusion in the 2023/2024 Fees and Charges Schedule.

Upon approval by Council, these amendments to the 2023/2024 Fees and Charges Schedule will be uploaded and presented on the Council website for the new financial year.

11.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023

File No: 8148
Attachments: 1. [Income Statement - August 2023](#)⇒
2. [Graphs - August 2023](#)⇒
Authorising Officer: Ross Cheesman - Acting 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 August 2023.

OFFICER'S RECOMMENDATION

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

COMMENTARY

The attached financial report and graphs have been compiled from information within Council's TechnologyOne system. The reports presented are as follows:

1. Income Statement (Actuals and Budget for the period 1 July 2023 to 31 August 2023), Attachment 1.
2. Key Indicators Graphs, Attachment 2.

The attached financial statement provides Council's position after two months of the 2023/24 financial year. Results should be approximately 16.7% of budget.

The following commentary is provided in relation to the Income Statement:

Total Operating Revenue is at 38% of the adopted budget. Key components of this result are:

- Net Rates and Utility Charges are at 46% of budget. Council's rates and utility charges for the first six months of the financial year ending 31 December 2023 have been raised and are due on 6 September 2023.
- Private and recoverable works are at 21% of budget. This is mostly due to the timing of the works performed and invoiced.
- Rent/Lease Revenue is at 20% with Airport and Property & Insurance sections generally ahead on all areas of rental income.
- Grants and Subsidies are over budget at 19% due to recognition of unearned revenue from the 2022/23 financial year carried over to the 2023/24 year. A budget amendment will be required to reflect the amounts carried over.
- All other revenue items are in proximity to budget.

Total Operating Expenditure is at 15% of the adopted budget. Key components of this result are:

- Contractors and Consultants and Materials and Plant are at 11% & 13% respectively due to the processing of financial year end accruals – services provided in June and invoiced in July have been accrued back to the 2022/23 financial year.

- Asset operational expenses are at 9% due to the timing of payments for services such as electricity which are billed quarterly.
- Administrative expenses are at 11% as the estimated timing of expenditure for the majority of this account group is later in the financial year for events managed by Community and Culture Unit and Advance Rockhampton.
- All other expenditure items are in proximity to budget.

The following commentary is provided in relation to capital income and expenditure, as well as investments and loans:

Total Capital Income is at 9% of the carryover budget. The majority of capital revenue budgeted to be received in 2023/24 is from grants and subsidies tied to performance obligations. As capital works progress through the year and meet performance milestones, grants will be claimed.

Total Capital Expenditure is at 7% of the carryover budget. The result for July was affected by processing of financial year end accruals – work done in June and invoiced in July was accrued back to the 2022/23 financial year.

Total Investments are \$69.7M at 31 August 2023.

Total Loans are \$129.5M at 31 August 2023.

CONCLUSION

With only two months of the financial year passed and many of the transactions processed in July relating to the 2022/23 financial year, definitive trends are yet to emerge within the budget management report. Total operational revenue is ahead of budget at 38% due to the levying of the General Rates and Utility Charges for the six months ending 31 December 2023.

The capital program saw \$11.9M spent during the first two of months of the financial year and capital expenditure will need to gain momentum over the coming months to deliver the projects budgeted for the 2023/24 financial year.

**11.9 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING AUGUST 2023**

File No: 1392
Attachments: 1. WOC - August 2023 [⇒](#)
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 August 2023 for Councillor's information.

OFFICER'S RECOMMENDATION

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

COMMENTARY

The Whole of Council Corporate Performance Report for period ending 31 August 2023 is presented for Council's consideration.

11.10 VIEWS ON CONVERSION OF A STATE LEASE FROM A PASTORAL LEASE TO WINDFARM PURPOSES OR FREEHOLD

File No: 6984
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Department of Resources is seeking Council's views on an application for conversion of a State Lease from a Pastoral Lease to a lease for Windfarm purposes or to freehold. The property is described as 4099 Rosewood Rd, Morinish.

