



# **ORDINARY MEETING**

## **MINUTES**

**13 JUNE 2023**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 13 JUNE 2023 COMMENCING AT 9:01AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Pastor Lance Warcon from the International Network of Churches

9:02AM Councillor Smith attended the meeting

## **2 PRESENT**

Members Present:

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

In Attendance:

Mr R Cheesman – Acting Chief Executive Officer  
Ms A Cutler – General Manager Community Services (via video-link)  
Ms M Taylor – Chief Financial Officer  
Mr A Russell – Executive Manager Strategy and Planning  
Mr Z Garven – Acting Executive Manager Advance Rockhampton  
Mr D Scott – Manager Planning and Regulatory Services  
Mr M O’Keeffe – Manager Rockhampton Regional Waste and Recycling (via video-link)  
Mr M Vycke – Manager Airport (via video-link)  
Mr J Webb – Manager Communities and Culture  
Mr J Kann – Manager Office of the Mayor  
Mr W Clark – Industry Engagement Manager  
Mr C Wyatt – Coordinator Strategic Planning  
Ms A Brennan – Coordinator Legal and Governance  
Ms A O’Mara – Coordinator Development Assessment  
Mr J McCaul – Coordinator Development Engineering  
Mr M Crane – Acting Coordinator Waste and Recycling Facilities (via video-link)  
Ms A Davie – Grants and Policy Advisor (via video-link)  
Ms J Barrett – Senior Communications Officer (via video-link)  
Ms L Leeder – Senior Committee Support Officer

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

Councillor Rutherford tendered her apology and was not in attendance.

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

### **COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting of 23 May 2023 be confirmed.

THAT the minutes of the Special Meeting of 30 May 2023 be confirmed.

THAT the minutes of the Special Meeting of 8 June 2023 be confirmed.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

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

Nil

## **6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 PRESENTATION OF PETITIONS

### 8.1 PETITION REQUESTING REVIEW AND AMENDMENT SUBORDINATE LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2011

**File No:** 11698  
**Responsible Officer:** Nicole Semfel - Acting Senior Executive Assistant to the Mayor  
Justin Kann - Manager Office of the Mayor  
Evan Pardon - Chief Executive Officer

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#### SUMMARY

*Councillor Shane Latcham has received the following petition from approximately 380 petitioners requesting Rockhampton Regional Council amend Subordinate Local Law 2.*

#### COUNCIL RESOLUTION

THAT the petition requesting the review of amendment to Subordinate Local Law No.2 (Animal Management) 2011 to include a definition of 'bees' that aligns with State Legislation be received.

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

**9 COMMITTEE REPORTS**

Nil

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## 10 COUNCILLOR/DELEGATE REPORTS

### 10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - COUNCILLOR GRANT MATHERS - INDIAN ASSOCIATION OF CENTRAL QUEENSLAND

**File No:** 8295

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

**Author:** Megan Careless - Executive Support Officer

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#### SUMMARY

*This report requests Council's consideration and approval for an allocation from Councillor Grant Mathers' Councillor Discretionary Fund towards an International Yoga Day event on Sunday 25 June 2023 hosted by the Indian Association of Central Queensland.*

#### COUNCIL RESOLUTION

THAT Council approves the allocation of \$500.00 from Councillor Grant Mathers' Councillor Discretionary Fund to the Indian Association of Central Queensland towards hosting an International Yoga Day event on Sunday 25 June 2023.

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



## 11 OFFICERS' REPORTS

### 11.1 ROCKY RIVER RUN 2024

**File No:** 6097  
**Authorising Officer:** Zac Garven - Acting Executive Manager Advance  
Rockhampton  
**Author:** Eileen Brown - Events Coordinator

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#### SUMMARY

*Rocky River Run 2024 event date to be established for promotion and planning.*

#### COUNCIL RESOLUTION

THAT Council approve the date for the 2024 Rocky River Run event to be held on Sunday 19 May 2024.

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

**MOTION CARRIED**

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**11.2 SPONSORSHIP OPPORTUNITY - AUSTRALASIAN GRAIN SCIENCE ASSOCIATION - ANNUAL CONFERENCE IN ROCKHAMPTON**

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

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**SUMMARY**

*The Australasian Grain Science Association (AGSA) conference being held in Rockhampton on the 26-29 September 2023 will provide a forum for approximately 150 grain scientists, students, nutritionists and others to advance the grain industry. AGSA provides an opportunity for the Rockhampton Region to grow its reputation as an agricultural capital providing a platform for Advance Rockhampton to pursue talent and investment attraction whilst supporting local cropping interests.*

**COUNCIL RESOLUTION**

THAT Council sponsors the Australasian Grain Science Association Conference to be held in Rockhampton from 26-29 September 2023 in the amount of \$5,000 (plus GST).

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

**MOTION CARRIED UNANIMOUSLY**

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**11.3 MAKING WATER WORK PROGRAM - PROGRESSION OF FITZROY FOOD BOWL - LANDHOLDER ASSISTANCE TO ACHIEVE REEF WATER OUTCOMES**

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

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**SUMMARY**

*The Making Water Work Program (MWWP) was developed in collaboration with the Cooperative Research Centre for Developing Northern Australia (CRCNA) and the State Government to assist the Fitzroy Food Bowl in growing agriculture in a sustainable and resilient manner in the face of climate change. The MWWP is now at a stage where action is required to assist landholders in striving to achieve Reef Protection rules and reef water quality whilst progressing agricultural developments.*

**COUNCIL RESOLUTION**

THAT Council approves \$125,000 to be allocated to the Cooperative Research Centre for Developing Northern Australia for the achieving of reef water quality requirements in new agricultural developments project to assist landholders.

