



# **ORDINARY MEETING**

## **MINUTES**

**14 MAY 2024**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	2
6	BUSINESS OUTSTANDING.....	3
	NIL .....	3
7	PUBLIC FORUMS/DEPUTATIONS .....	3
	NIL .....	3
8	PRESENTATION OF PETITIONS.....	3
	NIL .....	3
9	COMMITTEE REPORTS.....	3
	NIL .....	3
10	COUNCILLOR/DELEGATE REPORTS .....	3
	NIL .....	3
11	OFFICERS' REPORTS .....	4
11.1	MINOR CHANGE TO DEVELOPMENT PERMIT D171-2021 FOR MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES AND SHOP (PHARMACY) AND OPERATIONAL WORKS FOR ADVERTISING DEVICES.....	4
11.2	REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT D/73-2023 FOR MATERIAL CHANGE OF USE FOR A GARDEN CENTRE AND OPERATIONAL WORK FOR AN ADVERTISING DEVICE (FREESTANDING DEVICE) .....	20
11.3	CLOSED CIRCUIT TELEVISION (CCTV) POLICY REVIEW .....	27
11.4	2023-24 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 3 AND PROPOSED AMENDMENTS TO THE 2023-24 OPERATIONAL PLAN.....	28
11.5	RESULTS OF CUSTOMER EXPERIENCE SURVEY .....	31
11.6	CAPITAL PROJECT FRAMEWORK POLICY .....	32
11.7	JOHNSON ROAD TREE PLANTING.....	33
12	NOTICES OF MOTION .....	34
	NIL .....	34

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<b>13</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>34</b>
	NIL .....	34
<b>14</b>	<b>URGENT BUSINESS\QUESTIONS .....</b>	<b>34</b>
	NIL .....	34
<b>15</b>	<b>CLOSED SESSION .....</b>	<b>35</b>
	16.1 PROPERTY MATTER	
<b>16</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>36</b>
	16.1 PROPERTY MATTER .....	36
<b>17</b>	<b>CLOSURE OF MEETING.....</b>	<b>37</b>

**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 14 MAY 2024 COMMENCING AT 9:00AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Major Peter Sutcliffe from the Salvation Army

## **2 PRESENT**

Members Present:

The Mayor, Councillor A P Williams (Chairperson)  
Deputy Mayor, Councillor M D Wickerson  
Councillor S Latcham  
Councillor E W Oram  
Councillor C R Rutherford (via video-link)  
Councillor M A Taylor  
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Ms M Taylor – Chief Financial Officer  
Mr A Russell – Executive Manager Advance Rockhampton  
Mr D Morrison – Manager Workforce and Governance  
Mr J Kann – Manager Office of Mayor  
Mr D Scott – Manager Planning & Regulatory Services  
Ms E Dwyer – Manager Community Assets and Facilities  
Mr A Pont – Manager Parks  
Ms A O'Mara – Coordinator Development Assessment  
Ms S Jennings – Coordinator Legal and Governance  
Ms K Roberts – Coordinator Property and Insurance  
Mr S Ellis – Coordinator Community Master Planning (via video-link)  
Mr A Murray – Senior Planning Officer  
Ms L Groves – Planning Officer  
Mr J Bulwinkel – Sports and Active Communities Coordinator (via video-link)  
Ms K Walsh – Committee Support Officer

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

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

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 23 April 2024 be confirmed.

THAT the minutes of the Special Meeting of 30 April 2024 be confirmed.

**Moved by: Councillor Wickerson**

**Seconded by: Councillor Oram**

**MOTION CARRIED UNANIMOUSLY**

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Shane Latcham informed the meeting:

“I have a declarable conflict of interest in **Item 11.4 – 2023-24 Operational Plan Quarterly Report – Quarter 3 and Proposed Amendments to the 2023-24 Operational Plan – Mount Morgan Water Pipeline Project**. This declarable conflict of interest arises as my brother Damian Latcham has purchased land situated at 3 Leyden’s Hill Road, Moongan, which is in close proximity to the top of Razorback Road, Mount Morgan. I understand it is not connected to Mount Morgan water and sewerage, however the pipeline corridor will run past the property.

