



# **ORDINARY MEETING**

## **MINUTES**

**25 JUNE 2024**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 25 JUNE 2024 COMMENCING AT 10:01AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country

## **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  
Councillor M A Taylor  
Councillor G D Mathers

In Attendance:

Mr R Cheesman – Acting Chief Executive Officer  
Mr E Pardon – Chief Executive Officer (via video-link)  
Mr P Kofod – General Manager Regional Services  
Ms A Cutler – General Manager Community Services (via video-link)  
Ms M Taylor – Chief Financial Officer  
Mr Z Garven – Acting Executive Manager Advance Rockhampton  
Mr D Morrison – Manager Workforce and Governance (via video-link)  
Mr M Vycke – Manager Airport (via video-link)  
Mr J Webb – Communities and Culture (via video-link)  
Mr D Toon – Manager Water and Wastewater  
Mr D Scott – Manager Planning and Regulatory Services  
Ms A O'Mara – Coordinator Development Assessment  
Mr J McCaul – Coordinator Development Engineering  
Ms A Arnold – Coordinator Building, Plumbing and Compliance  
Mr A Murray – Senior Planning Officer  
Mr T Mudalige – Development Engineer  
Ms S Muggeridge – Planning Officer  
Mr J Duncan – Economic Development and Industry Engagement Advisor  
Ms T Conrad – Executive Personal Assistant to the Chief Executive Officer  
Ms K Walsh – Acting Senior 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 11 June 2024 be confirmed.

THAT the minutes of the Special Meeting of 18 June 2024 be confirmed.

**Moved by: Councillor Oram**

**Seconded by: Councillor Wickerson**

**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 - Request for Negotiated Infrastructure Charges Notice for Development Permit D/123-2020 for Material Change of Use for a Shop (Farmers Market), Reconfiguring a Lot for an Access Easement and Preliminary Approval for Building Works Assessable Against the Planning Scheme**. This declarable conflict of interest arises as I used the business to complete a case study component for the Certificate IV Waste Management course that I recently completed. I wish to participate in the decision in relation to this matter. I acknowledge that eligible councillors must now determine, whether I:

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

### COUNCIL RESOLUTION

THAT the table determines that in the public interest Councillor Latcham participates and votes on **Item 11.4 - Request for Negotiated Infrastructure Charges Notice for Development Permit D/123-2020 for Material Change of Use for a Shop (Farmers Market), Reconfiguring a Lot for an Access Easement and Preliminary Approval for Building Works Assessable Against the Planning Scheme** and no conditions on participating be imposed.

**Moved by: Mayor Williams**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COMMITTEE REPORTS**

Nil

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## 10 COUNCILLOR/DELEGATE REPORTS

### 10.1 EXTENDED LEAVE OF ABSENCE - COUNCILLOR NEIL FISHER - 01 JULY 2024 TO 30 SEPTEMBER 2024

**File No:** 10072  
**Authorising Officer:** Justin Kann - Manager Office of the Mayor  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Nicole Semfel - Executive Assistant to the Mayor

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#### SUMMARY

*Councillor Neil Fisher is seeking to extend his current leave of absence from Monday 1 July 2024 to Monday 30 September 2024 inclusive.*

#### COUNCIL RESOLUTION

THAT Councillor Neil Fisher be granted an extended leave of absence from Monday 1 July 2024 to Monday 30 September 2024 inclusive.

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

**MOTION CARRIED UNANIMOUSLY**

## 11 OFFICERS' REPORTS

### COUNCIL RESOLUTION

THAT the order of business be changed to deal with the following reports next:

- Item 11.4 – Request for Negotiated Infrastructure Charges Notice for Development Permit D/123-2020 for Material Change of Use for a Shop (Farmers Market), Reconfiguring a Lot for an Access Easement and Preliminary Approval for Building Works Assessable Against the Planning Scheme
- Item 11.2 – D/278-2013-Application for 'Other Change' to Development Permit for Material Change of Use for an Extractive Industry
- Item 11.3 - D/366-2010 – Request for a Minor Change to Development Permit for Material Change of Use for a Major Shopping Outlet and Operational Works for Advertising Signs (Two Pylon Signs and Eleven Flush Wall Signs)

**Moved by:** Mayor Williams

**Seconded by:** Councillor Taylor

**MOTION CARRIED UNANIMOUSLY**

#### 11.4 REQUEST FOR NEGOTIATED INFRASTRUCTURE CHARGES NOTICE FOR DEVELOPMENT PERMIT D/123-2020 FOR MATERIAL CHANGE OF USE FOR A SHOP (FARMERS MARKET), RECONFIGURING A LOT FOR AN ACCESS EASEMENT AND PRELIMINARY APPROVAL FOR BUILDING WORKS ASSESSABLE AGAINST THE PLANNING SCHEME

**File No:** D/123-2020

**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/123-2020

Applicant: Hudco Pty Ltd

Real Property Address: 4 and 6 Goodsall Street, The Common

Common Property Address: Lots 1 and 2 on RP618797

Area of Site: 6,885 square metres

Planning Scheme: *Rockhampton Region Planning Scheme 2015* (version 2.1)

Planning Scheme Zone: Open Space Zone; and  
Special Purpose Zone.

Approval Sought: Negotiated Infrastructure Charges Notice for Development Permit D/123-2020 for Material Change of Use for a Shop (Farmers Market), Reconfiguring a Lot for an Access Easement and Preliminary Approval for Building Works Assessable against the Planning Scheme



**COUNCIL RESOLUTION**

THAT in relation to the representations for a Negotiated Infrastructure Charges Notice for Development Permit D/123-2020 for Material Change of Use for a Shop (Farmers Market), Reconfiguring a Lot for an Access Easement and Preliminary Approval for Building Works Assessable against the Planning Scheme, made by Hudco Pty Ltd, located at 4 and 6 Goodsall Street, The Common - described as Lots 1 and 2 on RP618797, Council resolves to refuse the Applicant's request for a Negotiated Infrastructure Charges Notice.

THAT the mezzanine floor be charged at office rate due to separation from the shop floor.

**Moved by:** Mayor Williams

**Seconded by:** Councillor Mathers

**MOTION CARRIED**

Councillor Oram recorded his vote against the matter.

**11.2 D/278-2013 - APPLICATION FOR 'OTHER CHANGE' TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY**

**File No:** D/278-2013  
**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/278-2013  
**Applicant:** P. Waardyk and M. Stokes  
**Real Property Address:** Lot 100 on SP318665  
**Common Property Address:** Lot 100 Nine Mile Road, Fairy Bower  
**Area of Site:** 60.23 hectares  
**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (v2.2)  
**Planning Scheme Zone:** Rural Zone  
**Planning Scheme Overlays:** Acid Sulfate Soils Overlay;  
Airport Environs Overlay;  
Biodiversity Areas Overlay;  
Flood Hazard Overlay; and  
Steep Land Overlay.  
**Existing Development:** Extractive Industry  
**Approval Sought:** Request for an 'Other Change' to Development Permit D/278-2013 for a Material Change of Use for an Extractive Industry  
**Category of Assessment:** Assessable subject to Impact Assessment  
**Submissions:** Three (3) Submissions  
**Referral Agency:** Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

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

THAT in relation to the application for an 'Other Change' to Development Permit D/278-2013 for Material Change of Use for an Extractive Industry, made by P. Waardyk and M. Stokes, located at Lot 100 Nine Mile Road, Fairy Bower, described as Lot 100 on SP318665, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS**