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

**MOTION CARRIED UNANIMOUSLY**

**11.4 AG JOBS QUEENSLAND PLATFORM SPONSORSHIP**

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

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**SUMMARY**

*The Ag Jobs Queensland platform has recently been launched by the Queensland Farmers Federation (QFF) to connect employers across agriculture with prospective job seekers. With growth expected in line with new agricultural developments it is evident that the region's ag labour force will need to expand. As Rockhampton will be competing with other regions across the country for labour it is proposed that the Council sponsors the new platform to help build Rockhampton's agricultural brand, local employment opportunities and encourages talent to the region.*

**COUNCIL RESOLUTION**

THAT Council sponsors the Queensland Farmers Federation Ag Jobs Queensland platform for \$7,500 (plus GST).

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

**MOTION CARRIED UNANIMOUSLY**

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**11.5 TRUSTEE LEASE RENEWAL - CATTLE CLUB**

**File No:** 8763  
**Authorising Officer:** John Webb - Manager Communities and Culture  
Alicia Cutler - General Manager Community Services  
**Author:** Mark Millett - Coordinator Major Venues

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**SUMMARY**

*A trustee lease between Council and the Rockhampton Cattle Club Inc. for a building site, wholly contained within the Rockhampton Showgrounds, is due to expire on 30 June 2023. Council's resolution is required to issue the club with a new trustee lease over the land.*

**COUNCIL RESOLUTION**

THAT:

1. Pursuant to section 236(1)(b)(ii) and (c)(iii) of the *Local Government Regulation 2012*, Council approve the issuing of a Trustee Lease to the Rockhampton Cattle Club Inc for part of Lot 424 on CP LN2006 as shown in the sketch plan attached to the report; and
2. Council authorises the Chief Executive Officer (Manager Communities and Culture) to negotiate suitable terms and conditions of the agreement in preparation for execution by the delegated officer.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

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**11.6 ROCKHAMPTON REGIONAL PLANNING SCHEME MAJOR AMENDMENT  
VERSION 5 PREPARATION AND COMMENCEMENT**

**File No:** RRPS-PRO-2023/004  
**Authorising Officer:** Cameron Wyatt - Coordinator Strategic Planning  
Angus Russell - Executive Manager Strategy and Planning  
**Author:** Sophie Muggeridge - Strategic Planner

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**SUMMARY**

*This report seeks approval from Council to commence an amendment to the Rockhampton Region Planning Scheme. The preparation for Major Amendment Version 5 to the planning scheme is proposed to contain changes to the Flood Hazard Overlay Code and the residential zone provisions.*

9:22AM Councillor Smith left the meeting room  
9:22AM Councillor Smith returned to the meeting room

**COUNCIL RESOLUTION**

THAT Council prepares a Major Amendment to the Rockhampton Region Planning Scheme (Version 5) in accordance with section 20 of the *Planning Act 2016* and *Ministers Guidelines and Rules*.

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

**MOTION CARRIED UNANIMOUSLY**

## 11.7 D/77-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, SHOWROOM AND MULTIPLE DWELLING (12 TOWNHOUSES)

**File No:** D/77-2022  
**Authorising Officer:** Doug Scott - Manager Planning and Regulatory Services  
 Alicia Cutler - General Manager Community Services  
**Author:** Amanda O'Mara - Coordinator Development Assessment

### SUMMARY

**Development Application Number:** D/77-2022  
**Applicant:** Coles Group Limited  
**Real Property Address:** Lot 25 on RP610513  
**Common Property Address:** 452-488 Yaamba Road, Norman Gardens  
**Area of Site:** 2.66 Hectares  
**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (version 2.2)  
**Planning Scheme Zone:** Specialised Centre Zone - Yaamba Road Precinct  
**Planning Scheme Overlays:** Airport Environs Overlay  
 Steep Land Overlay  
**Existing Development:** Previously Bunnings (currently vacant)  
**Approval Sought:** Development Permit for a Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses)  
**Level of Assessment:** Impact Assessable  
**Submissions:** 10 Submissions  
**Referral Agency:** State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) – Referral Agency  
 Ergon Energy – Advice Agency

### COUNCIL RESOLUTION

#### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses), made by Coles Group Limited, located at 452-488 Yaamba Road, Norman Gardens - described as Lot 25 on RP610513, Council resolves to provide the following reasons for its decision:

#### STATEMENT OF REASONS

##### Description of the development

Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses)

<b>Reasons for Decision</b>	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Specialised Centre Zone Code;</li> <li>• Airport Environs Overlay Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.</p>	
<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
Strategic Framework	<p><b>Settlement Pattern</b>  <b>3.3.12.1 (2) and 3.3.12.1 (17)</b></p> <p>The proposed Shopping Centre is within the Specialised Centres designation in the Strategic Framework and conflicts with the above strategic / specific outcomes which state specialised centres do not accommodate shopping centres to protect the role, function and vitality of other centres. However, Council's Commercial Centres Study 2021 indicates the planning scheme provides too much Specialised Centre zoned land for bulky good retail type uses and identified there will be a need for a new District Centre in North Rockhampton. District Centres are the level in the hierarchy where full line supermarkets are anticipated.</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p> <p><b>3.3.12.1 (5)</b></p> <p>The proposed development conflicts with specific outcome 3.3.12.1 (5) because the development does not provide an active frontage along Yaamba Road – a State controlled Road. However, there is no established active frontage along Yaamba Road and given its function and the surrounding land uses and zoning, there is unlikely to be an active frontage in the future which the site could tie into. The proposal nevertheless provides a much improved built form, land use activation and visual amenity when compared to the current built form and previous use</p>