I will deal with this conflict by leaving the meeting when the topic of Mount Morgan Water Pipeline Project is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

**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 MINOR CHANGE TO DEVELOPMENT PERMIT D171-2021 FOR MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES AND SHOP (PHARMACY) AND OPERATIONAL WORKS FOR ADVERTISING DEVICES

**File No:** D/171-2021

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

**Author:** Lana Groves - Planning Officer

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#### SUMMARY

**Development Application Number:** D/171-2021

**Applicant:** S6 Grace Medical Pty Ltd

**Real Property Address:** Lot 1, Lot 2 and Lot 3 on RP605736

**Common Property Address:** 90 and 94 High Street, Berserker RP605736

**Area of Site:** 2,793 square metres

**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (v4.4)

**Planning Scheme Zone:** Low Density Residential Zone

**Planning Scheme Overlays:** Acid Sulfate Soils Overlay; and Airport Environs Overlay.

**Existing Development:** Dwelling house(s) over Lots 1 and Lot 3; vacant residential land on Lot 2

**Approval Sought:** Change (minor) to a Development Permit for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices

**Referral Agency:** Nil

**Affected Entity:** Nil

#### COUNCIL RESOLUTION

THAT in relation to the application for a Minor Change to D/171-2021 for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices, made by S6 Grace Medical Pty Ltd, located at 90 and 94 High Street, Berserker – described as Lot 1, Lot 2 and Lot 3 on RP605736, Council resolves to provide the following reasons for its decision:

#### STATEMENT OF REASONS

Description of the development
Material Change of Use for Health Care Services and Shop (Pharmacy) and

Operational Works for Advertising Devices	
<b>Reasons for Decision</b>	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates 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;</p> <p>b) The proposed development does not compromise the relevant <i>State Planning Policy</i> or <i>Central Queensland Regional Plan</i>; and</p> <p>c) 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>• Low Density Residential 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;</li> <li>• Water and Sewer Code; and</li> <li>• Advertising Devices 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 exceptions listed below.</p>	
<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
Low Density Residential Zone Code	<p><b>PO13</b></p> <p>The development does not comply with AO13.3 as the eastern exterior wall of the building exceeds 12 metres (m) in length, being 48.95m.</p> <p>Despite this, the combination of building height below that contemplated for the zone, the wall presenting to a side boundary rather than directly to the street, adequate side boundary setbacks and provision made for landscaping to soften the bulk of the wall to the adjoining properties all assist in ensuring compliance with PO13. Specifically:</p> <ul style="list-style-type: none"> <li>• Maximum height for the exterior wall exceeding 12m in length is approximately 3.9m, which is below the 8.5m maximum height limit prescribed for the Zone.</li> </ul>



	<ul style="list-style-type: none"> <li>• The wall presents towards the eastern adjoining lots, being used for residential purposes, rather than the street so has less of an impact on streetscape amenity.</li> <li>• The side boundary setback is 2.4m, which exceeds the 1.5m setback normally required for a building or structure with the same building height.</li> <li>• Conditions of approval have been included requiring landscape screening along part of the eastern boundary to soften the bulk of the exterior wall.</li> </ul> <p>Therefore, the development is considered to comply with PO13.</p>
	<p><b>PO16</b></p> <p>The development does not comply with aspects of PO16, including it is not small scale in terms of what is generally contemplated for the Zone and does not service the day-to-day needs of residents of the local neighbourhood or is not a community or emergency facility.</p> <p>Despite this, the development complies with the remaining outcomes sought for PO16. Specifically:</p> <ul style="list-style-type: none"> <li>• The existing character and level of amenity for the area is characterised by a combination of both residential and non-residential development.</li> <li>• The built form is generally consistent with that exhibited along High Street, particularly west of the site. A range of commercial activities in buildings with a non-residential appearance extend west of the site on both the northern and southern side of High Street.</li> <li>• The site does not adjoin an existing centre zone and an Economic Impact Assessment demonstrates the development is unlikely to compromise the role or function of existing centres.</li> <li>• The site is located on a higher order road and has a bus stop within 20m that provides bus services that connect it with other areas in Rockhampton.</li> <li>• A Traffic Impact Assessment demonstrates the development will not compromise the safety or efficiency of the local road network, subject to some minor road works.</li> </ul> <p>Therefore, on balance the development is considered to comply with PO16. To the extent any conflicts are identified with PO16 regard to relevant matters are considered to outweigh those conflicts.</p>
<p>Access, Parking and Transport Code</p>	<p><b>PO5</b></p> <p>The development does not comply with AO5.1.1 as 42 on-site car parking spaces are required where 34 are provided.</p> <p>Despite this, adequate provision has been made for on-site</p>

