



ORDINARY MEETING

MINUTES

26 SEPTEMBER 2023

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	3
2	PRESENT	3
3	APOLOGIES AND LEAVE OF ABSENCE	3
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	4
6	BUSINESS OUTSTANDING.....	4
	NIL	4
7	PUBLIC FORUMS/DEPUTATIONS	4
	NIL	4
8	PRESENTATION OF PETITIONS.....	4
	NIL	4
9	COMMITTEE REPORTS.....	4
	NIL	4
10	COUNCILLOR/DELEGATE REPORTS	4
	NIL	4
11	OFFICERS' REPORTS	5
11.1	QUEENSLAND MINING & ENGINEERING EXPO 2024 EXHIBITOR SITE PROPOSAL	5
11.2	ROCKHAMPTON BASKETBALL INC. - REQUEST FOR TRUSTEE LEASE	6
11.3	GUIDES QUEENSLAND - SURRENDER OF FREEHOLD LEASE	7
11.4	D/76-2023 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR UTILITY INSTALLATION (CONTAINER REFUND FACILITY).....	8
11.5	D/34-2022 REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY.....	18
11.6	ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER.....	20
11.7	FEES AND CHARGES 2023/2024 AMENDMENTS	21
11.8	SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023	22
11.9	WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD ENDING AUGUST 2023	23

11.10	VIEWS ON CONVERSION OF A STATE LEASE FROM A PASTORAL LEASE TO WINDFARM PURPOSES OR FREEHOLD.....	24
11.11	ADOPTION AND COMMENCEMENT OF ROCKHAMPTON REGION PLANNING SCHEME MAJOR AMENDMENT - VERSION 3	25
11.12	ADOPTION AND COMMENCEMENT OF ROCKHAMPTON REGION PLANNING SCHEME MAJOR AMENDMENT VERSIONS 4.1, 4.2, 4.3 AND 4.4	26
11.13	ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE A	27
11.14	ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE B	28
11.15	ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE C	29
12	NOTICES OF MOTION	30
	NIL	30
13	QUESTIONS ON NOTICE	30
	NIL	30
14	URGENT BUSINESS\QUESTIONS	30
15	CLOSURE OF MEETING.....	30

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 26 SEPTEMBER 2023 COMMENCING AT 9:01AM**

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 (via video-link)
Councillor D Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services (via video-link)
Mr A Russell – Executive Manager Advance Rockhampton
Mr D Morrison – Manager Workforce and Governance (via video-link)
Mr M Clerc – Acting Chief Financial Officer
Mr W Clark – Economic Development Manager (via video-link)
Mr D Scott – Manager Planning and Regulatory Services
Mr A O'Mara – Coordinator Development Assessment
Ms A Brennan – Coordinator Legal and Governance
Mr C Wyatt – Coordinator Strategic Planning (via video-link)
Mr J Duncan – Economic Development & Industry Engagement Advisor
Mr J Bulwinkel – Supervisor Business Support
Mr J Barnett – Sports and Recreation Advisor
Ms A James – Strategic Planner (via video-link)
Mr B Standen – Principal Planning Officer
Mr D Cox – Planning Officer (via video-link)
Mr K Walsh – Acting Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Mayor, Councillor Tony Williams.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting of 12 September 2023 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Mathers
MOTION CARRIED

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

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.

COUNCIL RESOLUTION

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

Moved by: Councillor Fisher

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

11.2 ROCKHAMPTON BASKETBALL INC. - REQUEST FOR TRUSTEE LEASE

File No: 1370
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).

COUNCIL RESOLUTION

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.3 GUIDES QUEENSLAND - SURRENDER OF FREEHOLD LEASE

File No: 12687
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, Allentown from Guides Queensland.