	<p>on the site</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p> <p><b>3.3.8.1 (6)</b></p> <p>The proposed Multiple Dwelling is located in Urban Area designation in the Strategic Framework and conflicts with specific outcome 3.3.8.1 (6) because the site is not located on a higher order road.</p> <p>Despite this, specific outcome 3.3.8.1 (5) (f) contemplates a range of housing and lifestyle options in the Urban and New Urban area designation. The proposed development provides housing choice for people seeking to live in low-rise residential development, and also assists in softening housing pressures and by extension provides more affordable housing options for different socio-economic groups.</p> <p>To the extent any conflicts are identified in the Strategic Framework, regard to relevant matters is considered to outweigh those conflicts.</p>
Specialised Centre Zone Code	<p><b>PO8</b></p> <p>The proposed development does not comply with Acceptable Outcome AO1.1 as the proposed buildings are not set back within twenty (20) per cent of the average front setback of adjoining buildings. However, there is no established building line along Yaamba Road, which has a mixture of building setbacks. The proposed setbacks are appropriate for the site and ensure efficiency of operations while allowing for casual surveillance of the street. The proposed Stage 3 (Showroom) is closer to the street providing some human scale while also being consistent with the adjoining motel.</p> <p>Therefore, the development is taken to comply with PO8.</p> <p><b>PO23</b></p> <p>The proposed development does not comply with Performance Outcome PO23 which states retail uses are limited to convenience shopping for the immediate neighbourhood and local customers. The proposed development, while providing a convenience function, will attract customers from beyond the immediate neighbourhood.</p> <p>To the extent any conflicts are identified with PO23 and are not otherwise overcome by higher order provisions in the Planning Scheme, regard to relevant matters is considered to outweigh those conflicts.</p> <p><b>PO38</b></p> <p>The proposed development does not comply with Performance Outcome PO38 / Acceptable Outcome AO38.1 which states a Shopping Centre does not exceed 500 square metres in gross floor area.</p> <p>To the extent any conflicts are identified with PO38 and are not otherwise overcome by higher order provisions in the Planning Scheme, regard to relevant matters is considered to outweigh those conflicts.</p>
Landscaping Code	<p><b>PO11</b></p> <p>The proposed development does not comply with AO11.1-11.3 because shade tree planting within the car parking area is not provided in accordance with the rates set out in the Landscape Code.</p> <p>Despite this, the car parking area in some areas does not practically allow for shade tree planting given building awnings and proposed shade structures provided over most of the car parking area. Landscaping within and around the site, including shade tree planting along all boundaries and</p>

	throughout the site, does assist in reducing the visual appearance of car parking areas, provide shade, reduce glare and reduce heat stored in hard surfaces. Therefore, the development is taken to comply with PO11.
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### Relevant Matters

The proposed development was assessed against the following relevant matters:

- The proposal will regenerate an existing vacant site. The Bunnings Warehouse use that was previously on the site has relocated. The proposal will bring the site back into beneficial use for the community. Therefore, would regenerate an untenanted, underutilised, but strategically located commercial site in North Rockhampton.
- The design of the proposal, including the townhouses on the eastern boundary, will mitigate the impacts of the Shopping Centre such that it would lead to improved amenity outcomes, when compared to the operation of the previous and approved uses of the site for a Bunnings Warehouse.
- There is demonstrated need for a new District centre in North Rockhampton. Council's Commercial Centres Study 2021 indicates this should be in the Specialised Centre Zone – Yaamba Road Precinct. The centres study indicates the planning scheme provides too much Specialised Centre zoned land for bulky good retail type uses. The planning scheme has an oversupply of Specialised Centre zoned land. A realignment in the balance of zones is required. The realignment requires the addition of a District Centre and the consolidation of Specialised Centre Zone. The site is in a strategic location between the existing Major Centre to the south and the existing District Centre to the north. District Centre is the level in the hierarchy where full line supermarkets are anticipated, therefore the proposal would satisfy the demonstrated need for new District Centre uses in North Rockhampton. Further, it would assist in realigning the balance of zones, integrating effectively within the hierarchy of centres.
- The proposed development has community benefits providing increased choice and convenience for residents. The proposed development complements the current offerings of limited line and independent supermarkets within the primary trade area. Approval of the proposal would improve choice, competition and accessibility of northern Rockhampton residents to a Coles supermarket.
- With regard to the proposed Multiple Dwelling, there is an overriding planning and community need for additional and diverse housing in Rockhampton. Currently there is limited housing stock available, with very low vacancy rates. The proposed development will assist in increasing housing stock and provide more affordable housing choice for existing and future residents.
- The proposed Multiple Dwelling would complement the proposed Shopping Centre. The units will form an appropriate and orderly transition from the Shopping Centre to the lower density housing on the eastern side of Potts Street, completing the residential context of this street. They will also provide housing choice for the community in an accessible location that is well serviced by community facilities and infrastructure. In this context, the proposed Multiple Dwelling development for townhouses is an appropriate use on the site.