<b>Description of the development</b>	
'Other Change' to Material Change of Use for an Extractive Industry	
<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>• Local Government Infrastructure Plan;</li> <li>• Strategic Framework;</li> <li>• Rural Zone Code;</li> <li>• Acid Sulfate Soils Overlay Code;</li> <li>• Airport Environs Overlay Code;</li> <li>• Biodiversity Overlay Code;</li> <li>• Flood Hazard Overlay Code;</li> <li>• Steep Land Overlay Code;</li> <li>• Extractive Industry 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>	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
<b>Extractive Industry Code PO2</b>	<p>The development does not comply with Acceptable Outcome (AO) 2.1, which requires a vegetated buffer with a minimum width of thirty (30) metres along all boundaries of the site. A vegetation buffer has not been proposed by the Applicant or conditioned to be provided.</p> <p>The extraction and operations areas are located over 300 metres from the nearest sensitive land use (dwelling houses on surrounding rural properties) and maintain reasonable separation from the future state transport corridor described as the 'Rockhampton Ring Road'. As such, a vegetated buffer or screening along the property boundaries is not considered necessary or practical to maintain the amenity of surrounding residents. Conditions of</p>

	approval have been included referencing the relevant environmental standards (e.g. environmental nuisance and amenity under <i>Environmental Protection Act 1994</i> ). The development is considered to achieve the intent of the Performance Outcome (PO) 2 and the Purpose and Overall Outcomes of the Extractive Industry Code.
<b>Extractive Industry Code PO4</b>	The development does not comply with Acceptable Outcome (AO) 4.1 as the internal roads are not sealed. Instead, internal haul roads will be a gravel surface. Low vehicle speeds will be used at all times with dust suppression measures being implemented where necessary. This is considered sufficient to achieve the Performance Outcome (PO) 4 where supported by reasonable and relevant conditions within this Development Permit and the associated Environmental Authority Approval regulated by the Department of Environment and Science (DES).
<b>Extractive Industry Code PO5</b>	The development does not comply with Acceptable Outcome (AO) 5.1, which requires security fencing be provided for the full length of the site perimeter around stockpiles and operations areas. The site instead has standard rural fencing around the property boundaries with a security gate at the vehicle access point from Fogarty Road. The fencing and gate currently provided as well as the site location and other factors are considered sufficient to not comprise public safety and ensure risks are minimal, thereby achieving Performance Outcome (PO) 5.
<b>Access, Parking and Transport Code PO6</b>	The application does not comply with Acceptable Outcome (AO) 6.1 as the on-site parking, access and manoeuvring facilities, are not sealed but are instead constructed of gravel. The site is located in the Rural Zone and well separated from any sensitive land uses. The nearest land use is another extractive industry on a separate property. The risk of amenity impacts from dust is therefore considered low risk subject to appropriate mitigation measures. Conditions of approval require that all access works are designed and constructed in accordance with Capricorn Municipal Guidelines and relevant Australian Standards. Based on the above, parking and servicing facilities are designed to meet user requirements and therefore comply with Performance Outcome (PO) 6.
<b>Flood Hazard Overlay Code PO4</b>	The development does not comply with AO 4.1.1 as there are buildings proposed / located on-site in the Extreme (H5) Flood Hazard Overlay area. The applicant must obtain separate approvals in relation to the Planning Scheme and the Building Assessment Provisions for the proposed buildings. Advisory Notes 7 and 8 address these requirements. The Building Works Assessable against the Planning Scheme application will need to demonstrate there will be no increase to the flood risk towards people and property to thereby achieve the intent of PO4.
<b>Flood Hazard Overlay Code PO10</b>	<p>It was identified within the application material and Flood Impact Assessment that the bund walls result in some reduction of onsite flood storage and changes to flood characteristics and is therefore non-compliant with Performance Outcome (PO) 10 of the code. The entire subject site and surrounding area sees complete inundation during a range of flood events up to and including the Defined Flood Event (DFE). The development is operating under the existing approval and no changes to the existing access points are proposed. Due to the nature of the extractive industry and the typical warning time for riverine flooding, evacuation and 'abandonment' of the site is considered feasible prior to a flood event.</p> <p>In order to comply with the purpose and overall outcomes of the Flood Hazard Code, the applicant was required to demonstrate to Council that the development does not materially impede the flow of floodwaters through the site or cause unacceptable impacts external to the site. This is to be enforced through Condition 7.7 of the Development permit which requires:</p> <ul style="list-style-type: none"> <li>• Site works must be constructed such that they do not, at any time, cause an unreasonable interference with infrastructure or a person's use of land.</li> </ul>

	<p>The applicant submitted a Flood Impact Assessment prepared by a Registered Professional Engineer of Queensland (RPEQ) which is included as an approved plan (refer to condition 2.1). As part of this assessment, a number of mitigation options were investigated and assessed via an iterative process with the intent of reducing the impacts on peak flood levels external to the site as result of site works. The initial works required to limit the impacts external to the site are as follows:</p> <ul style="list-style-type: none"> <li>• Removal/shortening of Environmentally Relevant Activity (ERA) berms/Topsoil stockpiles along both the eastern boundary and to the southeast of the excavation void;</li> <li>• Lowering of short topsoil stockpile adjacent to Fogarty Road in north of site to 2016 levels;</li> <li>• Lower level of area around pond north of main site access road; and</li> <li>• Filling of western extents of extraction void back to 2008 levels and relocating pit berms to the east.</li> </ul> <p>The above mitigation measures have been incorporated into the Development Permit as condition of approval (refer to condition 7.12) to ensure the required and recommended actions are undertaken to reasonably mitigate flood impacts as much as practicably possible. The RPEQ assessment findings suggests that while the flood modelling with mitigating actions will still result in impacts external to the site, Council's Officers agree that this does not constitute an unlawful or unreasonable interference with the owners use or enjoyment of the land. This has been demonstrated through an assessment of the flood model including the proposed mitigation measures at specific geographic points. The approved Flood Impact Assessment provides the raw data of these impacts and is included as an approved plan (refer to condition 2.1). On review of the resulting flood impacts, the modelling demonstrates that the increase to flood level and impacts external to the site are generally quite limited. Giving consideration to the overall depth for the flood plain, the impact predicted following implementation of the mitigation measures is considered negligible.</p> <p>Therefore, the change application is considered to be generally consistent with the purpose and overall outcomes of the Flood Hazard Overlay Code.</p>
<b>Relevant Matters</b>	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
<b>Matters raised in submissions</b>	
The proposal was the subject of public notification between 25 September 2023 and 19 October 2023, in accordance with the requirements of the <i>Planning Act 2016</i> and the Development Assessment Rules, and three (3) submissions were received.	
Various internal inconsistencies regarding the nature and scope of the application	The submitter/s raised concerns around various internal inconsistencies regarding the nature and scope of the application throughout the application material. Council's procedure for making application material for public notification is to publish all required and relevant documents that have been issued and received for the application to date as per the <i>Planning Regulation 2017</i> . As a result, multiple versions of some reports, plans and other documents were made available including earlier versions that were amended, replaced, corrected or superseded as part of the statutory assessment process. Updated documentation was provided in response to an information request and further advice correspondence issued by Council and the State Assessment Referral Agency (SARA). On reviewing the submission/s and the relevant application material, Council officers identified