COUNCIL RESOLUTION

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

THAT Council would like to extend their thanks and appreciation to Guides Queensland for their service to the community over the last 50 years.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

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

File No: D/76-2023

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)

COUNCIL RESOLUTION

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
a) Assessment of the development against the Strategic Framework and the Low Density

Residential Zone Code of *Rockhampton Region Planning Scheme 2015 (Version 2.2)* 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;

- 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.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- 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	3.3.1 <i>Strategic outcomes</i> 3.3.1 (14) <i>Specific outcomes</i>	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 is considered to outweigh any conflicts.
	3.3.8 <i>Element – Urban and new urban</i> 3.3.8.1 (8) <i>Specific outcomes</i>	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. 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.
Low Density Residential Zone Code	PO13	<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>
	PO16	<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. 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

		<p>closest Containers for Change facility.</p> <ul style="list-style-type: none"> • 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 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. • 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. <p>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>

Relevant Matters

The proposed development was assessed against the following relevant matters:

Planning Need

- 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 *Rockhampton Region Planning Scheme 2015 (v2.2)* 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 *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.

Matters prescribed by regulation

- The *Rockhampton Region Planning Scheme 2015 (version 2.2)*; and
- The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for 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.

Moved by: Councillor Mathers

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

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
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

9:44AM The Chief Executive Officer left the meeting room.

9:47AM The Chief Executive Officer returned to the meeting room.

COUNCIL RESOLUTION

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 not to approve an amendment to the development approval due to the visual amenity and distance to the closest property, which is consistent with original decision.

Moved by: Councillor Latcham

Seconded by: Councillor Smith

MOTION CARRIED

DIVISION:

Councillors Latcham, Kirkland, Smith, Rutherford, Wickerson and Fisher voted in the affirmative.

Councillor Mathers voted in the negative.

Meeting Adjourned**COUNCIL RESOLUTION**

10:28AM

That the meeting be adjourned for a 10 minute recess.

Moved by: Councillor Fisher**MOTION CARRIED**

10:45AM The meeting resumed.

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services (via video-link)
Mr A Russell – Executive Manager Advance Rockhampton
Mr D Morrison – Manager Workforce and Governance (via video-link)
Mr M Clerc – Acting Chief Financial Officer
Ms A Brennan – Coordinator Legal and Governance
Mr C Wyatt – Coordinator Strategic Planning
Ms A James – Strategic Planner (via video-link)
Mr K Walsh – Acting Senior Committee Support Officer

11.6 ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

File No: 12660
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Fisher**Seconded by:** Councillor Smith**MOTION CARRIED UNANIMOUSLY**

11.7 FEES AND CHARGES 2023/2024 AMENDMENTS

File No: 7816
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Fisher
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

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

File No: 8148
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.

COUNCIL RESOLUTION

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

Moved by: Councillor Kirkland
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

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

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

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Kirkland

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

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

File No: 6984
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

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

File No: RRPS-PRO-2021/002-01-05
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Mathers
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

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
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.13 ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE A

File No: RRPS-PRO-2023/004
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Mathers

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.14 ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE B

File No: RRPS-PRO-2023/004
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Mathers
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.15 ROCKHAMPTON REGION PLANNING SCHEME - MAJOR AMENDMENT PACKAGE C

File No: RRPS-PRO-2023/004
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.

12:05PM The Chief Executive Officer left the meeting room.

12:06PM The Chief Executive Officer returned to the meeting room.

COUNCIL RESOLUTION

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.

Moved by: Councillor Mathers

Seconded by: Councillor Kirkland

MOTION CARRIED

Councillor Latcham recorded his vote against the motion.

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

15 CLOSURE OF MEETING

There being no further business the meeting closed at 12:14pm.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

26 SEPTEMBER 2023

ANNEXURE A

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

Item 11.4 – D/76-2023 - Development Application for a Material Change of Use for Utility Installation (Container Refund Facility).

Item 11.5 – D/34-2022 Request for a Minor Change to Development Permit for Material Change of Use for a Telecommunications Facility.