### Matters raised in submissions

Issue	How matter was dealt with
Inconsistent with the planning scheme / impacts on	Each submission identified inconsistency with the planning scheme through the identification of the underlying zoning (Specialised Centre – Yaamba Road Precinct) and the intent for bulky goods retailing to occur in this Precinct. There are conflicts with the purpose of the precinct and the strategic

the viability of existing centres	outcomes of the planning scheme which identify Specialised Centres do not accommodate Shopping Centres in order to protect the role, function and vitality of other centres. Where these conflicts were identified, regard to relevant matters were considered to outweigh the conflicts (refer to the Relevant Matters section above).
Inadequate car parking	<p>Most of the submissions identified that the proposed development does not provide for adequate car parking supply.</p> <p>An extensive peak parking analysis based on comprehensive parking demand studies of existing Coles developments and other similar Shopping Centre developments in Queensland was undertaken.</p> <p>The results indicated the proposed car parking spaces exceed the estimated peak parking demand and represent appropriate on-site parking supply to sufficiently accommodate the peak demands of the development and therefore will not result in any off-site adverse impacts.</p> <p>The residential component, Stage 4 provides twenty-four (24) covered spaces (12 x double garages) for the 12 units which satisfies the residential supply requirement as per the planning scheme.</p>
Impact on amenity	A submission raised concern there would be amenity impacts on the surrounding residential area. However, it is noted the proposed use seeks to mitigate rather than intensify impacts (namely acoustic and visual impacts) of the previous Bunnings Warehouse use. Acoustic treatments are proposed and will be implemented in accordance with the approved Environmental Noise Level Impact Assessment. These treatments seek to address the current standards and exceed measures on the existing building.
Impact on traffic and safety on Yaamba Road	<p>Concerns were raised the proposed development would compromise the safety and efficiency of Yaamba Road.</p> <p>Yaamba Road is a State-controlled road. The development application was assessed by the Department of Transport and Main Roads. The State provided a concurrence agency response with conditions. Therefore, it is taken the State is satisfied the proposed development will not compromise the safety or efficiency of the road network, subject to conditions.</p>
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses), made by Coles Group Limited, located at 452-488 Yaamba Road, Norman Gardens - described as Lot 25 on RP610513, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

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

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Water Works;
    - (v) Stormwater Works; and
    - (vi) Site Works.
  - 1.5.2 Plumbing and Drainage Works; and
  - 1.5.3 Building Works:
    - (i) Demolition Works; and
    - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 **APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<b><u>Plan/Document Name</u></b>	<b><u>Prepared by</u></b>	<b><u>Date</u></b>	<b><u>Reference No.</u></b>	<b><u>Version /Issue</u></b>
Cover Sheet	Thomson Adsett	15 November 2022	A-DA-001	2

Staging Key Plan & Site Context Plan	Thomson Adsett	5 April 2023	A-DA-002	6
Site Plan – Stages 1 & 2	Thomson Adsett	5 April 2023	A-DA-020	7
Site Plan – Stage 3	Thomson Adsett	5 April 2023	A-DA-021	7
Site Plan – Stage 4	Thomson Adsett	5 April 2023	A-DA-022	9
Site Plan – Survey & Tree Location Overlay	Thomson Adsett	15 November 2022	A-DA-030	2
Site Sections – Sheet 1	Thomson Adsett	15 November 2022	A-DA-040	5
Impervious Area Plans & Schedules	Thomson Adsett	15 November 2022	A-DA-050	5
Detailed Floor Plan – Stages 1 & 2	Thomson Adsett	15 November 2022	A-DA-100	2
Detailed Roof Plan – Stages 1 & 2	Thomson Adsett	15 November 2022	A-DA-110	2
Elevations – Stages 1 & 2 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-120	2
Elevations – Stages 1 & 2 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-121	2
Sections – Stages 1 & 2 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-130	2
Detailed Floor Plan & Detailed Roof Plan – Stage 3	Thomson Adsett	16 November 2022	A-DA-300	3
Elevations – Stage 3 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-320	2
Elevations – Stage 3 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-321	2
Sections – Stage 3 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-330	2
Floor Plan – Stage 4	Thomson Adsett	15 November 2022	A-DA-400	5
Roof Plan – Stage 4	Thomson Adsett	15 November 2022	A-DA-410	4
Elevations – Stage 4 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-420	4
Elevations – Stage 4 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-421	4
Sections – Stage 4 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-430	4
Pre Development Catchment Layout Plan	Michael Bale & Associates	17 November 2022	DA01-G21097	04

Post Development Catchment Layout Plan	Michael Bale & Associates	17 November 2022	DA02-G21097	04
Bulk Earthworks Layout Plan	Michael Bale & Associates	17 November 2022	C200-G21097	03
Sewer Layout Plan	Michael Bale & Associates	17 November 2022	C600-G21097	02
Environmental Noise Level Impact Assessment for Proposed Coles Supermarket, Liquorland, Speciality Retail, Showroom and Residential	David Moore & Associates Pty Ltd	16 November 2022	R22024/D3 621	1
Landscape Concept Design Report	02 Landscape Architecture	17 November 2022	590 SD_LR001_D	-

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

### 3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in four (4) discrete stages, namely:

3.1.1 Supermarket (Coles), liquor store and amenities (Stage One);

3.1.2 Specialty store and outdoor seating (Stage Two);

3.1.3 Showroom and extension to shopping centre – additional specialty (Stage Three); and

3.1.4 Multiple Dwelling – 12 townhouses (Stage 4),

in accordance with the approved Staging Key Plan & Site Context Plan (refer to condition 2.1).