OFFICER'S RECOMMENDATION

THAT Council does not support any conversion of the lease purpose for 4099 Rosewood Road, Morinish until such time as the Wind Farm Code (State Code 23) has been reviewed, updated and adopted by the Queensland State Government.

COMMENTARY

The above advice has been submitted to the Queensland Department of Resources hence this approval is being sought retrospectively. Should Council not support the submission the commentary will be withdrawn.

BACKGROUND

Council received a request from Department of Resources for its view on the above-mentioned application.

The property is currently a State Lease for pastoral purposes and the application is for a conversion of the lease to 'production of energy from a renewable source, namely a wind farm' or a conversion of the lease to freehold land.

In addition to this in early August, the Queensland Government announced that a review of the requirements for wind farm developments in Queensland is underway. The review of the Wind Farm Code (State Code 23) and its accompanying guidelines will aim to build greater community and industry confidence in clean energy projects.

CONCLUSION

In conclusion it is recommended that Council advise the Queensland Department of Resources that it does not support any conversion of the lease purpose for this property until such time as the Wind Farm Code (State Code 23) has been reviewed, updated and adopted by the Queensland State Government.

11.11 ADOPTION AND COMMENCEMENT OF ROCKHAMPTON REGION PLANNING SCHEME MAJOR AMENDMENT - VERSION 3

File No:	RRPS-PRO-2021/002-01-05
Attachments:	<ol style="list-style-type: none">1. Ministerial Approval to adopt Major Amendment Version 3 to the Planning Scheme⇒2. PS 3 Strategic Framework - Track Changes⇒3. PS 5 Tables of Assessment - Track Changes⇒4. PS 6 Zones 6 - Industry Category - Track Changes⇒5. PS 6 Zones 7 - Other Category - Track Changes⇒6. PS SC1 Definitions - Track Changes⇒7. PS SC4 Notations - Track Changes⇒8. PS SC5 Land Designated Community Infrastructure - Track Changes⇒9. PS SC6 Planning Scheme Policies - Track Changes⇒10. PSA Appendix 2 - Track Changes⇒11. Strategic Framework Mapping⇒12. Zone Framework Mapping⇒13. Overlay Mapping⇒
Authorising Officer:	Cameron Wyatt - Coordinator Strategic Planning Angus Russell - Executive Manager Advance Rockhampton
Author:	Alyce James - Strategic Planner

SUMMARY

This report seeks formal adoption of the Major Amendment to the Rockhampton Region Planning Scheme Version 3.

OFFICER'S RECOMMENDATION

THAT Council adopt the Major Amendment Version 3 to the Rockhampton Region Planning Scheme.

THAT the Major Amendment – Version 3 to the Rockhampton Region Planning Scheme commence on 25 October 2023.

COMMENTARY

The major amendment (as attached to this report) was submitted to the Department of State Development, Infrastructure, Local Government and Planning for final ministerial review in April 2023. On 29 August 2023, the Department advised that the proposed changes meet the requirements of the *Minister's Guidelines and Rules* and Council may adopt of the proposed planning scheme amendment.

In accordance with Part 4, Section 22 of the *Ministers Guidelines and Rules*, Council must decide to adopt or not proceed with the proposed amendment. If Council decides to adopt the proposed amendment, Council must publish a public notice and within 10 business days of publishing a public notice, give the chief executive –

- (a) a copy of the public notice; and
- (b) a certified copy of the major amendment.

The process of adoption will involve a public notice in the local newspaper, updated information on Council's website (including Rock e Plan, planning enquiry and mapping) and publishing in the Queensland Government Gazette the name of the Local Government, the adoption date, the commencement date and where to inspect and purchase a copy of the amended planning scheme. Taking these factors into consideration, Wednesday 25 October 2023 is recommended as the commencement date.

From commencement date, the current planning scheme will be superseded.