	that a number of the internal inconsistencies referred to are because of the amendments to the development proposal and the accompanying material.
Missing information and inconsistencies on DA Form 1	As the proposal is for a change application to amend an existing approval, the applicant submitted the required Change Application Form (Planning Act Form 5). Planning Act Form 5 indicates which sections of DA Form 1 must be completed for an 'Other Change' application, and it is not necessary to fully complete DA Form 1. Where there were any errors or inconsistencies in the original material submitted, this was clarified with the applicant and Council officers, as well as officers representing the State Assessment Referral Agency (SARA), and all were satisfied that the information provided was sufficient to assess the change application.
Maximum extractive industry threshold	The 'Other Change' application was originally submitted to Council seeking to increase the maximum output of the extractive industry from 250,000 tonnes per annum (tpa) to 1,000,000 tpa. After the initial lodgement, the applicant amended the application to reduce the proposed maximum extraction to 500,000 tpa and updated the accompanying reports, plans and material to match. This accounts for the scope inconsistency in the original Change Application Form lodged compared to the later material, as highlighted by the submitter/s. Correspondence with the applicant prior to public notification confirmed that the proposed change sought is for 500,000 tpa.
Requirement to submit an application for Operational Works approval	The submitter/s raised concerns about the requirement for an operational works application to be lodged to facilitate the existing approved extractive industry activity as well as the proposed 'Other Change'. While Operational Works Approval is required for site works, it is not necessary that it be included with the change application as it can be applied for as a separate application. Conditions of approval indicate that a Development Permit for Operational Works (site works) must be obtained and establishes the requirements and guidelines that must be complied with. Any non-compliance would be subject to Council's standard development compliance process in accordance with the <i>Planning Act 2016</i> .
Addressing the Extractive Industry Code	The submitter/s raised concerns that the change application material lodged prior to public notification did not directly address the Extractive Industry Code of the Rockhampton Region Planning Scheme. Council requested the applicant address the code through further advice correspondence issued on 1 November 2023. The applicant provided a response addressing the code on 24 January 2024 which has been incorporated into Council officers' assessment of the change application.
Alternative haulage route not accounted for in the Traffic and Pavement Impact Assessment (TPIA)	The submitter/s highlighted that the Traffic and Pavement Impact Assessment (TPIA) undertaken considers that all outbound traffic will exit the site by turning right onto Nine Mile Road from Fogarty Road, and all inbound traffic will enter the site by turning left onto Fogarty Road from Nine Mile Road. The submitter/s raised concerns that the operator (Hardcore Sands) for the extractive industry "currently supplies multiple truckloads of product per day into the market by exiting left from Fogarty Road onto Nine Mile Road which then return to the site via this same route". The TPIA forms part of the approved plans and documents and is therefore statutory for the development. Should the operation utilise any unapproved transport routes, Council can undertake compliance investigation and action if necessary.
Stormwater management, erosion and sediment control	The submitter/s raised concerns that the applicant's "proposed compliance response does not align with existing infrastructure" and that the site "currently captures and diverts stormwater from the operational (screening and stockpiling) area" and "releases sediment laden water to the road reserve on Fogarty Road". They raised concerns about discharged water creating a safety hazard within the road reserve and resulting in encroachment of water onto their lot on the opposite of Fogarty Road.

	<p>Stormwater, erosion and sediment control measures are required and conditioned within the Environmental Authority approval issued under the <i>Environmental Protection Act 1994</i> by the Department of Environment and Science (DES). The Environmental Authority approval takes precedence with regard to this concern and it is considered that it is better addressed under those conditions rather than Council's jurisdiction. The change application was assessed by the environmental authority through the mandated concurrence referral to the State Assessment Referral Agency (SARA).</p> <p>The concurrence referral agency (SARA) has undertaken assessment as part of the change application process and provided advice stating, "The applicant is also required to submit an amendment application to the Department of Environment and Science in accordance with Chapter 5, Part 7 of the <i>Environmental Protection Act 1994</i> to amend the environmental authority EPPR00236013 prior to commencing any activities associated with the increased rate of extraction". Therefore, Council officers deem that appropriate consideration has been given to stormwater management, erosion and sediment control within the context of this change application to the development permit.</p>
<p>Flood Impact Assessment and unlawfully built structures in the Flood Hazard Overlay</p>	<p>The submitter/s raised concerns around the Flood Impact Assessment prepared and lodged by the applicant. The primary concern is in relation to an identified increase to peak flood levels west of the subject site which affects the submitter/s property. Council officers' analysis of the Flood Impact Assessment and review of the modelled flood impacts resulting from the proposed development has been detailed above within the assessment benchmarks section of the Statement of Reasons.</p> <p>The submitter's also raised concerns in relation to some perceived inaccuracies in the Flood Impact Assessment e.g. they believe the referenced stockpile of topsoil on the eastern boundary to be a "permanent bund with extensive drain constructed on the internal side". However, the Flood Impact Assessment recommends removal of this 'stockpile' and other areas to revert the part of the land to the natural surface level and reduce off-site flood impacts. Bund walls around the extraction pits will be reduced to Q100 levels but are required to prevent contaminated water from exiting the site in accordance with the conditions of the Environmental Authority approval managed by the Department of Environment and Science (DES).</p>
<p>Biodiversity overlay and land rehabilitation</p>	<p>The submitter/s raised a concern in relation to an inconsistency between different parts of the application material regarding the proposed rehabilitation approach. Separate parts of the material alternatively state that the land be returned to grazing pasture or the extractive pits are to be used as agricultural water storages on the extractive industry ceasing to operate. The Environmental Authority approval contains conditions relating to the rehabilitation of the land and it is considered reasonable that this takes precedence and is best addressed under those conditions.</p> <p>The concurrence referral agency (SARA) has undertaken assessment as part of the change application process and provided advice stating, "The applicant is also required to submit an amendment application to the Department of Environment and Science in accordance with Chapter 5, Part 7 of the <i>Environmental Protection Act 1994</i> to amend the environmental authority EPPR00236013 prior to commencing any activities associated with the increased rate of extraction". Therefore, Council officers deem that appropriate consideration has been given to biodiversity matters within the context of this change application to the development permit.</p>
<p>Dust mitigation measures</p>	<p>The submitter/s raised concerns around dust mitigation measures not being implemented appropriately or effectively. An Environmental Report provides detail around the exact measures intended to be implemented and has been included as an approved plan/document for the Development Permit (refer to condition 2.1) to form part of the operating procedures for the</p>