	<p>car parking commensurate with likely demand generated by the development such that on-street car parking should not be required. The car parking rate for AO5.1.1 has been calculated for the two individual uses (Health Care Service and Shop) operating independently. However, there are synergies between these uses that will mean customers will likely use both at the same time, requiring fewer on-site car parking spaces.</p> <p>Therefore, the development is considered to comply with PO5.</p>
	<p><b>PO14</b></p> <p>The development does not comply with AO14.2 as direct access to the property is from High Street, which is classified as an Urban Sub-Arterial road.</p> <p>Despite this, a Traffic Impact Assessment has been provided by the Applicant and conditioned, which demonstrates access to High Street can be provided without compromising the safety or efficiency of the local road network, subject to some minor upgrades. The minor upgrade includes an auxiliary left turn lane. It is also noted the site has no other road frontage.</p> <p>Therefore, the development is considered to comply with PO14.</p>
<p>Landscape Code</p>	<p><b>PO6</b></p> <p>The development does not comply with AO6.5 as landscaping has not been provided to create a 'three-tier' landscape treatment in all areas indicated on the approved plans for landscaping.</p> <p>Despite this, adequate area and locations for landscaping have been shown on the approved plans and conditions of approval have been included requiring landscaping that achieves compliances with PO6. Specifically, this includes:</p> <ul style="list-style-type: none"> <li>• Groundcover and shrubs along the front property boundary and at the perimeter of the car parking area.</li> <li>• Shade tree planting within the car parking area.</li> <li>• Screen planting along part of the eastern property boundary to reduce the bulk of the building to the eastern adjoining properties and soften the hard surface of the 48.95m long exterior wall.</li> <li>• The requirement for at least fifty (50) percent of all new plantings to be locally native species with low water dependency.</li> </ul> <p>Therefore, the development is considered to comply with PO6.</p>
<p>Waste Management Code</p>	<p><b>PO3</b></p> <p>The development does not comply with AO3.1 as the waste storage area is located immediately adjoining the northern side boundary, rather than being setback a minimum of two</p>

	<p>(2) metres.</p> <p>Despite this, a 1.8m high screening fence has been conditioned around the waste storage area, along with requirements to ensure it can be appropriately cleaned and drained. Further, the northern adjoining property is developed with offices rather than residential uses, which are considered to be a less sensitive use. On this basis, the waste storage area minimises adverse impacts on adjoining properties.</p> <p>Therefore, the development is considered to comply with PO3.</p>	
Advertising Devices Code	<p><b>PO1</b></p> <p>The free-standing sign does not comply with AO1.2 as it is located in the Low Density Residential Zone; is setback less than three (3) metres from a property boundary and has a sign face height of 5.9 metres.</p> <p>Despite this, in the context of the main building, which will be the predominant built form on the site, and existence of other commercial uses on High Street to the west that include free standing signs, the free-standing sign is not considered to adversely impact on streetscape amenity, impede vehicle or pedestrian movements or result in the proliferation of advertising devices.</p> <p>Therefore, the free-standing sign is considered to comply with PO1.</p>	
<b>Relevant Matters</b>		
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>• An Economic Impact Assessment demonstrates there is an overriding planning need for the development. There is a significant demand for health care and pharmaceutical services, driven by high rates of illness, chronic disease and mental health issues, particularly in the surrounding suburbs and Rockhampton more broadly.</li> <li>• There is a growing demand and expectation by consumers for convenience health care services that are consolidated at a single location. Therefore, given the level of demand for health care services in the region and consumer expectations, the development is considered to be of a reasonable and appropriate size.</li> <li>• An Economic Impact Assessment demonstrates the development will not have an undue level of impact on the role or function of centres but would generate positive economic and community benefits for local residents.</li> </ul> <p>An Economic Impact Assessment demonstrates there are no or very limited appropriately zoned sites of a size that could reasonably accommodate health care and pharmaceutical services at a scale expected or required by consumers. The site is also located proximate to existing non-residential activities and a Major Centre Zone.</p>		
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	Nil	Nil

**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 Minor Change to Development Permit D/171-2021 for a Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices, made by S6 Grace Medical Pty Ltd, located at 90 and 94 High Street, Berserker – described as Lot 1, 2 and 3 on RP605736, Council resolves to issue an Amended Decision Notice subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, 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; and
    - (iv) Roof and Allotment Drainage.
  - 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 Lots 1, 2 and 3 on RP605736 must be amalgamated and registered as one lot prior to the commencement of the use.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Cover Sheet	Raunik Design Group Architects	19 April 2024	23946-DD-00	
Level 1 Ground / Site Plan	Raunik Design Group Architects	19 April 2024	23946-DD-01	G
Level 2	Raunik Design Group Architects	19 April 2024	23946-DD-02	E
Elevations	Raunik Design Group Architects	19 April 2024	23946-DD-03	E
3D View – North West	Raunik Design Group Architects	19 April 2024	23946-DD-04	B
3D View – North East	Raunik Design Group Architects	19 April 2024	23946-DD-05	B
Site Area Summary	Raunik Design Group Architects	19 April 2024	23946-DD-06	A
Vehicle Swept Path Refuse Truck	Dileigh Civil/Structural Design & Project Management	20 July 2022	D21.546-01	B
Stormwater Management Report	Dileigh Civil/Structural Design & Project Management	13 May 2022	D21.546-RP01(B) SWMP	B

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

## 3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 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).
- 3.3 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