3.2 The currency period for all stages is six (6) years from the date this approval takes effect.

3.3 Stage One (1) must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.

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

### STAGES 1 – 3

#### 4.0 ROAD WORKS

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

4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 Dedicated pedestrian linkages through the proposed development linking the carpark to the existing pedestrian pathways on Yaamba Road and Potts Street must be

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

- 4.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.5 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.
- 5.0 ACCESS AND PARKING WORKS
- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 All vehicular access to and from the commercial development must be via Yaamba Road only. Direct vehicle access to the commercial development from Potts Street is prohibited.
- 5.5 All vehicles must ingress and egress the development in a forward gear.
- 5.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 5.9 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.12 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.
- 5.13 End-of-trip facilities must be provided in accordance with the *Queensland Development Code, Mandatory Part 4.1 "Sustainable buildings, End of trip facilities"*.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing*

and *Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 6.6 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.7 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 6.8 The finished surface of the existing sewerage access chamber must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 6.9 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.
- 6.10 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.11 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

#### 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1994*, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater discharge must be lawful and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 7.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems



- including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that addresses the following:
- 7.7.1 The proposed overland flow discharge arrangements to Potts Street must comply with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines* requirements;
- Note: Depth Velocity criteria must be satisfied and any concentrated flow to the Potts Street verge must be avoided.
- 7.7.2 The existing car park detention volume must be considered when calculating the proposed detention volume requirements;
- Note: As per Council's current Splitters Creek flood model, the existing car parking area fronting the building acts as a form of detention.
- 7.7.3 details of all calculations, assumptions and data files (where applicable).
- 7.7.4 include sufficient documentary evidence to demonstrate that the maintenance of the of the approved stormwater strategy must be the responsibility of the property owner / developer at no cost to Council
- 7.8 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 7.9 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance costs must be borne by the site owner/operator.
- Note: No stormwater easement is required for the proposed overland flow path adjacent to the northern boundary. For any future Development Application to subdivide the commercial and residential development (units), a stormwater easement will be required along the portion of the northern boundary that contains the stormwater main that discharges to Potts Street.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice.
- 8.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.3 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798*

*“Guidelines on earthworks for commercial and residential developments”.*

- 9.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 9.5 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 “Building over or near relevant infrastructure.”* The structure must be self-supporting and no additional load must be applied to Council’s sewerage infrastructure.

#### 10.0 BUILDING WORKS

- 10.1 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.
- 10.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council’s satisfaction.
- 10.3 Access to and use of the land the subject of this application must comply with the provisions of the *Anti-Discrimination Act 1991*. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 10.4 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:
  - 10.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 10.4.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
  - 10.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 10.4.4 setback a minimum of two (2) metres from any road frontage; and
  - 10.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

#### 11.0 LANDSCAPING WORKS

- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 11.2 Landscaping must be constructed and/or established prior to the commencement of the use and in accordance with the Landscape Concept Design Report (refer to condition 2.1).

- 11.3 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and protected by wheel stops or bollards as required.
- 11.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 11.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 11.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 11.5 Shade trees must comply with the following requirements:
- 11.5.1 Be planted clear of services and utilities;
  - 11.5.2 Not obstruct pedestrian or bicycle traffic; and
  - 11.5.3 Comply with crime prevention through environmental design principles.
- 11.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 11.7 The landscaped areas must be subject to:
- 11.7.1 a watering and maintenance plan during the establishment moment; and
  - 11.7.2 an ongoing maintenance and replanting programme.
- 12.0 ELECTRICITY
- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 14.0 ASSET MANAGEMENT
- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 14.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 15.0 ENVIRONMENTAL
- 15.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not

limited to, the following:

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

- 15.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

#### 16.0 ENVIRONMENTAL HEALTH

- 16.1 All noise mitigation measures must be constructed and implemented for the development in accordance with the Environmental Noise Level Impact Assessment (refer condition 2.1).
- 16.2 Noise emitted from the activity must not cause an environmental nuisance.
- 16.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".

#### 17.0 OPERATING PROCEDURES

- 17.1 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 Yaamba Road or Potts Street.
- 17.2 The hours of operations for the development site Shopping Centre and Showrooms must be limited to:
- (i) 0800 hours to 2100 hours on Monday to Friday,
  - (ii) 0800 hours to 1800 hours on Saturday, and
  - (iii) 0900 hours to 1800 hours on Sunday and Public Holidays.
- 17.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0600 and 2200 Monday to Sunday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 17.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:

- 17.4.1 the area is kept in a clean and tidy condition;
- 17.4.2 fences and screens are maintained;
- 17.4.3 no waste material is stored external to the waste storage area/s;
- 17.4.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

#### **STAGE 4 – MULTIPLE DWELLING**

##### **18.0 ROAD WORKS**

- 18.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 18.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, relevant Australian Standards and Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).
- 18.3 The existing concrete pathway must be maintained on the western side of Potts Street for the full frontage of the development site with connections to the Multiple Dwelling and the internal pathway to the commercial development provided.
- 18.4 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".
- 18.5 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.

##### **19.0 ACCESS AND PARKING WORKS**

- 19.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 19.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, and the provisions of a Development Permit for Operational Works (access and parking works).
- 19.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 19.4 Three (3) new accesses to the Multiple Dwelling development must be provided in accordance with the approved plans (refer to condition 2.1).
- 19.5 All vehicles must ingress and egress the development in a forward gear.
- 19.6 A minimum of thirty (30) parking spaces must be provided on-site. This includes twenty-four (24) covered car parking spaces and six (6) visitor's parking spaces for the Multiple Dwelling use.
- 19.7 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site.

##### **20.0 SEWERAGE WORKS**

- 20.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 20.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018 and

- the provisions of a Development Permit for Operational Works (sewerage works).
- 20.3 The development must be connected to Council's reticulated sewerage network.
- 20.4 A new non-trunk 150 millimetre diameter sewer main is to be constructed from the existing sewer access chamber located within Lot 25 on SP610513 to service the proposed Multiple Dwelling development. The new sewer main is to be constructed within Lot 25 on SP610513 only.
- 20.5 A new sewerage connection point for the Multiple Dwelling must be provided at a new sewer access chamber or lamphole at the southern end of the proposed Multiple Dwelling development.
- 20.6 The finished surface of the existing sewerage access chamber must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 20.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 20.8 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.
- 20.9 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 21.0 WATER WORKS
- 21.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 21.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018 and the provisions of a Development Permit for Operational Works (water works).
- 21.3 The development must be connected to Council's reticulated water network.
- 21.4 A new water connection point must be provided at Potts Street. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 21.5 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 21.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 21.7 A road crossing water conduit and associated water service pipe works must be constructed across Potts Street and must be approved as part of a Development Permit for Operational Works (water works).
- 22.0 PLUMBING AND DRAINAGE WORKS
- 22.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the development site.
- 22.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 22.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.