	<p>development. Dust mitigation and other environmental nuisance matters are regulated under the <i>Environmental Protection Act 1994</i> and subordinate legislation managed by the Department of Environment and Science (DES). The Environmental Authority approval EPPR00236013 provides conditions for managing dust and environmental nuisance in accordance with the relevant standards for Environmentally Relevant Activities (ERA).</p> <p>The concurrence referral agency (SARA) has undertaken assessment as part of the change application process and provided advice stating, "The applicant is also required to submit an amendment application to the Department of Environment and Science in accordance with Chapter 5, Part 7 of the <i>Environmental Protection Act 1994</i> to amend the environmental authority EPPR00236013 prior to commencing any activities associated with the increased rate of extraction". Therefore, Council officers deem that appropriate consideration has been given to dust mitigation within the context of this change application to the development permit.</p>
Environmental report inconsistencies and errors	<p>The submitter/s raised concerns around inconsistencies and errors in the Applicant's environmental report. Some of these concerns relate to matters that are subject to the Environmental Authority approval managed by the Department of Environment and Science (DES). Therefore it is not considered reasonable or relevant for Council to comment on these particular matters.</p> <p>The concurrence referral agency (SARA) has undertaken assessment as part of the change application process and provided advice stating, "The applicant is also required to submit an amendment application to the Department of Environment and Science in accordance with Chapter 5, Part 7 of the <i>Environmental Protection Act 1994</i> to amend the environmental authority EPPR00236013 prior to commencing any activities associated with the increased rate of extraction". Therefore, Council officers deem that appropriate consideration has been given to the applicant's environmental report.</p>
Environmental Authority Approval EPPR00236013	<p>The submitter/s raised concerns in relation to the existing Environmental Authority approval that relates to the existing extractive industry activity as well as the proposed changes. The Environmental Authority approval is not subject to Council's jurisdiction for decision-making or compliance purposes but is instead managed by the Department of Environment and Science (DES).</p> <p>The concurrence referral agency (SARA) has undertaken assessment as part of the change application process and provided advice stating, "The applicant is also required to submit an amendment application to the Department of Environment and Science in accordance with Chapter 5, Part 7 of the <i>Environmental Protection Act 1994</i> to amend the environmental authority EPPR00236013 prior to commencing any activities associated with the increased rate of extraction". Therefore, Council officers deem that appropriate consideration has been given to the Environmental Authority approval within the context of this change application to the development permit.</p>

#### **Matters prescribed by regulation**

- The Rockhampton Region Planning Scheme 2015 (version 2.2);
- Central Queensland Regional Plan 2013;
- State Planning Policy (July 2017);
- The existing development approval D/278-2013;
- The common material, being the material submitted with the application.



**RECOMMENDATION B**

THAT in relation to the application for an 'Other Change' to Development Permit D/278-2013 for Material Change of Use for an Extractive Industry, made by P. Waardyk and M. Stokes, located at Lot 100 Nine Mile Road, Fairy Bower, described as Lot 100 on SP318665, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and 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 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
  - 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
  - 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
    - 1.6.1 Operational Works:
      - (i) Deleted
      - (ii) Deleted
      - (iii) Deleted
      - (iv) Site Works;
    - 1.6.2 Building Works Assessable against the Planning Scheme (Preliminary Approval);
    - 1.6.3 Building Works Assessable against the Building Assessment Provisions.
  - 1.7 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.
  - 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
  - 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
  - 1.10 Deleted
  - 1.11 The Environmentally Relevant Activity Permit must be amended to reflect this development approval and approved by the Department of Environment and Science 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 the conditions of this permit:

<u>Plan / Document Name</u>	<u>Plan / Document Number &amp; Revision / Issue</u>	<u>Prepared By</u>	<u>Dated</u>
Proposed Site Development Layout	WD1057.1, Rev C	Tapsell Consulting Engineers	14 September 2011
Location of Proposed Project Area	6208-06m, Rev B	Schlencker Surveying	18 November 2011
Material Change of Use (Extractive Industry) 'Other Change'	7379-01-MCU-A, Issue A	Capricorn Survey Group (CQ)	14 June 2019
Site Management Plan to Extract Sand from the Corner of Fogarty Road & Nine Mile Road (Lots 431 & 432 on LIV401245)	-	Hardcore Performance Pty Ltd	Not Dated
Preliminary Acid Sulphate Soil Investigation Proposed Sand Extractive Industry	3798-100810-1.0, Final Issue	Future-Plus Environmental	16 August 2010
Letter from McMurtrie Consulting Engineers to DTMR regarding Traffic Engineering Assessment of Proposed Use	026-10-11	McMurtrie Consulting Engineers	15 May 2013
Transport and Pavement Impact Assessment	R002-22-23/004, Rev B	McMurtrie Consulting Engineers	28 August 2023
Technical Memorandum from McMurtrie Consulting Engineers	R002-22-23/004	McMurtrie Consulting Engineers	27 November 2023
Lot 100 Nine Mile Road, Fairy Bower – Flood Impact Assessment	R.30001.001.002, Issue 2	Water Engineering Plus	22 August 2023
Environmental Report	D/278-2013, EPR01425013, Final V2	Steer Environmental Consulting	12 September 2023

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.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

### 3.0 STAGED DEVELOPMENT

3.1 Deleted.

3.2 Deleted.

3.3 Deleted.

### 4.0 ROAD WORKS

4.1 Deleted

- 4.2 Deleted
- 4.3 Deleted
- 4.4 A road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months, which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the March 2013 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
0-250,000 tonnes	\$0.4153 per tonne

**Note:** CPI of March 2013 – 102.0

- 4.5 A road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months, which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the December 2023 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 - 500,000 tonnes	\$0.4697 per tonne

**Note:** CPI of December 2023 – 137.7

- 4.6 Prior to commencing haulage from the site greater than 250,000tpa, two sets of roadside signs including 'Narrow Bridge' (W4-1) and 'Next 200m' (R9-6) must be installed at 200 metres south and 200 metres north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed at 15 metres south of the Lion Creek Bridge with appropriate line markings.
- 4.7 For the extraction volume of material above 250,000 tonnes, a 'bridge/major drainage structures' levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the December 2023 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 - 500,000 tonnes	\$0.11 per tonne

**Note:** CPI of December 2023 – 137.7

- 5.0 ACCESS WORKS
- 5.1 Deleted
- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking Facilities"*

- 5.3 Deleted
- 6.0 STORMWATER WORKS
- 6.1 Deleted
- 6.2 Deleted
- 6.3 All stormwater drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 6.4 Deleted
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
  - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 As recommended in the report titled Preliminary Acid Sulphate Soil Investigation (refer to Condition 2.1), further testing for acid sulphate soils must be completed in accordance with the *State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulphate Soils*, the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland 1998* and *Queensland Acid Sulphate Soil Technical Manual – Soil Management Guidelines*. The results of this further testing must be submitted to Council as part of any application for a Development Permit for Operational Works (site works).
- 7.4 Groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities require a groundwater investigation in accordance with Section 7 of the *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulphate Soils*. The results of this investigation are to be submitted as part of any application for a Development Permit for Operational Works (site works).
- 7.5 Sampling associated with the acid sulfate soils investigation should follow the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland (Ahern et al 1998)*. Laboratory analysis associated with the acid sulphate soils investigation should follow the *Laboratory Methods Guidelines of the Queensland Acid Sulphate Soil Technical Manual*.
- 7.6 If Acid Sulphate Soils are found to be present an appropriate management plan must be submitted to Council for approval along with any application for a Development Permit for Operational Works (site works).
- 7.7 Site works must be constructed such that they do not, at any time, cause an unreasonable interference with infrastructure or a person's use of land.
- 7.8 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes;

- (ii) removed for disposal at a location approved by Council within sixty (60) days of clearing; or
- (iii) Burned in accordance with a permit obtained from the local Fire Warden.

7.9 Deleted

7.10 Deleted

7.11 Topsoil stockpiles must be stored in a way that minimises any obstruction, restriction or alteration of floodwater flow direction.

7.12 All activities must be carried out in accordance with the Flood Impact Assessment recommendations in particular mitigation options and future works.