- 3.4 An Auxiliary Left Turn (short) lane is required for the entry access point to the development.
- 3.5 Drawing D21.546-SK06 submitted with the Traffic Impact Assessment (dated 10/05/2022) prepared by Dileigh Civil / Structural Design & Project Management is to be revised to reflect the approved access arrangement and submitted for approval with an application for a Development Permit for Operational Works.
- 4.0 ACCESS AND PARKING WORKS
- 4.1 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.
- 4.2 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).
- 4.3 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).
- 4.4 Two (2) new access points to the development must be provided from High Street. The eastern access is to provide for left-in ingress only and the western access is to provide for left-out egress only.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.8 A minimum of thirty-four (34) parking spaces must be provided on-site.
- 4.9 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"*.
- 4.10 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).
- 4.11 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"*.
- 4.12 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.13 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 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).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection points for Lots 1, 2 and 3 must be disconnected.
- 5.5 A new sewerage connection point must be provided for the development.
- 5.6 The finished sewerage access chamber surface 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.
- 5.7 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.
- 5.8 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.9 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 5.10 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.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 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.
- 6.2 A Development Permit for Plumbing and Drainage Works must be obtained for the construction of new structures on the development site.
- 6.3 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.
- 6.4 The development must be connected to Council's reticulated water network.
- 6.5 The existing water connection points for Lot 1 and 2 on RP605736 must be disconnected. The existing water connection point for Lot 3 on RP605736 must remain to service the development. A hydraulic engineer or other suitably qualified person must determine whether the size of the existing connection is adequate.
- 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 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.
- 6.9 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.10 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be

obtained prior to the issue of a Development Permit for Building Works.

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 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 All the roof drainage system (downpipes and gutters) for the proposed development (buildings) must be designed to accommodate the twenty percent (20%) Annual Exceedance Probability defined storm event from the roof area.
- 7.6 All the roof drainage pipes (downpipes) from the proposed development (buildings) must be connected to rainwater tanks which are used as the detention system.

#### 8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

#### 9.0 BUILDING WORKS

- 9.1 The two (2) existing residential dwellings on the subject land must be demolished and/or removed and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 9.2 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of construction of any new structures on the development site.
- 9.3 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 9.4 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.
- 9.5 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 9.6 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;



- 9.6.2 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;
- 9.6.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 9.6.4 setback a minimum of two (2) metres from any road frontage; and
- 9.6.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.7 A minimum 1.8-metre-high screen fence must be erected between the subject development site and adjacent residential properties south and east of the development.
- 10.0 LANDSCAPING WORKS
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 10.2 The landscaped areas must be subject to:
- 10.2.1 a watering and maintenance plan during the establishment moment; and
- 10.2.2 an ongoing maintenance and replanting programme.
- 10.3 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 parts 1, 2, 3 and 4 — Design for access and mobility*.
- 10.4 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:
- 10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 10.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.5 Landscaping screening must be established and maintained along the eastern side boundary, extending from the alignment of the northern exterior wall of the 'Allied Health' tenancy south for a minimum of thirty (30) metres and:
- 10.5.1 Include plant species that have a minimum mature height of three (3) metres; and
- 10.5.2 Provides a minimum porosity of fifty (50) percent between 1.8 metres and three (3) metres in height for that part of the eastern exterior wall where landscape screening is required.
- 10.6 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 10.7 Each shade tree(s) has/have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:

- 10.7.1 One (1) tree per three (3) car parks;
- 10.7.2 One (1) tree per six (6) car parks; and
- 10.7.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 10.8 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.9 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.10 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. 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.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 14.0 ENVIRONMENTAL
- 14.1 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.

- 14.2 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.

#### 15.0 ENVIRONMENTAL HEALTH

- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.4 Airconditioning units must be located so as not to cause a noise nuisance and maintained in a proper working order at all times. Installation is to be as per manufacturer's directions to ensure the efficiency of the equipment. Any external plant equipment e.g., Airconditioning units will have to be located and screened appropriately so as not to impact negatively on the amenity of the surrounding residential properties.

#### 16.0 OPERATING PROCEDURES

- 16.1 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 High Street.
- 16.2 The hours of operations for the development site must be limited to:
- (i) 0800 hours to 1700 hours on Monday to Saturday, with no operations on Sundays or Public Holidays.
- 16.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 16.4 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:
- 16.4.1 the area is kept in a clean and tidy condition;
  - 16.4.2 fences and screens are maintained;
  - 16.4.3 no waste material is stored external to the waste storage area/s;
  - 16.4.4 the area is maintained in accordance with *Environmental Protection*

*Regulation 2019.*

- 16.5 The approved 'Shop' use is restricted to that tenancy shown as 'Pharmacy' on the approved plans (refer to Condition 2.1). The Shop use is restricted to the sale of pharmaceutical goods.