BACKGROUND

The major changes to the planning scheme for 'version 3' include:

- Update the residential designations based on the anticipated population growth. Three parcels of land designated as 'Future Urban' in the Strategic Framework and Emerging Community in the zone framework and are proposed to be changed to 'New Urban' and 'Low Density Residential' zone;
- Allow home-based business in Industry zones for existing houses;
- Provide further clarification to the Industrial use definitions by adding the industry thresholds to the definitions;
- Amend subdivision provisions to align with the mandatory State regulations;
- Include North Rockhampton Flood Management Area (NRFMA) Stage 2 (temporary flood barriers);
- Amend inconsistencies in regard to interpretation of the Planning Scheme; and
- Zone and Overlay mapping changes.

PREVIOUS DECISIONS

On 27 April 2023, Council resolved to submit a notice to the Minister of State Development, Manufacturing, Infrastructure and Planning requesting approval to adopt the proposed major amendment version 3 to the Planning Scheme in accordance with section 20 of the *Planning Act 2016*.

BUDGET IMPLICATIONS

The cost associated with the adoption of the planning scheme is currently funded in Council's 2023-24 Operational Budget.

LEGISLATIVE CONTEXT

The process for undertaking a major amendment to the planning scheme is detailed under section 20 of the *Planning Act 2016* and chapter 2 *Minister's Guidelines and Rules*.

CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the ***Operational Plan 2023–24*** by supporting and guiding growth and development of the Region.

CONCLUSION

To ensure the planning scheme remains up to date and current, it is recommended Council adopt the proposed major amendment. Commencement of the major amendment is therefore proposed for Wednesday 25 October 2023.

11.12 ADOPTION AND COMMENCEMENT OF ROCKHAMPTON REGION PLANNING SCHEME MAJOR AMENDMENT VERSIONS 4.1, 4.2, 4.3 AND 4.4

File No:	RRPS-PRO-2021/002-01-05
Attachments:	<ol style="list-style-type: none">1. Ministerial Approval to adopt Major Amendment Versions 4.1-4.4 to the Planning Scheme⇒2. PS 1 Title and About - Track Changes⇒3. PS 3 Strategic Framework - Track Changes⇒4. PS 5 Tables of Assessment - Track Changes⇒5. PS 8 Overlays – Track Changes6. PS SC2 Mapping Index – Track Changes7. PS SC6 Planning Scheme Policies – Track Changes8. PSA Appendix 2 - Track Changes9. Fitzroy River Flood Overlay Map_ OM-8A10. Local Catchment Flood Overlay Map_ OM-8C
Authorising Officer:	Cameron Wyatt - Coordinator Strategic Planning Angus Russell - Executive Manager Advance Rockhampton
Author:	Alyce James - Strategic Planner

SUMMARY

This report seeks formal adoption of the Major Amendment to the Rockhampton Region Planning Scheme Version 4.1, 4.2, 4.3 and 4.4.

OFFICER'S RECOMMENDATION

THAT Council adopt the Major Amendment Version 4.1, 4.2, 4.3 and 4.4 to the Rockhampton Region Planning Scheme.

THAT the Major Amendment Version 4.1, 4.2, 4.3 and 4.4 to the Rockhampton Region Planning Scheme commence on 25 October 2023.

COMMENTARY

The major amendment (as attached to this report) was submitted to the Department of State Development, Infrastructure, Local Government and Planning for final ministerial review in March 2023. On 17 June 2023, the Department advised that the proposed changes meet the requirements of the Minister's Guidelines and Rules and Council may adopt of the proposed planning scheme amendment.

In accordance with Part 4, Section 22 of the Ministers Guidelines and Rules, Council must decide to adopt or not proceed with the proposed amendment. If Council decides to adopt the proposed amendment, Council must publish a public notice and within 10 business days of publishing a public notice, give the chief executive –

- a copy of the public notice; and
- a certified copy of the major amendment.