- (i) Removal/shortening of Environmentally Relevant Activity (ERA) berms/Topsoil stockpiles along both the eastern boundary and to the southeast of the excavation void;
- (ii) Lowering of short topsoil stockpiles adjacent to Fogarty Road in north of site to 2016 levels;
- (iii) Lower level of area around pond north of main site access road; and
- (iv) Filling of western extents of extraction void back to 2008 levels and relocating pit berms to the east.

## 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 at full cost to the Developer.

8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

8.3 Deleted

## 9.0 ENVIRONMENTAL

9.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Erosion and Sedimentation Control Plan as detailed in the Site Management Plan to Extract Sand from the Corner of Fogarty Road and Nine Mile Road (Lots 431 and 432 on LIV401245) prepared by Hardcore Performance Pty Ltd.

9.2 The Erosion and Sedimentation Control Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion and Sedimentation Control Management Plan must be available on-site for inspection by Council Officers during those works.

## 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 site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Fogarty Road or Nine Mile Road.

10.2 This approval is for the extraction and transportation of sand from the subject premises which must be undertaken in accordance with the endorsed plans (refer to condition 2.1) and at an extraction rate of no more than 500,000 tonnes per annum.

- 10.3 The hours of operations must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Saturday; and
  - (ii) no operations on Sunday or Public Holidays
- 10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 10.5 There must be no servicing or maintenance of vehicles on the site.
- 10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 10.7 Deleted
- 10.8 No contaminated water must be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.
- 10.9 Cleaning of plant and trucks must be carried out in area where contaminants cannot be released into the environment.
- 10.10 All waste materials and consumables generated by the operation must be immediately removed from site and disposed of at a licensed waste receiver. Any chemicals, fuels or consumables in containers of greater than 15 litres must be stored within a secondary containment system.
- 10.11 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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*'.
- 10.12 B-Double or larger vehicles are not permitted to enter or be used within the subject site.
- Note:** B-Double or larger vehicles are not permitted to use Fogarty Road and Nine Mile Road as it is not a B-Double route, except where an appropriate National Heavy Vehicle Regulator Permit has been obtained.
- 11.0 PLUMBING AND DRAINAGE WORKS
- 11.1 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

#### 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships [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 property 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**

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

**NOTE 5. Duty to Notify of Environmental Harm**

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

**NOTE 6. Environmental Nuisance**

Emissions from the activity must not cause an environmental nuisance.

**NOTE 7. Building Work**

A Development Permit for Building Works assessable against the Building Assessment Provisions must be obtained for any buildings or structures on the site.

**NOTE 8. Building Work Assessable Against the Planning Scheme**

A Preliminary Approval for Building Works Assessable against the Planning Scheme must be obtained for any buildings or structures on the site. An application must be made to Council and be accompanied by a Flood Impact Assessment prepared and endorsed by a Registered Engineer Professional of Queensland (RPEQ).

**NOTE 9. Plumbing and Drainage Work**

All regulated internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

**NOTE 10. Sanitary Drainage Work**

On-site sewerage treatment and disposal must be provided in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

All regulated sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.

**Moved by: Councillor Oram**

**Seconded by: Councillor Mathers**

**MOTION CARRIED UNANIMOUSLY**

**11.3 D/366-2010 - REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR A MAJOR SHOPPING OUTLET AND OPERATIONAL WORKS FOR ADVERTISING SIGNS (TWO PYLON SIGNS AND ELEVEN FLUSH WALL SIGNS)**

**File No:** D/366-2010  
**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
 Doug Scott - Manager Planning and Regulatory Services  
 Alicia Cutler - General Manager Community Services  
**Author:** Sophie Muggeridge - Planning Officer

**SUMMARY**

Development Application Number: D/366-2010  
 Applicant: Burger Urge  
 Real Property Address: 202 on SP247233  
 Common Property Address: 139-145 Derby Street, Allenstown  
 Area of Site: 1.939 hectares  
 Planning Scheme: *Rockhampton City Plan 2005*  
 Planning Scheme Zone: Allenstown Residential Consolidation Area  
 Planning Scheme Precinct: Commercial Precinct  
 Existing Development: Major Shopping Outlet  
 Approval Sought: Amended Decision Notice for Development Permit D/366-2010 for Material Change of Use for a Major Shopping Outlet and Operational Works for Advertising Signs (two Pylon Signs and eleven Flush Wall Signs)

**COUNCIL RESOLUTION**

**RECOMMENDATION A**

THAT in relation to the application for a Minor Change to Development Permit D/366-2010 for Material Change of Use for a Major Shopping Outlet and Operational Works for Advertising Signs (two Pylon Signs and eleven Flush Wall Signs), made by Burger Urge, located at 139-145 Derby Street, Allenstown, described as Lot 202 on SP247233, Council resolves to provide the following reasons for its decision:

**Description of the development**

Material Change of Use for Major Shopping Outlet and Advertising Sign (two Pylon Signs and eleven Flush Wall Signs)

**Reasons for Decision**

- 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
- 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.



<b>Assessment Benchmarks</b>	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Allentown District Centre Precinct;</li> <li>• Activity Centres Code;</li> <li>• Signage Code;</li> <li>• Parking and Access Code;</li> <li>• Crime Prevention Through Environmental Design Code;</li> <li>• Flood Prone Land Code;</li> <li>• External Works and Servicing Code; and</li> <li>• Landscape 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 listed below.</p>	
<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
<b>Parking and Access Code</b>	<p><b>Performance Criteria 6</b></p> <p>The proposed development does not comply with Acceptable Solution 6.1 because 368 vehicle parking spaces will be provided for the development, where Acceptable Solution 6.1 requires a total of 376 vehicle parking spaces as per the parking rate of 4.62 per 100 square meters of Ground Floor Area, as determined by Council at the time of the original assessment.</p> <p>The minor change does not introduce any new non-compliances as the development currently has 371 vehicle parking spaces which is five (5) less than the required amount.</p> <p>The minor change reduces the vehicle parking spaces by a further three (3) spaces to accommodate an extension to a Food and Drink Outlet (Burger Urge) and provide an outdoor dining area.</p> <p>A shortfall of eight (8) vehicle parking spaces will not have a detrimental impact on the overall function of the centre and its ongoing operations and 368 vehicle parking spaces will sufficiently service the existing development.</p> <p>Therefore, the development is taken to comply with Performance Criteria 6.</p>
<b>Relevant Matters</b>	
<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The Rockhampton City Plan 2005;</li> <li>• Central Queensland Regional Plan 2013;</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

**RECOMMENDATION B**

THAT in relation to the application for a Minor Change to Development Permit D/366-2010 for Material Change of Use for a Major Shopping Outlet and Operational Works for Advertising Signs (two Pylon Signs and eleven Flush Wall Signs), made by Burger Urge, located at 139-145 Derby Street, Allenstown, described as Lot 202 on SP247233, Council resolves to issue an Amended Decision Notice subject to the following conditions:

**PART A – MATERIAL CHANGE OF USE**1.0 ADMINISTRATION

- 1.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan Number	Dated
Mall Layout Plan	DA01 Issue 10	23 March 2011
Elevations	DA03 Issue 8	23 March 2011
External Works 1 of 2 (Car Parking Layout North)	DA05 Issue 10	23 March 2011
External Works 2 of 2 (Car Parking Layout South)	DA06 Issue 10	11 July 2011
Signage and External Works	DA07 Issue 10	23 March 2011
Overall Proposed Site Plan	DA09 Issue 6	11 July 2011
Existing Basement Carparking Layout	DA10 Issue 4	11 July 2011
Perspectives (new bin enclosure)	A100 Revision A	27 October 2015
Site Locality Plan (new bin enclosure)	A101 Revision A	27 October 2015
Floor Plans (new bin enclosure)	A200 Revision A	27 October 2015
Elevations (new bin enclosure)	A201 Revision A	27 October 2015
Construction Details (new bin enclosure)	A300 Revision A	27 October 2015
Detail plans – Carpark	WD-4.00 P4	8 March 2024
Detail Elevations – Carpark	WD-4.01 P4	8 March 2024
Detail Elevations – Carpark	WD-4.02 P4	8 March 2024

- 1.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 1.3 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.
- 1.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council, prior to the commencement of use.
- 1.6 The following further development permits are required prior to the commencement of any works on the site:
- 1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Sewerage Works;
- (iv) Stormwater Works;
- (v) Site Works; and
- (vi) Landscaping Works.