**ADVISORY NOTES****NOTE 1. Aboriginal Cultural Heritage**

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

**NOTE 2. 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. Infrastructure Charges Notice**

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

**OPERATIONAL WORKS (ADVERTISING DEVICES)****1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further development permits are required prior to the commencement of any works on the site:
- 1.4.1 Building Works.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

**2.0 APPROVED PLANS AND DOCUMENTS**

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Level 1 Ground / Site Plan	Raunik Design Group Architects	19 April 2024	23946-DD-01	G
Elevations	Raunik Design Group Architects	19 April 2024	23946-DD-03	E
Signage Pylon Concept	Raunik Design Group Architects	19 April 2024	23946-DD-07	A

- 2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

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

### 3.0 OPERATING PROCEDURE

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

- 3.2 All text and images displayed on the approved advertising device:

3.2.1 must be static;

3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and

3.2.3 must not involve moving parts or flashing lights.

- 3.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*' and '*Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers*'.

### 4.0 ASSET MANAGEMENT

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

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

4.1.2 as soon as reasonably possible as agreed with Council.

### 5.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

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

- 5.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays

or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.

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

### **ADVISORY NOTES**

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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

NOTE 2. General Environmental Duty

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

NOTE 3. 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.

### **RECOMMENDATION C**

That in relation to the application for a Minor Change to Development Permit D/171-2021 for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices, made by S6 Grace Medical Pty Ltd, located at 90 and 94 High Street, Berserker – described as Lot 1, 2 and 3 on RP605736, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$87,035.89.

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Taylor

**MOTION CARRIED UNANIMOUSLY**

## 11.2 REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT D/73-2023 FOR MATERIAL CHANGE OF USE FOR A GARDEN CENTRE AND OPERATIONAL WORK FOR AN ADVERTISING DEVICE (FREESTANDING DEVICE)

**File No:** D/73-2023

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

**Author:** Aidan Murray - Senior Planning Officer

### SUMMARY

*Development Application Number:* D/73-2023

*Applicant:* Bouldy Home Nursery

*Real Property Address:* Lot 22 on RP617396

*Common Property Address:* 14 Kroombit Drive, Bouldercombe

*Area of Site:* 10,050 square metres (1.005 hectares)

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

*Planning Scheme Zone:* Rural Residential Zone

*Existing Development:* Dwelling House

*Approval Sought:* Amended Decision Notice for Development Permit D/73-2023 for Material Change of Use for a Garden Centre and Operational Work for an Advertising Device (Freestanding Sign)

*Affected Entity:* Nil

### COUNCIL RESOLUTION

#### **RECOMMENDATION A**

THAT in relation to the application for a Minor Change to Development Permit D/73-2023 for Material Change of Use for a Garden Centre and Operational Work for an Advertising Device (Freestanding Sign), made by Bouldy Home Nursery, located at 14 Kroombit Drive, Bouldercombe, described as Lot 22 on RP617396, Council resolves to issue an Amended Decision Notice subject to the following conditions:

#### **Material Change of Use – Garden Centre**

##### 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 must be undertaken, completed, and be accompanied by a certificate of compliance 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 Permit must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
    - (i) Access and Parking Works;
- 1.6 All Development Permits for Operational 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.
- 1.10 Deleted

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Proposed Site Layout – Location Plan	Design + Architecture	28 February 2024	GG-C SK-001	E
Proposed Site Layout – Site Plan	Design + Architecture	28 February 2024	GG-C SK-002	E

- 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 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).



- 3.3 All car parking and access areas 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).
- 3.4 The existing access from Kroombit Drive to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 A new access to the development must be provided at the eastern end of the development site within six (6) months of this development permit taking effect.
- 3.6 All vehicles must ingress and egress the development in a forward gear.
- 3.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 3.8 A minimum of three (3) formal parking spaces and two (2) informal parking spaces must be provided on-site for the Garden Centre generally in accordance with the approved plans.
- 3.9 Signage that clearly identifies the location of the two (2) informal parking spaces on-site must be provided.
- 3.10 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 2.1), except for the informal parking spaces, and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including delivery vehicles and refuse collection vehicles.
- Note: the largest vehicle identified within the application material is Medium Rigid (MR). However, should Heavy Rigid (HR) vehicles attend the site for deliveries or waste collection, the Operational Works application should identify this and design accordingly.*
- 4.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 4.1 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.
- 5.0 SITE WORKS
- 5.1 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.
- 6.0 BUILDING WORKS
- 6.1 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.
- 6.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 7.0 LANDSCAPING WORKS
- 7.1 Landscaping must be constructed and/or established, within six (6) months of this development approval taking effect, in all areas shown on the approved plans (refer to condition 2.1 – as indicated along the front property boundary).
- 7.2 Landscaping must be designed in accordance with the requirements of *Australian*