The process of adoption will involve a public notice in the local newspaper, updated information on Council's website (including Rock e Plan, planning enquiry and mapping) and publishing in the Queensland Government Gazette the name of the Local Government, the adoption date, the commencement date and where to inspect and purchase a copy of the amended planning scheme. Taking these factors into consideration, Wednesday 25 October 2023 is recommended as the commencement date.

From commencement date, the current planning scheme will be superseded.

BACKGROUND

The proposed changes to the planning scheme for 'version 4' incorporate the updated flood studies for Frenchmans and Thozets Creeks, Moores Creek, Splitters Creek, Limestone Creek, Ramsay Creek, and the new flood studies for South Rockhampton, Mt Morgan, Wandal and West Rockhampton Local Catchments. Updated flood hazard profiling for Gracemere local catchments (i.e. from 4 hazard categories to 6 hazard categories, and the subsequent categorisation into Planning Area 1 and 2) also form part of the amendment.

The following changes to the flood hazard overlay mapping are required:

- updated Fitzroy River Flood Overlay Map OM-8A; and
- updated Local Catchment Flood Overlay Map OM-8C.

The flood catchment overlays have been separated into the following four amendments:

- Major Amendment version 4.1 – North Rockhampton and Fitzroy River;
- Major Amendment version 4.2 – South Rockhampton;
- Major Amendment version 4.3 – Gracemere; and
- Major Amendment version 4.4 – Mount Morgan.

PREVIOUS DECISIONS

On 28 February 2023, Council resolved to submit a notice to the Minister of State Development, Manufacturing, Infrastructure and Planning requesting approval to adopt the proposed major amendment version 4.1, 4.2, 4.3 and 4.4 to the Planning Scheme in accordance with section 20 of the *Planning Act 2016*.

BUDGET IMPLICATIONS

The cost associated with the adoption of the planning scheme is currently funded in Council's 2023-24 Operational Budget.

LEGISLATIVE CONTEXT

The process for undertaking a major amendment to the planning scheme is detailed under section section 20 of the *Planning Act 2016* and chapter 2 *Minister's Guidelines and Rules*.

CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the ***Operational Plan 2022–23*** by supporting and guiding growth and development of the Region.

CONCLUSION

To ensure the planning scheme remains up to date and current, it is recommended Council adopt the proposed major amendment. Commencement of the major amendment is therefore proposed for Wednesday 25 October 2023.

11.13 ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE A

File No:	RRPS-PRO-2023/004
Attachments:	<ol style="list-style-type: none">1. Summary Document Major Amendment Package A ⇒2. Community Engagement Plan - Major Amendment Package A ⇒3. State Submission - Major Amendment Package A ⇒4. PS 3 Strategic Framework - Track Changes ⇒5. PS 5 Tables of Assessment - Track Changes ⇒6. PS 8 Overlays - Track Changes ⇒7. PSA Appendix 2 - Track Changes ⇒
Authorising Officer:	Angus Russell - Executive Manager Advance Rockhampton
Author:	Cameron Wyatt - Coordinator Strategic Planning

SUMMARY

This report seeks approval from Council to submit major amendment Package A to the Rockhampton Region Planning Scheme to the Minister for State Development, Infrastructure, Local Government and Planning to undertake a State Interest Review.

OFFICER'S RECOMMENDATION

1. THAT Council prepares a major amendment to the Rockhampton Region Planning Scheme 2015 (as set out in this report and to be known as Package A) in accordance with section 20 of the *Planning Act 2016* and *Minister's Guidelines and Rules*; and
2. THAT Council provides a written statement for the amendment, to the Minister advising that a major amendment has commenced, including the nature and details of the changes.

COMMENTARY

To ensure the Rockhampton Region Planning Scheme continues to accurately reflect the community's expectations and needs, whilst enhancing growth opportunities and avoiding risk associated with natural hazards, a major amendment to the planning scheme is proposed.