### 23.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 23.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines and sound engineering practice.
- 23.2 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.
- 23.3 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

### 24.0 SITE WORKS

- 24.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 24.2 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 24.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 24.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 24.5 Retaining structures close to or crossing sewerage infrastructure must comply with Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure." The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

### 25.0 BUILDING WORKS

- 25.1 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.
- 25.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 25.3 Dwelling units must be provided with private open space or a balcony directly accessible from a habitable room with:
- 25.3.1 a minimum area of nine (9) square metres;
  - 25.3.2 a minimum dimension of three (3) metres; and
  - 25.3.3 must not accommodate air conditioning units.

### 26.0 LANDSCAPING WORKS

- 26.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 26.2 Landscaping must be constructed and/or established prior to the commencement of the use and in accordance with the Landscape Concept Design Report (refer to condition 2.1).
- 26.3 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to

condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:

- 26.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 26.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 26.4 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 26.5 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the Capricorn Municipal Development Guidelines.
- 26.6 Street trees and landscaping must not impact on vehicle site distances in accordance with Australian Standard AS2890 – Parking Facilities, or unduly restrict visibility to pedestrians in verge areas.
- 26.7 Shade trees must comply with the following requirements:
  - 26.7.1 Be planted clear of services and utilities;
  - 26.7.2 Not obstruct pedestrian or bicycle traffic; and
  - 26.7.3 Comply with crime prevention through environmental design principles.
- 26.8 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 26.9 The landscaped areas must be subject to:
  - 26.9.1 a watering and maintenance plan during the establishment moment; and
  - 26.9.2 an ongoing maintenance and replanting programme.
- 26.10 The private open space of each unit must be screened with mature vegetation or fence to prevent viewing of the private open space from a public space and adjoining properties.
- 27.0 ELECTRICITY
- 27.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 28.0 TELECOMMUNICATIONS
- 28.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 29.0 ASSET MANAGEMENT
- 29.1 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.
- 29.2 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.

29.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

### 30.0 ENVIRONMENTAL

30.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

30.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

### 31.0 ENVIRONMENTAL HEALTH

31.1 All noise mitigation measures must be constructed and implemented for the development in accordance with the Environmental Noise Level Impact Assessment (refer condition 2.1).

### 32.0 OPERATING PROCEDURES

32.1 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 Potts Street.

### 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](http://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. Advertising Devices

A Development Permit for Operational Works (Advertising Device/s) must be submitted for approval by Council for any proposed signage, other than those that are accepted development under the Council Planning Scheme.

NOTE 6. Ergon Energy

The developer must contact Ergon Energy to request a Safety Advice before construction starts so that on site hazards can be pointed out and measures implemented if deemed necessary.

The conditions of easements in favour of Ergon Energy must be maintained at all times.

Electrical safety clearances are to be maintained as per Ergon Energy's Standard Guidelines WP1323 and existing ground levels must not be reduced.

NOTE 7. Plumbing and Drainage

A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

NOTE 8. Demolition Works

The existing building and structures on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

**Moved by: Mayor Williams**

**Seconded by: Councillor Mathers**

**MOTION CARRIED UNANIMOUSLY**

**11.8 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER**

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

**SUMMARY**

*This report seeks Council's approval for delegations under State legislation to the position of Chief Executive Officer.*

9:42AM Councillor Smith left the meeting room  
9:43AM Councillor Smith returned to the meeting room

**COUNCIL RESOLUTION**

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of:
  1. Delegation Register – *Mining and Quarrying Safety and Health Act 1999* (Attachment 1 of report);
  2. Delegation Register – *Mining and Quarrying Safety and Health Regulation 2017* (Attachment 2 of report);
  3. Delegation Register – *Retail Shop Leases Act 1994* (Attachment 3 of report);
  4. Delegation Register – *Working with Children (Risk Management and Screening) Act 2000* (Attachment 4 of report);
  5. Delegation Register – *Animal Care and Protection Regulation 2012* (Attachment 5 of report);
  6. Delegation Register - *Medicines and Poisons Act 2019* (Attachment 6 of report);
  7. Delegation Register – *Medicines and Poisons (Pest Management Activities) Regulation 2021* (Attachment 7 of report);
  8. Delegation Register – *Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021* (Attachment 8 of report);
  9. Delegation Register - *Building Fire Safety Regulation 2008* (Attachment 9 of report);
  10. Delegation Register - *Justices Act 1886* (Attachment 10 of report);
  11. Delegation Register – *Summary Offences Regulation 2016* (Attachment 11 of report);
  12. Delegation Register – *Transport Infrastructure (Public Marine Facilities) Regulation 2011* (Attachment 12 of report);
  13. Delegation Register – *Acquisition of Land Act 1967* (Attachment 13 of report);
  14. Delegation Register - *Local Government Act 2009* (Attachment 14 of report);
  15. Delegation Register – *Mineral Resources Act 1989* (Attachment 15 of report);
  16. Delegation Register – *Mineral and Energy Resources (Common Provisions) Act 2014* (Attachment 16 of report);
  17. Delegation Register – *Residential Tenancies and Rooming Accommodation Act 2008* (Attachment 17 of report); and
  18. Delegation Register - *Queensland Heritage Act 1992* (Attachment 18 of report).