*Standard AS 1428 — Design for access and mobility.*

- 7.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 7.3.1 trees at five (5) metre intervals;
  - 7.3.2 shrubs at two (2) metre intervals; and
  - 7.3.3 groundcovers at one (1) metre intervals.
- 7.4 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:
- 7.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 7.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 7.5 Each shade tree must have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
- 7.5.1 In single sided, angle or parallel bays – One (1) tree per three (3) car parks; and
  - 7.5.2 In double sided, angle or parallel bays – One (1) tree per six (6) car parks.
  - 7.5.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 7.6 Landscaping is to be provided and maintained along the road boundary frontage of the site adjoining Kroombit Drive with a minimum width of four (4) metres, except where a driveway exists or is proposed.
- 8.0 ASSET MANAGEMENT
- 8.1 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.
- 8.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 9.0 ENVIRONMENTAL
- 9.1 An Erosion Control and Stormwater Control Management Plan 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.
- 10.0 OPERATING PROCEDURES
- 10.1 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 Kroombit Drive.

- 10.2 The hours of operations for the Garden Centre must be limited to:
- (i) 0900 hours to 1600 hours on Wednesdays and Fridays,
  - (ii) 0900 hours to 1400 hours on Thursdays, and
  - (iii) 0900 hours to 1500 hours on Saturdays,
- with no operations on Sundays, Mondays or Tuesdays.
- 10.3 The loading and/or unloading of delivery and commercial waste collection vehicles is limited to operating hours and must occur fully within the subject site (i.e. must not occur within the road reserve of Kroombit Drive).
- 10.4 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.
- 10.5 All waste storage areas must be:
- 10.5.1 kept in a clean and tidy condition; and
  - 10.5.2 maintained in accordance with *Environmental Protection Regulation 2019*.

#### 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. General Environmental Duty

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

##### NOTE 3. General Safety Of Public During Construction

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

##### NOTE 4. Infrastructure Charges Notice

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

#### **Operational Work for Advertising Device**

##### 1.0 ADMINISTRATION

- 1.1 The owner, the owner’s successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or

discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

1.4 The following further development permits are required prior to the commencement of any works on the site:

1.4.1 Building Works.

1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Proposed Site Layout – Site Plan	Design + Architecture	28 February 2024	GG-C SK-002	E

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

3.0 OPERATING PROCEDURE

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

3.2 All text and images displayed on the approved advertising device:

3.2.1 must be static;

3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example ‘stop’); and

3.2.3 must not involve moving parts or flashing lights.

3.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with ‘*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*’ and ‘*Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers*’.

4.0 BUILDING WORKS

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

5.0 ASSET MANAGEMENT

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

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

5.1.2 as soon as reasonably possible as agreed with Council.

**6.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE**

- 6.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 6.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times, unless otherwise approved by Council in writing.
- 6.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 6.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 6.5 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 6.6 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007 – "Electrical Installations"*.
- 6.7 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity of the site.

**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. General Environmental Duty**

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

**NOTE 3. General Safety Of Public During Construction**

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

**Moved by: Councillor Mathers**

**Seconded by: Councillor Oram**

**MOTION CARRIED UNANIMOUSLY**

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**11.3 CLOSED CIRCUIT TELEVISION (CCTV) POLICY REVIEW****File No:** 12527**Authorising Officer:** Alicia Cutler - General Manager Community Services**Author:** Emma-Jane Dwyer - Manager Community Assets and Facilities

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**SUMMARY**

*The purpose of this report is to present to Council for adoption Camera Surveillance Policy and Procedure, previously known as the Closed Circuit Television (CCTV) Policy and Procedure.*

**COUNCIL RESOLUTION**

THAT Council:

1. adopts the Closed Circuit Television (CCTV) Policy and Procedure attached to the report;
2. approves the change of the name to Camera Surveillance Policy and Procedure; and
3. approves a review date of the Camera Surveillance Policy and Procedure of three years.

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

**11.4 2023-24 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 3 AND PROPOSED AMENDMENTS TO THE 2023-24 OPERATIONAL PLAN**

**File No:** 8320  
**Authorising Officer:** Damon Morrison - Manager Workforce and Governance  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Shannon Jennings - Coordinator Legal and Governance

**SUMMARY**

*The 2023-24 Operational Plan Quarterly Report for quarter three as at 31 March 2024, pursuant to section 174(3) Local Government Regulation 2012 is presented for Council endorsement together with proposed amendments to the 2023-24 Operational Plan for Council's adoption.*

**COUNCIL RESOLUTION**

THAT Council:

- (a) Receive the 2023-24 Operational Plan Quarterly Report for Quarter Three as at 31 March 2024 excluding Mount Morgan Water Pipeline Project and;
- (b) Adopt the proposed amendment to the 2023-24 Operational Plan detailed within the report and outlined in Attachment 2 of the report, excluding Mount Morgan Water Pipeline Project.