The process of amending a Planning Scheme is a normal and necessary part of maintaining the integrity of Council's planning framework and something that most local governments undertake periodically. This process seeks to improve the clarity of the Planning Scheme and to deliver good development outcomes through development assessment.

Major amendment Package A to the planning scheme is required to ensure that the subdivision of land (including residential, industrial and commercial subdivisions) within greenfield and infill urban areas are not unnecessarily restricted due to the impact of the flood hazard overlay mapping. With the significant expansion of the flood hazard overlay mapping (resulting from major amendment version 4), the subdivision of land, particularly within urban expansion areas are currently being triggered for impact assessable development applications. It is important to note that a development application is still required when subject to the flood hazard overlay and the provisions within the flood hazard overlay code remain to ensure the management of risk to people or property.

The proposed amendment also achieves the policy outcome of providing the efficient delivery of development by adopting the lowest appropriate level of assessment for development that is consistent with the purpose of the zone. The proposed amendment will facilitate the subdivision of land within greenfield areas when subject to the flood hazard overlay mapping, while still ensuring that restrictions apply by avoiding risks to people and property.

The major changes to the planning scheme for 'Package A' include:

- Update to the table of assessment for reconfiguring a lot within the flood hazard overlay, allowing subdivision to be code assessable for residential, commercial, and industrial development; and
- Updates to the assessment benchmarks of the flood hazard overlay code to ensure the level of assessment changes does not increase the risk to people and property.

A full register of the proposed changes has been outlined in the attached documents.

Major Amendment Process

In accordance with the Minister's Guidelines and Rules, Council must submit the following information to the State:

- 1) letter to the Minister requesting a state interest review of the proposed major amendment;
- 2) a written statement (State interest report) outlining how the proposed major amendment reflects all relevant State Planning Instruments; and
- 3) additional information such as community engagement strategy, register of changes and reports that informed the preparation of the major amendment.

Once a response has been received from the State Government, a further report will be submitted to Council detailing any conditions and seeking adoption of the final community engagement plan. A draft engagement plan has been included in the attached information and provides an outline of the public consultation process and the activities. The public consultation process must be undertaken for a minimum of twenty (20) business days.

BUDGET IMPLICATIONS

The cost associated with public consultation is currently funded in Council's 2023-24 Operational Budget.

LEGAL IMPLICATIONS

The process for undertaking a major amendment to the planning scheme is detailed under section 20 of the *Planning Act 2016* and chapter 2 *Minister's Guidelines and Rules*.

CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the ***Operational Plan 2023–24*** Efforts 3.1.2 – Strategic Planning supports the Region's growing population and enables economic development. The operational plan outlines that council will continue to refine the Rockhampton Region Planning Scheme – to support and guide growth and development of the region.

CONCLUSION

The proposed major amendments to the Rockhampton Region Planning Scheme (Package A) are presented to Council along with recommendations to commence the amendment and provide a written statement to the Minister of State Development, Infrastructure, Local Government and Planning.

11.14 ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE B

File No:	RRPS-PRO-2023/004
Attachments:	<ol style="list-style-type: none">1. Summary Document Major Amendment Package B ⇒2. Independent Review - Norman Gardens Retail Impact Assessment ⇒3. Rockhampton Region Commercial Centres Study 2021 ⇒4. MID Decision Notice The Hall State School ⇒5. D77-2022 Development Approval Council Meeting Minutes (13 June 2023) ⇒6. Community Engagement Plan - Major Amendment Package B ⇒7. State Submission - Major Amendment Package B ⇒8. PS 3 Strategic Framework - Track Changes ⇒9. PS 5 Tables of Assessment - Track Changes ⇒10. PS 6 Zones 3 - Centre Category - Track Changes ⇒11. PS SC4 Notations - Track Changes ⇒12. PS SC5 Land Designated Community Infrastructure - Track Changes ⇒13. PSA Appendix 2 - Track Changes ⇒14. Zone Mapping Change ⇒15. Zone and Precinct Map_ZM-35 (Mount Morgan) ⇒
Authorising Officer:	Angus Russell - Executive Manager Advance Rockhampton
Author:	Cameron Wyatt - Coordinator Strategic Planning

SUMMARY

This report seeks approval from Council to submit major amendment Package B to the Rockhampton Region Planning Scheme to the Minister for State Development, Infrastructure, Local Government and Planning to undertake a State Interest Review.