2. These powers must be exercised subject to any limitations contained in schedule 2 of the Delegation Registers attached to the report.
3. The powers previously delegated to the Chief Executive Officer for the *Health (Drugs and Poisons) Regulation 1996* be revoked for the reasons stated within the report.

**Moved by:** Mayor Williams

**Seconded by:** Councillor Fisher

**MOTION CARRIED UNANIMOUSLY**

**11.9 FEES AND CHARGES 2023/2024 AMENDMENTS**

**File No:** 7816  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marnie Taylor - Chief Financial Officer

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**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.

**Moved by:** Councillor Latcham  
**Seconded by:** Councillor Fisher

**MOTION CARRIED UNANIMOUSLY**

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**11.10 INTERIM MANAGEMENT REPORT FOR THE ROCKHAMPTON REGIONAL COUNCIL 2022/2023**

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

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**SUMMARY**

*Following the interim audit work performed to 20 April 2023, the Interim Management Letter was received from Thomas Noble & Russell (as delegate of the Auditor-General of Queensland). As required by the Local Government Regulation 2012, this is now presented to the next ordinary meeting of Council.*

**COUNCIL RESOLUTION**

THAT the Interim Management Letter for the 2022/2023 financial audit for the Rockhampton Regional Council be received.

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

**MOTION CARRIED UNANIMOUSLY**

## 12 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - INCREASE TO TRAVEL ALLOWANCE BUDGET

**File No:** 10072  
**Responsible Officer:** Nicole Semfel - Acting Senior Executive Assistant to the Mayor  
Justin Kann - Manager Office of the Mayor  
Evan Pardon - Chief Executive Officer

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#### SUMMARY

*Councillor Shane Latcham has indicated his intention to move a Notice of Motion seeking to increase the budget allocation for his travel expenses at the next Council Meeting scheduled for Tuesday 13 June 2023.*

#### COUNCIL RESOLUTION

THAT Council approve an increase of \$1,500 to Councillor Shane Latcham's travel expenses allocation for the 2022/23 financial year.

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Smith

#### MOTION CARRIED

Councillor Mathers and Councillor Wickerson recorded their vote against the motion

***Meeting Adjourned*****COUNCIL RESOLUTION**

9:59AM

THAT the meeting be adjourned until 11:15am.

**Moved by: Mayor Williams****MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

11:19AM

THAT the meeting be resumed.

**Moved by: Mayor Williams****MOTION CARRIED UNANIMOUSLY**

## Members Present:

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

## In Attendance:

Mr R Cheesman – Acting Chief Executive Officer  
Ms A Cutler – General Manager Community Services (via video-link)  
Ms M Taylor – Chief Financial Officer  
Mr M Vycke – Manager Airport (via video-link)  
Mr D Morrison – Manager Workforce and Governance (via video-link)  
Mr J Kann – Manager Office of the Mayor  
Ms L Leeder – Senior Committee Support Officer



**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS\QUESTIONS**

## 15 CLOSED SESSION

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

### COUNCIL RESOLUTION

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

#### 16.1 Rockhampton Airport Site AW Lease

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

#### 16.2 2023/2024 Budget Briefing

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

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

### COUNCIL RESOLUTION

11:19AM

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

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

### COUNCIL RESOLUTION

11:58AM

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

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

## 16 CONFIDENTIAL REPORTS

### 16.1 ROCKHAMPTON AIRPORT SITE AW LEASE

**File No:** 15553

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer

**Author:** Marcus Vycke - Manager Airport

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

#### SUMMARY

*Lease Site AW is currently vacant, previously this site was leased as an aircraft engineers office with the ability to provide aircraft maintenance and store aircraft parts locally. The Rockhampton Airport has been approached for an area at the Airport with airside access to operate an aircraft engineers and maintenance office to support their increased charters.*

*This report seeks Council approval to enter into a specific lease agreement pursuant to 236(1)(c)(vii) of the Local Government Regulation 2012 (Qld).*

#### COUNCIL RESOLUTION

THAT:

1. pursuant to s236(1)(c)(vii) of the *Local Government Regulation 2012 (Qld)* Council approve the granting of a Freehold Lease over part of Lot 6 on CP906611 to Skytrans Pty Ltd (ACN 100 751 139); and
2. Council authorises the Chief Executive Officer (Manager Airport) to negotiate the Lease as outlined in the report, in preparation for execution by the delegated officer.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Latcham

**MOTION CARRIED UNANIMOUSLY**

**16.2 2023/2024 BUDGET BRIEFING****File No: 8785****Authorising Officer: Evan Pardon - Chief Executive Officer****Author: Marnie Taylor - Acting General Manager Corporate Services**

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

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**SUMMARY**

*This report will provide an update to Council on the progress of the 2023/2024 Budget.*

**COUNCIL RESOLUTION**

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

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

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 11:59am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**13 JUNE 2023**

**ANNEXURE A**

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

**Item 11.7**            D/77-2022 – Development Application for a Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses)

**Development Application (D/77-2022) for  
a Material Change of Use for a Shopping  
Centre, Showroom and Multiple Dwelling  
(12 townhouses)**

**452-488 Yaamba Road, Norman Gardens**









Council meeting – 13 June 2023

Amanda O'Mara – Coordinator Development Assessment



# Proposed Site Plan

## LEGEND

-  RESTAURANT (NOT PART OF THIS APPLICATION)
-  STAGE 1 WORKS
-  STAGE 2 WORKS
-  STAGE 3 WORKS
-  STAGE 4 WORKS
-  ACOUSTIC WALL / BARRIER

## NOTE

PRELIMINARY LEVELS PROVIDED FOR DISCUSSION.