**Moved by:** Councillor Taylor

**Seconded by:** Councillor Oram

**MOTION CARRIED**

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

9:26AM

Councillor Latcham having earlier informed the meeting of a declarable conflict of interest in the **2023-24 Operational Plan Quarterly Report – Quarter 3 and Proposed Amendments to the 2023-24 Operational Plan – Mount Morgan Water Pipeline Project** left the room while the Mount Morgan Water Pipeline Project was discussed.

9:28AM

Discussion on Mount Morgan Water Pipeline Project was suspended and Councillor Latcham returned to the meeting room.

9:42AM

Upon mention of the recent Beef 2024 event during the Advance Rockhampton update for the Quarterly report, Councillor Latcham informed the meeting:

“I have a declarable conflict of interest through hospitality offered during Beef 2021 and with that, I would like the Councillors to decide whether they feel I will be able to participate in any future instances when Beef Australia and the Beef Expo are discussed, and be impartial in relation to any decisions relating to Beef Australia and the Beef Expo.”

**COUNCIL RESOLUTION**

9:44AM

THAT the meeting be adjourned, to resume at 10:00am.

**Moved by: Mayor Williams****Seconded by: Councillor Wickerson****MOTION CARRIED****COUNCIL RESOLUTION**

10:00AM

THAT the meeting be resumed.

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

Members Present:

The Mayor, Councillor A P Williams (Chairperson)  
Deputy Mayor, Councillor M D Wickerson  
Councillor S Latcham  
Councillor E W Oram  
Councillor C R Rutherford (via video-link)  
Councillor M A Taylor  
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Ms M Taylor – Chief Financial Officer  
Mr A Russell – Executive Manager Advance Rockhampton  
Mr D Morrison – Manager Workforce and Governance  
Mr J Kann – Manager Office of Mayor  
Mr A Pont – Manager Parks  
Ms S Jennings – Coordinator Legal and Governance  
Ms K Roberts – Coordinator Property and Insurance  
Mr S Ellis – Coordinator Community Master Planning (via video-link)  
Mr J Bulwinkel – Sports and Active Communities Coordinator (via video-link)  
Ms K Walsh – Committee Support Officer



10:00AM

"I, Councillor Latcham wish to inform the meeting that I have declarable conflict of interest as I have received hospitality from Beef Australia between 2 to 8 May 2021 and the value is greater than \$500.00 and less than \$2,000.00.

Therefore, I wish to remain in the meeting and ask the eligible councillors to determine, pursuant to section 150ES of the *Local Government Act 2009*, whether I:

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

### COUNCIL RESOLUTION

The table determined that it is in the public interest that Councillor Latcham participates and votes on Beef Australia related matters going forward, and no conditions on participating be imposed.

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

#### MOTION CARRIED

Councillors Williams, Taylor, Wickerson, Oram, Mathers, Rutherford voted in the affirmative. Councillor Latcham did not participate in the vote.

10:06AM

Councillor Latcham left the meeting room when discussions resumed on Mount Morgan Water Pipeline Project.

### COUNCIL RESOLUTION

THAT Council:

- (a) Receive the 2023-24 Operational Plan Quarterly Report for Quarter Three as at 31 March 2024 for the Mount Morgan Water Pipeline Project and;
- (b) Adopt the proposed amendment to the 2023-24 Operational Plan detailed within the report and outlined in Attachment 2 of the report for Mount Morgan Water Pipeline Project.

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

#### MOTION CARRIED

Councillors Williams, Oram, Taylor, Wickerson, Mathers and Rutherford voted in the affirmative.

Councillor Latcham was not in the meeting room and did not participate in the vote.

10:07AM Councillor Latcham returned to the meeting room.

**11.5 RESULTS OF CUSTOMER EXPERIENCE SURVEY**

**File No:** 6986  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marnie Taylor - Chief Financial Officer

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**SUMMARY**

*This report presents the results of a Customer Experience Survey conducted in December 2023.*

**COUNCIL RESOLUTION**

THAT Council receive the Results of Customer Experience Survey report.

**Moved by:** Councillor Latcham  
**Seconded by:** Councillor Taylor

**MOTION CARRIED UNANIMOUSLY**

**11.6 CAPITAL PROJECT FRAMEWORK POLICY**

**File No:** 11979  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Ross Cheesman - Deputy Chief Executive Officer

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**SUMMARY**

*A proposed new Capital Project Framework Policy has been drafted and reviewed with Council. This Policy has been drafted on advice from an external review and Councillor feedback.*

**COUNCIL RESOLUTION**

THAT the Capital Project Framework Policy (including Terms of Reference) as attached to the report be adopted and Council approve a review timeline of May 2028.