1.6.2 Plumbing and Drainage Works; and

1.6.3 Building Works.

1.7 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.

1.8 Lot 100 on SP174137, Lot 25 on RP603298, Lot 26 on RP603298, Lot 15 on RP603296, Lot 16 on RP603296, Lot 17 on RP603295 and Lot 18 on RP603295 must be amalgamated into one title prior to the commencement of any works on the site.

## 2.0 ROAD WORKS

2.1 A Development Permit for Operational Works (Road Works) must be obtained prior to the commencement of any works on the site.

2.2 All works must be designed and constructed in accordance with *Australian Standards AS1428 Design for Access and Mobility, Capricorn Municipal Development Guidelines*, and the provisions of Development Permit for Operational Works (Road Works).

2.3 The remaining lengths of the pedestrian pathway must be designed and constructed along the Canning Street and Caroline Street frontages of the development site to match with the existing pathways (type and width).

2.4 Appropriate road treatments, signage, and design must be used to enable road users to identify that the closed part of the Canning Street operates as a private road.

2.5 Any application for a Development Permit for Operational Works (Road Works) must demonstrate the provision of a minimum seventeen (17) on-street parking spaces along Canning Street (both sides) between Caroline Street and Grant Street. Relocation of the on-street taxi rank, to the off-street location as required by condition 3.7, is also required.

## 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 works on the site.

3.2 All works must be designed and constructed in accordance with *Capricorn Municipal Development Guidelines*, relevant parts of the *Australian Standards AS2890* and the provisions of the Development Permit for Operational works (Access and Parking Works). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).

3.3 All the proposed vehicle manoeuvring areas, including but not limited to car parking spaces, entry and exit areas, must be asphalted or concrete paved appropriately to the satisfaction of Council.

3.4 A minimum of 113 additional off-street parking spaces must be provided and the full operation of the proposed shopping centre must have a total of 368 off-street parking spaces.

- 3.5 A minimum of thirty (30) off-street parking spaces, designated as staff parking, must be provided at the 'at grade' southern car park along Canning Street and Caroline Street. This parking area must be suitably line marked and signed as staff parking.
- 3.6 Bicycle parking and end-of-trip facilities must be provided in accordance with the *Queensland Development Code 4.1 Sustainable Buildings End of Trip Facilities*.
- 3.7 An off-street taxi rank must be located internal to the site adjacent to the main entry to the centre.
- 3.8 Any application for a Development Permit for Operational Works (Access and Parking Works) must be accompanied by:
- 3.8.1 detailed designs of the proposed entry and exit area located at the south leg of the Canning and Derby Street roundabout in accordance with relevant Australian Standards (the area indicated as "HOLD", refer to condition 1.1). Any such design must incorporate the pedestrian pathway along the Derby Street frontage;
  - 3.8.2 detailed and scaled plans which demonstrate the intended manoeuvrings of the design vehicles within the proposed south leg of the Canning and Derby Street roundabout, in accordance with relevant Australian Standards;
  - 3.8.3 a Loading Dock Management Plan;
  - 3.8.4 details which demonstrate how the increase in the ninety-five (95) percent Back Of Queue from forty-nine (49) metres to seventy-seven (77) metres at Upper Dawson Road / Canning Street will be managed without causing adverse impacts on the existing traffic conditions; and
  - 3.8.5 details which demonstrate how the proposed taxi rank will meet the minimum existing demands. Any additional demand resulting from the proposed extension must be provided to the satisfaction of Council.
- 3.9 The northern access to the basement parking area must be constructed and line marked as a dual ingress and egress.
- 3.10 The eastern access to the basement parking area must be constructed and line marked as an ingress only.
- 3.11 The proposed pedestrian crossing located on the north-eastern side of the car park fronting Derby Street must be extended to the full width of the parking aisle.
- 3.12 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*.
- 3.13 All vehicle operation areas and public spaces must be illuminated appropriately in accordance with the requirements of *Australian Standards AS1158 and AS4282 (Environmental Nuisance)*.
- 4.0 **SEWERAGE WORKS**
- 4.1 A Development Permit for Operational Works (Sewerage Works) must be obtained for the proposed sewerage relocated works.
- 4.2 The existing 225 millimetre diameter sewerage main must be relocated to achieve a two (2) metre separation from any buildings. (Note that this means the proposed building over / adjacent to the existing trunk sewerage main which traverses the property from east to west, is NOT APPROVED).
- 4.3 The existing sewerage connection point must be retained for the proposed development.

- 4.4 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act* and *Plumbing and Drainage Act*.
- 4.5 The proposed development must be connected to Council's reticulated sewerage system in accordance with the *Water Supply (Safety and Reliability) Act*.
- 4.6 An amended sewerage trade waste permit must be obtained for the discharge of any additional non-domestic waste into Council's sewerage reticulation. Arrestor traps must be provided for tenancies which discharge commercial or non-domestic sewerage wastes.
- 4.7 A registered easement must be provided over the existing and proposed sewerage infrastructure located within private property. The location and width of the easement must be in accordance with the *Capricorn Municipal Development Guidelines*.
- 4.8 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 cast iron cover must be provided in the trafficable area.
- 4.9 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 4.10 Any alteration or relocation of internal sanitary drainage works of the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 4.11 Arrestor traps are required to be installed in accordance with the *Queensland Plumbing and Drainage Act*.
- 5.0 WATER WORKS
- 5.1 The proposed development must be connected to Council's reticulated water supply system via the existing connection point. Any upgrade must be a combined fire and domestic metered connection and any water main extension, at the developer's expense, in accordance with the *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 5.2 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 5.3 The proposed development must be connected to the development site via a master water meter at the property boundary and sub meters for each sole commercial premise in accordance with *Water Supply (Safety and Reliability) Act* and Council's Sub metering Policy.
- 5.4 The existing 100 millimetre water main located within the Canning Street road reserve, must be decommissioned between Derby Street and Grant Street prior to any building work on-site.
- 5.5 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 5.6 Any alteration or relocation of internal plumbing works of the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (Stormwater Works) must be obtained prior to the commencement of any works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of Development Permit for Operational Works (Stormwater Works). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).

- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure items.
- 6.4 The application for Development Permit for Operational Works (Stormwater Works) must:
- 6.4.1 include a detailed hydraulic calculations which demonstrate the post development peak discharge from the proposed development site for all events up to and including Average Recurrence Interval (ARI) 100 year event is less than or equal to the pre development peak discharge. A stormwater drainage plan must be provided which demonstrates the methods of detaining and discharging both piped roof water and surface runoff to a lawful point of discharge. The plans must incorporate an adequately sized stormwater detention tank;
  - 6.4.2 provide detailed designs of the proposed re-alignment of the stormwater pipe located within the Canning Street closure area and demonstrate the adequacy of the pipe capacity to accommodate the roof water runoff from the building extension and overflow from any stormwater detention tank; and
  - 6.4.3 demonstrate how the development meets the water quality objectives of the *Queensland Water Quality Guidelines*, and *Water Quality and Water Quantity Code of the Rockhampton City Plan 2005*.
- 6.5 The finished floor level of the proposed development/extension must be above Q100 peak flood level in accordance with relevant Australian Standards.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (Site Works) must be obtained prior to the commencement of any works on the site.
- 7.2 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by an earthworks' plan which clearly identifies the following:
- (i) the location of cut and/or fill;
  - (ii) the type of fill to be used and the manner in which it is to be compacted;
  - (iii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - (iv) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
  - (v) the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 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 adjoining properties or infrastructure.
- 7.4 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
  - (ii) removed for disposal at a location approved by Council; within sixty (60) days of clearing. Any vegetation removed must not be burnt.

## 8.0 BUILDING WORKS

- 8.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed five (5) decibels (A) above the background ambient noise level, measured at the boundaries of the subject site.
- 8.2 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. The areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided 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 a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

OR

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.

- 8.3 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed five (5) decibels (A) above the background ambient noise level, measured at the boundaries of the subject site.
- 8.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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*'. Lighting from the subject site must not exceed eight (8) lux at 1.5 metres from the boundary of the subject site.
- 8.5 A minimum two (2) metre horizontal clearance must be maintained between any existing access chamber or connection point and any proposed structure in accordance with *Council's Building Over Adjacent to Local Government Sewer Infrastructure Policy*.
- 8.6 The wall facing Grant Street must be softened with the inclusion of some architectural features, so that it does not merely present as a blank façade. Note: The proposed landscape buffer (600 to 1,000 millimetres in width) does not constitute a softening of this blank façade and is not acceptable. The architectural features must be distinct and must create visual interest in the streetscape.

The architectural treatment must be approved by Council prior to the issue of a Development Permit for Building Works.

## 9.0 LANDSCAPING WORKS

- 9.1 A Development Permit for Operational Works (Landscaping Works) must be obtained prior to the commencement of any works on the site.
- 9.2 Any application for a Development Permit for Operational Works (Landscaping Works) must be in accordance with the endorsed plans (refer to condition 1.1). The landscape plan must include, but is not limited to, the following:
- 9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
  - (ii) the extent of soft and hard landscape proposed;

- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
  - (iv) underground and overhead services;
  - (v) typical details of critical design elements (eg stabilisation of batters, retaining walls, trees in car park areas, fences);
  - (vi) details of landscape structures including areas of deep planting; and
  - (vii) specification notes on mulching and soil preparation.
- 9.2.2 A "Planting Plan" and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
  - (ii) position and canopy spread of all trees and shrubs;
  - (iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and
  - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 9.3 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (Landscaping Works), prior to the commencement of the use.
- 9.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 9.5 A solid fence, with a height of 1.8 metres, must be constructed along the north eastern boundary between the subject site and adjacent residential properties.
- 9.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 9.6.1 Obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications; or
  - 9.6.2 Adversely affect any road lighting or public space lighting; or
  - 9.6.3 Adversely affect any Council infrastructure, or public utility plant.
- 10.0 ELECTRICITY AND TELECOMMUNICATIONS
- 10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the requirements of the relevant authority.
- 10.2 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.
- 11.0 ASSET MANAGEMENT
- 11.1 Any alteration necessary to electricity, telephone, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 '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 issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital



As Constructed Information.

## 12.0 ENVIRONMENTAL

12.1 Any application for a Development Permit for Operational Works or a Development Permit for Building Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

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

- (i) objectives;
- (ii) site location / 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.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

12.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

12.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

- 12.5 An Erosion Control and Stormwater Control Management Plan for the site must be prepared in accordance with the Healthy Waterways document, “*Controlling Stormwater Pollution on Your Building Site*”, 2006 (or later version) and the *Capricorn Municipal Development Guidelines*.
- 12.6 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised. The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 13.0 **OPERATING PROCEDURES**
- 13.1 All construction materials, waste, waste skips, machinery and contractors’ vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors’ vehicles will be permitted Upper Dawson Road, Derby Street, Caroline Street, Canning Street and Grant Street.
- 13.2 All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- 13.3 All waste containers must be:
- 13.3.1 stored within the bin enclosure area;
  - 13.3.2 securely covered at all times;
  - 13.3.3 maintained in a clean condition and in good repair;
  - 13.3.4 surrounded by fence/screen, with a minimum height of 1.8 metres, that obstructs from view the contents of the bin compound by any member of the public from any public place; and
  - 13.3.5 of a minimum size to accommodate all waste generated from the premise.
- 13.4 Access to, and use of, the loading dock area must be limited to between 0800 and 1700 hours, Monday to Friday (inclusive) only. Access to, and use of, the loading dock area must not occur on Saturday or Sunday or any public holiday.
- 13.5 The loading dock area must not be used by large refrigerated vehicle. The use of the loading dock by small refrigerated vehicles must be limited to a maximum of five trips per week.

## **PART B - OPERATIONAL WORKS**

### **14.0 ADMINISTRATION**

- 14.1 The approved use and development 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>Plan Number</u>	<u>Dated</u>
Elevations	DA03 Issue 8	23 March 2011
Signage and External Works	DA07 Issue 10	23 March 2011
External Elevation Signage	A703 Revision F	8 April 2013
Parapet Lightbox Sign	A706 Revision D	14 March 2013

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

- 14.3 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.
- 14.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
- 14.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council, prior to the commencement of use.
- 14.6 The following further development permits are required prior to the commencement of any works on the site:
- 14.6.1 Building Works.
- 15.0 **BUILDING WORKS**
- 15.1 Design and construction details of all signs must be certified by a Registered Professional Engineer of Queensland, which must be submitted with any application for a Development Permit for Building Works.
- 15.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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*’.
- 16.0 **CONTRIBUTIONS/COSTS**
- 16.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, pathways, kerb and channel, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.

## 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 Environment and Resource Management’s website

[http://www.derm.qld.gov.au/cultural\\_heritage/index.html](http://www.derm.qld.gov.au/cultural_heritage/index.html)

### NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the Workplace Health and Safety legislation.

### NOTE 3. Dust Control

It is the developer’s responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

**NOTE 4. Sedimentation Control**

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

**NOTE 5. Noise During Construction and Noise In General**

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

**NOTE 6. General Safety of Public During Construction**

It is the principal contractor's responsibility to ensure compliance with Section 31 of the *Workplace Health and Safety Act 1995*. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the *Workplace Health and Safety Act 1995*. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

**NOTE 7. Adopted Infrastructure Charges Notice**

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Adopted Infrastructure Charge Notice which has been supplied with this decision notice.