Development Application (D/76-2023) for Material Change of Use for Utility Installation (Containers Refund facility)

78 James Street, Mount Morgan, Lot 9 on
RP600655

Council meeting – 26 September 2023

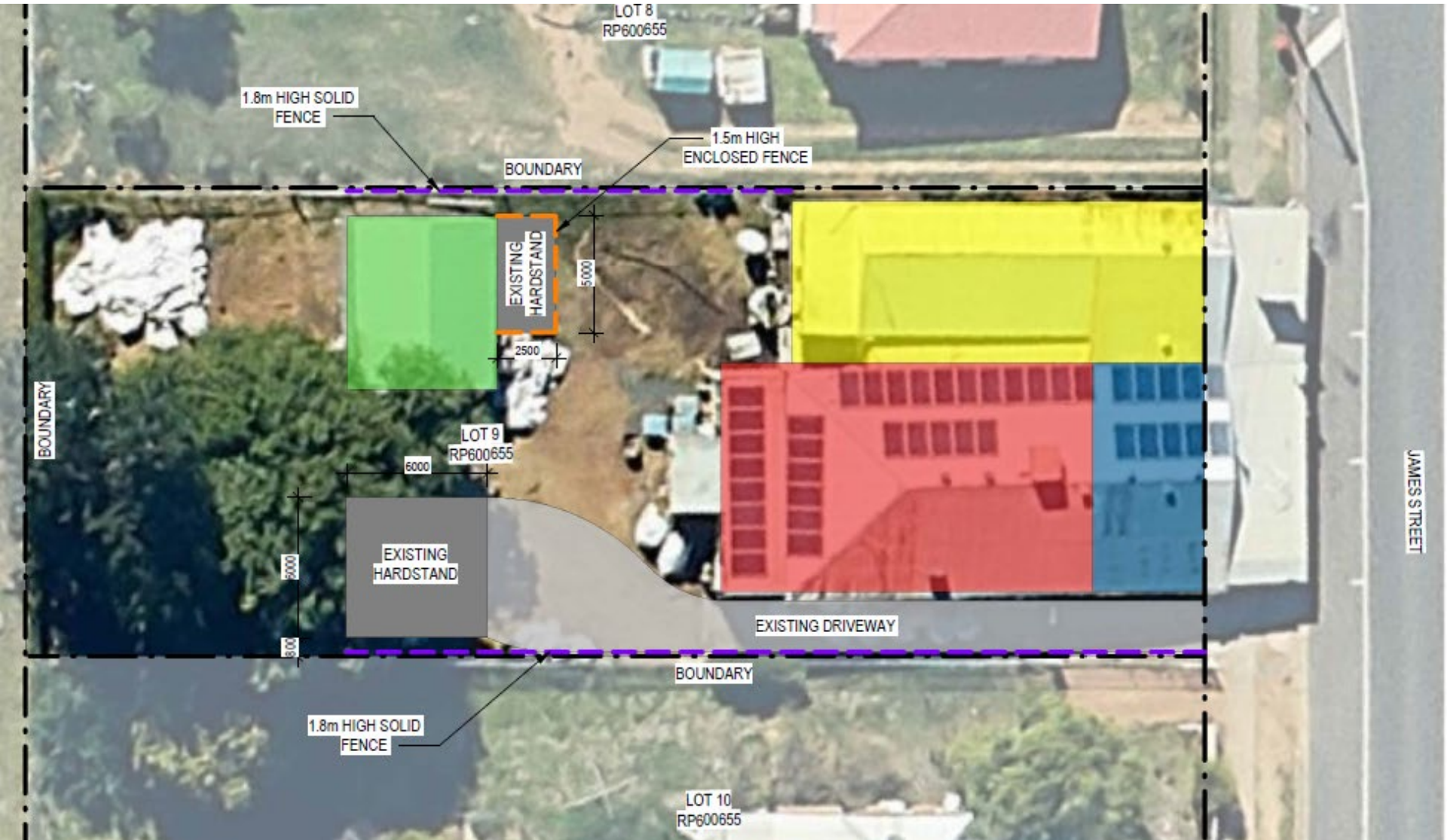
Declan Cox – Planning Officer

Subject Site – Locality Plan





Site Plan





Change Application (D/34-2022) to Development Permit for Material Change of Use for Telecommunications Facility

652-664 Norman Road, Norman Gardens

Council meeting – 26 September 2023

Brendan Standen – Principal Planning Officer

Rockhampton **Regional Council**

Grounds for Approval

- The proposed change satisfies the ‘minor change’ test under the *Planning Act 2016*.
- The development generally complies with the provisions included in the applicable Planning Scheme codes and is not anticipated to compromise the Strategic Framework.
- Therefore, the change application is recommended for approval subject to the conditions outlined in the report.