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

**MOTION CARRIED UNANIMOUSLY**

**11.7 JOHNSON ROAD TREE PLANTING**

**File No:** 2488  
**Authorising Officer:** Aaron Pont - Manager Parks  
Alicia Cutler - General Manager Community Services  
**Author:** Cassandra Sloss - Coordinator Arboriculture and Streetscapes

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**SUMMARY**

*This report outlines details of a proposed Department of Transport and Main Roads funded tree planting project on Johnson Road, Gracemere to be delivered by Rockhampton Regional Council before 30 June 2024.*

**COUNCIL RESOLUTION**

THAT Council endorses the proposed tree planting in the Johnson Road, Gracemere centre median.

**Moved by:** Councillor Oram  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED UNANIMOUSLY**

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS\QUESTIONS**

Nil

## 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 Property Matter

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

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

**MOTION CARRIED**

### COUNCIL RESOLUTION

**10:24AM**

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

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

**MOTION CARRIED**

10:37AM Chief Executive Officer left the meeting room

10:38AM Chief Executive Officer returned to the meeting room

### COUNCIL RESOLUTION

**10:54AM**

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

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

**MOTION CARRIED UNANIMOUSLY**

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## 16 CONFIDENTIAL REPORTS

### 16.1 PROPERTY MATTER

**File No:** 2021

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

**Author:** Angus Russell - Executive Manager Advance Rockhampton  
Kellie Roberts - Coordinator Property and Insurance

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.

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### SUMMARY

*This report discusses and provides options in relation to a property matter.*

### COUNCIL RESOLUTION

THAT Option 1 be endorsed by Council and the Chief Executive Officer (Coordinator Property and Insurance) be authorised to progress the matter.

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Latcham

### MOTION CARRIED

Councillor Rutherford recorded her vote against the motion.  
Councillor Oram recorded his vote against the motion.

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:55am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE





**MEETING  
ATTACHMENTS**

**14 MAY 2024**

**ANNEXURE A**

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

- Item 11.1          Minor Change to Development Permit D171-2021 for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices**



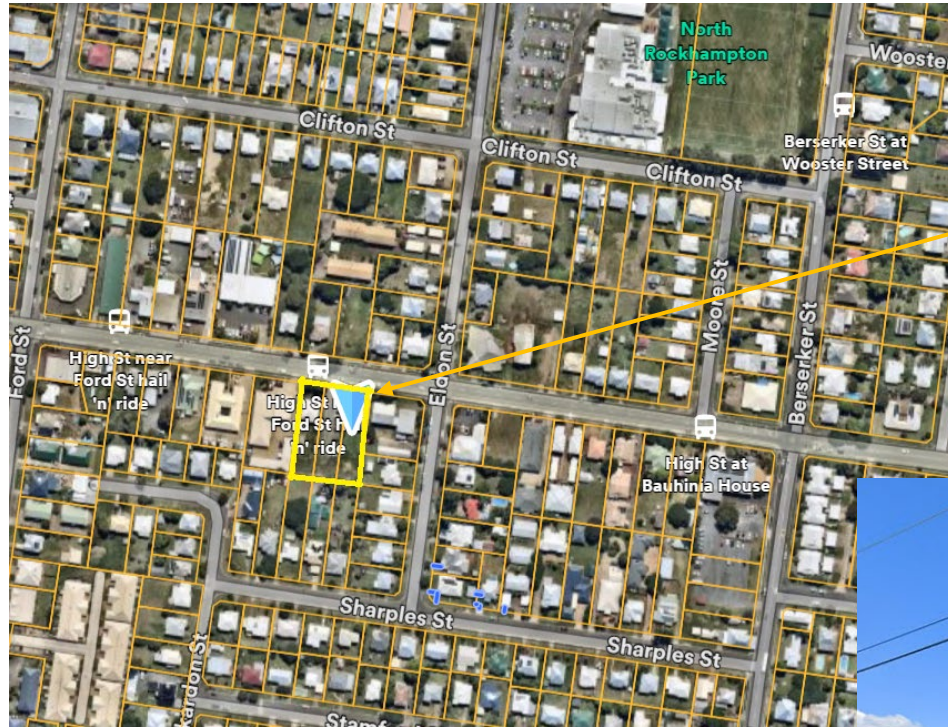
**Development Application (D/171-2021) for Minor Change to Material Change  
of Use for Health Care Services and Shop (pharmacy) and Operational Works  
for Advertising Devices**

90 and 94 High Street, Berserker

Council meeting – 14 May 2024

Lana Groves – Planning Officer Development Assessment

# Subject Site



Subject Site







# Minor Change Proposal