OFFICER'S RECOMMENDATION

1. THAT Council prepares a major amendment to the Rockhampton Region Planning Scheme 2015 (as set out in this report and to be known as Package B) in accordance with section 20 of the *Planning Act 2016* and *Minister's Guidelines and Rules*; and
2. THAT Council provides a written statement for the amendment, to the Minister advising that a major amendment has commenced, including the nature and details of the changes.

COMMENTARY

It is proposed to submit major amendment Package B to the Rockhampton Region Planning Scheme to the Minister for State Development, Infrastructure, Local Government and Planning. The proposed changes involve expanding the Mount Morgan local centre zone to include 78 East Street, Mount Morgan (as per previous Council resolution) and to

incorporate a recent development approval (D/77-2022) for the Yaamba Road precinct within the specialised centre zone.

The major changes to the planning scheme for 'Package B' include:

- Change to the zoning of 78 East Street, Mount Morgan (Lot 1 RP602282, Lot 1 RP605080 and Lot 2 RP608362) from low density residential to local centre zone to reflect the outcome of a Council meeting resolution (16 August 2022);
- Changes to the tables of assessment within the Specialised Centre Zone – Yaamba Road Precinct to align with development approval D/77- 2022 – regarding the shopping centre and shops component (L25 on RP610513) located at 452-488 Yaamba Road, Norman Gardens; and
- Administrative updates to Schedule 4 (noting development approvals that are inconsistent with the planning scheme) and Schedule 5 (noting infrastructure designations in the planning scheme).

A full register of the proposed changes has been outlined in the attached documents.

Major Amendment Process

In accordance with the Minister's Guidelines and Rules, Council must submit the following information to the State:

- 1) letter to the Minister requesting a state interest review of the proposed major amendment;
- 2) a written statement (State interest report) outlining how the proposed major amendment reflects all relevant State Planning Instruments; and
- 3) additional information such as community engagement strategy, register of changes and reports that informed the preparation of the major amendment.

Once a response has been received from the State Government, a further report will be submitted to Council detailing any conditions and seeking adoption of the final community engagement plan. A draft engagement plan has been included in the attached information and provides an outline of the public consultation process and the activities. The public consultation process must be undertaken for a minimum of twenty (20) business days.

BUDGET IMPLICATIONS

The cost associated with public consultation is currently funded in Council's 2023-24 Operational Budget.

LEGAL IMPLICATIONS

The process for undertaking a major amendment to the planning scheme is detailed under section 20 of the *Planning Act 2016* and chapter 2 *Minister's Guidelines and Rules*.

CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the ***Operational Plan 2023–24*** Efforts 3.1.2 – Strategic Planning supports the Region's growing population and enables economic development. The operational plan outlines that council will continue to refine the Rockhampton Region Planning Scheme... to support and guide growth and development of the region.

CONCLUSION

The proposed major amendments to the Rockhampton Region Planning Scheme (Package B) are presented to Council along with recommendations to commence the amendment and provide a written statement to the Minister of State Development, Infrastructure, Local Government and Planning.