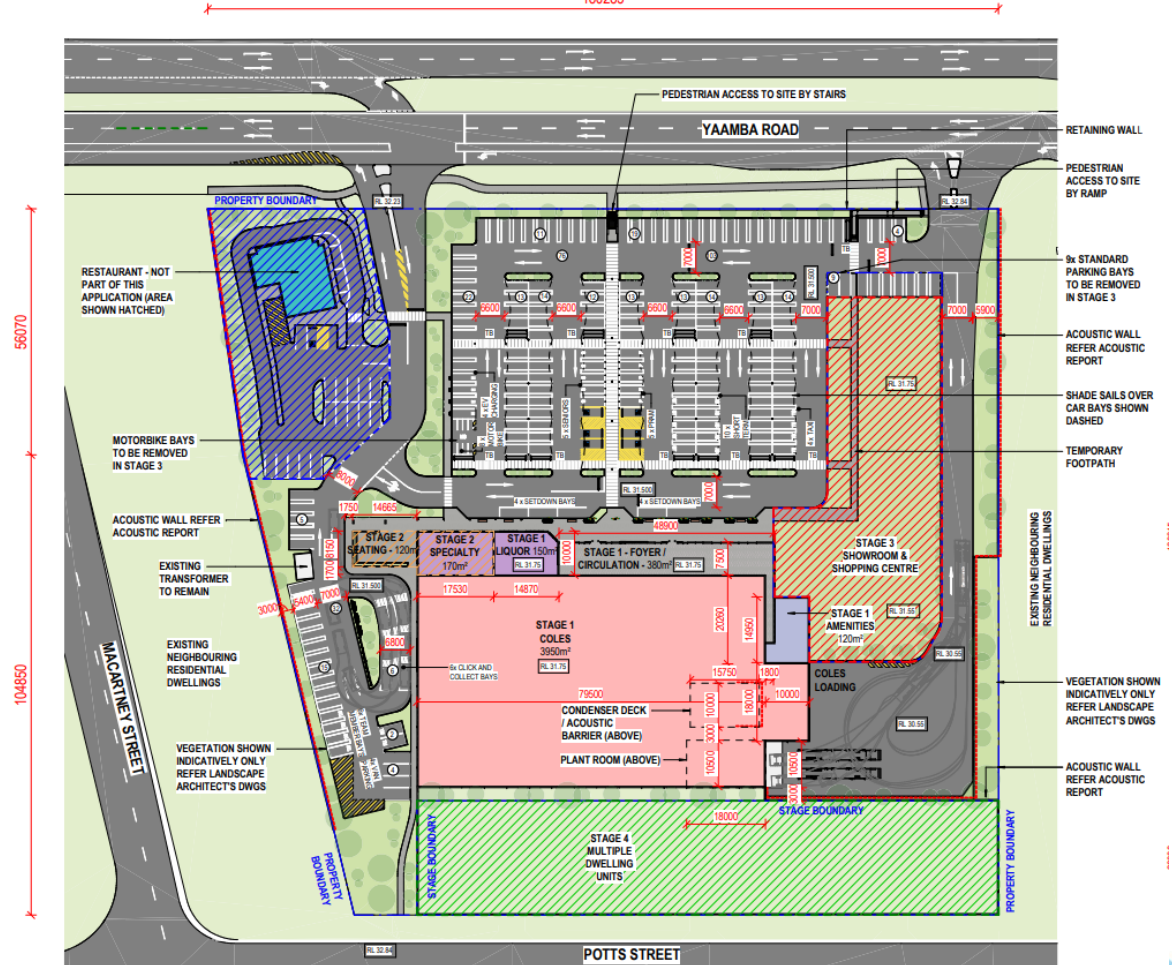
## DEVELOPMENT SCHEDULE - STAGES 1 & 2

SPACE	GFA	RATIO	REQUIRED
SUPERMARKET (STAGE 1)	3950 m <sup>2</sup>	1.20	198
LIQUOR STORE (STAGE 1)	150 m <sup>2</sup>	1.20	7.5
AMENITIES (STAGE 1)	120 m <sup>2</sup>	1.20	6
SPECIALTY (STAGE 2)	170 m <sup>2</sup>	1.20	8.5
<b>TOTAL</b>	<b>4390 m<sup>2</sup></b>		<b>229 BAYS</b>

## PARKING SCHEDULE - STAGES 1 & 2

SPACE	LENGTH	WIDTH	QTY
STANDARD PARKING BAYS	5400mm	2700mm	146 BAYS
EV CHARGING BAYS	5400mm	2700mm	4 BAYS
SENIORS BAYS	5400mm	2700mm	5 BAYS
FRAM BAYS	5400mm	2700mm	5 BAYS
SHORT TERM BAYS	5400mm	2700mm	10 BAYS
TAXI BAYS	5400mm	2700mm	4 BAYS
TEAM MEMBER BAYS	5400mm	2700mm	7 BAYS
PWD BAYS	5400mm	2700mm	7 BAYS
SET DOWN BAYS	7800mm	3200mm	8 BAYS
ONLINE DELIVERY VANS	6000mm	2700mm	4 BAYS
MOTORBIKE BAYS	2500mm	1200mm	8 BAYS
CLICK AND COLLECT BAYS	5400mm	2400mm	6 BAYS
<b>TOTAL</b>			<b>211 BAYS</b>

STAGE 1 - PARKING RATIO = 5.00 / 100m<sup>2</sup>  
 COLES CARPARKING REQUIREMENTS (5/100m<sup>2</sup>) = 198



# Public Notification / Submissions

- Nine (9) properly made submissions;
- One (1) not properly made submission was received.
- Six (6) of the submissions were for the development and four (4) of the submissions were against the development.

# Assessment summary

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