11.15 ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE C

File No:	RRPS-PRO-2023/004
Attachments:	<ol style="list-style-type: none">1. Summary Document Major Amendment Package C ⇒2. Community Engagement Plan - Major Amendment Package C ⇒3. State Submission - Major Amendment Package C ⇒4. PS 5 Tables of Assessment - Track Changes ⇒5. PS 6 Zones 2 - Residential Category - Track Changes ⇒6. PS 9 Development Codes - Track Changes ⇒7. PSA Appendix 2 - Track Changes ⇒
Authorising Officer:	Angus Russell - Executive Manager Advance Rockhampton
Author:	Cameron Wyatt - Coordinator Strategic Planning

SUMMARY

This report seeks approval from Council to submit major amendment Package C to the Rockhampton Region Planning Scheme to the Minister for State Development, Infrastructure, Local Government and Planning to undertake a State Interest Review.

OFFICER'S RECOMMENDATION

1. THAT Council prepares a major amendment to the Rockhampton Region Planning Scheme 2015 (as set out in this report and to be known as Package C) in accordance with section 20 of the *Planning Act 2016* and *Minister's Guidelines and Rules*; and
2. THAT Council provides a written statement for the amendment, to the Minister advising that a major amendment has commenced, including the nature and details of the changes.

COMMENTARY

It is proposed to submit major amendment Package C to the Rockhampton Region Planning Scheme to the Minister for State Development, Infrastructure, Local Government and Planning. The proposed changes are in response to the growing need to increase housing diversity and affordability for the Rockhampton region. The proposed changes to the planning scheme respond to the outcomes of the Housing Summit and current housing supply issues by providing more opportunities for residential development to occur.

The major changes to the planning scheme for 'Package C' include:

- changes to the minimum lot size in the reconfiguration of a lot code for low density residential (from 400m² to 300m² standard lot and from 600m² to 300m² rear lot (excluding access)) and low medium density residential zones (from 600m² to 300m² rear lot only (excluding access));
- changes to the level of assessment for multiple dwellings in the low density residential zone from impact assessable to code assessable where located on higher order roads and within 200 metres of a centres zone, park or sport and recreation zone, hospital or university;
- reduce the minimum site area required for dual occupancy (from 800m² to 600m²) and multiple dwellings (from 1,200m² to 1,000m²) in the low density residential zone;

- increase density of dwellings for dual occupancy (from 1 unit per 400m² to 1 unit per 300m²) and multiple dwelling in the low density residential zone (from 1 unit per 400m² to 1 unit per 250m²); and
- reduce the minimum lot size for dual occupancy (from 600m² to 400m²) and multiple dwellings (from 1,000m² to 800m²) in the low medium density residential zone.

Major Amendment Process

In accordance with the Minister's Guidelines and Rules, Council must submit the following information to the State:

- 1) letter to the Minister requesting a state interest review of the proposed major amendment;
- 2) a written statement (State interest report) outlining how the proposed major amendment reflects all relevant State Planning Instruments; and
- 3) additional information such as community engagement strategy, register of changes and reports that informed the preparation of the major amendment.

Once a response has been received from the State Government, a further report will be submitted to Council detailing any conditions and seeking adoption of the final community engagement plan. A draft engagement plan has been included in the attached information and provides an outline of the public consultation process and the activities. The public consultation process must be undertaken for a minimum of twenty (20) business days.

BUDGET IMPLICATIONS

The cost associated with public consultation is currently funded in Council's 2023-24 Operational Budget.

LEGAL IMPLICATIONS

The process for undertaking a major amendment to the planning scheme is detailed under section 20 of the *Planning Act 2016* and chapter 2 *Minister's Guidelines and Rules*.

CORPORATE/OPERATIONAL PLAN

The amendments to the planning scheme align with the ***Operational Plan 2023–24*** Efforts 3.1.2 – Strategic Planning supports the Region's growing population and enables economic development. The operational plan outlines that Council will continue to refine the Rockhampton Region Planning Scheme... to support and guide growth and development of the region.

CONCLUSION

The proposed major amendments to the Rockhampton Region Planning Scheme (Package C) are presented to Council along with recommendations to commence the amendment and provide a written statement to the Minister of State Development, Infrastructure, Local Government and Planning.

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

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

15 CLOSURE OF MEETING