**Moved by: Councillor Mathers**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

**11.1 ROCKHAMPTON REGION LOCAL DISASTER MANAGEMENT PLAN**

**File No:** 3940  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Martin Crow - Manager Infrastructure Planning

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**SUMMARY**

*The Rockhampton Region Local Disaster Management Plan has been reviewed and updated by the Rockhampton Region Local Disaster Management Group. At its meeting of 27 May 2024, the Group endorsed the Plan along with the Local Disaster Coordination Centre Sub Plan and the Local Disaster Management Group Terms of Reference.*

*The Plan, and Sub Plan and Terms of Reference have undergone a significant review to ensure the Plan remains aligned with the governing disaster management guidelines and that it reflects the current risks and community needs identified through the Rockhampton Region Emergency Risk Management Assessment, Bushfire Management Study, Strategies and Mitigation Plans and findings from recent year's exercises and disaster events.*

**COUNCIL RESOLUTION**

THAT Council adopt the Rockhampton Region Local Disaster Management Plan 2024, as well as the Local Disaster Coordination Centre Sub Plan and the Local Disaster Management Group Terms of Reference.

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

**MOTION CARRIED UNANIMOUSLY**

**11.5 REQUEST FOR ADDITIONAL DINING PLATFORM FOR HERITAGE HOTEL**

**File No:** 11359  
**Authorising Officer:** Wade Clark - Economic Development Manager  
Zac Garven - Acting Executive Manager Advance  
Rockhampton  
**Author:** Jack Duncan - Economic Development & Industry  
Engagement Advisor

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**SUMMARY**

*This report seeks endorsement from Council to permit a Dining platform Program participant to have a second dining platform, a cost-effective alternative to storing an abandoned dining platform.*

**COUNCIL RESOLUTION**

THAT Council authorises the Chief Executive Officer to allocate a second dining platform to Heritage Hotel under the Dining Platform Program.

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Oram

**MOTION CARRIED UNANIMOUSLY**

**11.6 ROCKY RIVER RUN 2025**

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

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**SUMMARY**

*This report details the proposed 7Rocky River Run 2025 event date, Sunday 18 May, to be endorsed for event planning and promotion.*

**COUNCIL RESOLUTION**

THAT Council approve the date for the 7Rocky River Run event to be held on Sunday 18 May 2025.

**Moved by:** Councillor Taylor  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION**

**10:50AM**

That the meeting be adjourned, to resume at 11:30

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

**MOTION CARRIED UNANIMOUSLY**

**COUNCIL RESOLUTION**

**11:37AM**

THAT the meeting be resumed

**Moved by:** Councillor Wickerson

**MOTION CARRIED**

Deputy Mayor, Councillor Wickerson assumed the Chair

Members Present:

Deputy Mayor, Councillor M D Wickerson (Chairperson)  
Councillor S Latcham  
Councillor E W Oram  
Councillor C R Rutherford  
Councillor M A Taylor  
Councillor G D Mathers

## In Attendance:

Mr R Cheesman – Acting Chief Executive Officer  
Mr P Kofod – General Manager Regional Services  
Ms A Cutler – General Manager Community Services (via video-link)  
Ms M Taylor – Chief Financial Officer  
Mr D Morrison – Manager Workforce and Governance (via video-link)  
Mr J Webb – Manager Communities and Culture (via video-link)  
Mr D Toon – Manager Water and Wastewater (via video-link)  
Mr M Vycke – Manager Airport (via video-link)  
Mr D Scott – Manager Planning and Regulatory Services (via video-link)  
Mr J Kann – Manager Office of the Mayor (via video-link)  
Ms T Conrad – Executive Personal Assistant to the Chief Executive Officer  
Ms K Walsh – Acting Senior Committee Support Officer



**11.7 SUMMARY OF PROPOSED CHANGES TO 2024/2025 FEES & CHARGES**

**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 2024-2025 financial year.*

11:41AM Councillor Rutherford attended the meeting  
11:41AM Councillor Oram left the meeting room  
11:42AM Councillor Oram returned to the meeting room

**OFFICER'S RECOMMENDATION**

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2024-2025 financial year excluding Rockhampton Heritage Village admission fee increase from \$5.00 to \$6.00

**MOVED BY:** Councillor Latcham  
**SECONDED BY:** Councillor Rutherford

**COUNCIL RESOLUTION**

THAT the Rockhampton Heritage Village admission remain at \$5.00.

**Moved by:** Councillor Latcham  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED**

**COUNCIL RESOLUTION**

**12:08PM**

That pursuant to s7.10 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be suspended to allow adequate time for informal discussion on Item 11.7 – Summary of proposed changes to 2024/2025 Fees and Charges prior to entering into formal debate.

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

**COUNCIL RESOLUTION**

**12:20PM**

That pursuant to s7.10 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be resumed.

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

**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 2024-2025 financial year excluding Rockhampton Heritage Village admission fee increase from \$5.00 to \$6.00; and

THAT a further report be brought back to Council regarding FRW023 – Standpipe Water Usage Rate (External to Council clients only).

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Oram

**MOTION CARRIED**

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**11.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED  
31 MAY 2024**

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

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**SUMMARY**

*The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 May 2024.*

**COUNCIL RESOLUTION**

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 May 2024 be received.

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED UNANIMOUSLY**

**11.9 BAD DEBT WRITE OFFS**

**File No:** 1117  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Marnie Taylor - Chief Financial Officer

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**SUMMARY**

*The Chief Financial Officer presents a schedule of amounts considered to be uncollected that have been waived as per 5.4 of the Debt Recovery Policy Version 11, Adopted 19 July 2022.*

**COUNCIL RESOLUTION**

THAT:

- the debts under \$3,000 contained in the schedule within the report be received by Council, as these have been written off as bad debts; and
- the debts over \$3,000 contained in the schedule within the report be approved by Council to write off.

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Taylor

**MOTION CARRIED UNANIMOUSLY**

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**11.10 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD  
ENDING MAY 2024**

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

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**SUMMARY**

*Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 31 May 2024 for Councillors' information.*

**COUNCIL RESOLUTION**

THAT the Whole of Council Corporate Performance Report for period ending 31 May 2024 be "received".

**Moved by:** Councillor Oram  
**Seconded by:** Councillor Taylor

**MOTION CARRIED**

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## 12 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - QUEENSLAND MINING EXPO; 23-25 JULY 2024

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

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#### SUMMARY

*Councillor Shane Latcham has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting to be held on 25 June 2024.*

*At the Ordinary Council meeting of 26 September 2023 it was approved Rockhampton Regional Council, Advance Rockhampton be an exhibitor at the 2024 Queensland Mining and Engineering Expo (QME) from 23-25 July 2024. The exhibition is to promote and position the Rockhampton Region in the mining and resource industry sector. Councillor Shane Latcham is seeking approval to attend QME from 24-25 July 2024.*

#### COUNCIL RESOLUTION

THAT Councillor Shane Latcham be approved to attend the Queensland Mining and Engineering Expo and Queensland Mining Awards from 24-25 July 2024.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Mathers

**MOTION CARRIED**

### 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 Airport Leasing 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.

##### 16.2 COMMERCIAL OPPORTUNITY - 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.

**Moved by: Councillor Wickerson**

**Seconded by: Councillor Mathers**

**MOTION CARRIED**

#### COUNCIL RESOLUTION

**12:33AM**

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

**Moved by: Councillor Wickerson**

**Seconded by: Councillor Mathers**

**MOTION CARRIED**

**COUNCIL RESOLUTION**

**12:51PM**

**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 Taylor

**MOTION CARRIED**



## 16 CONFIDENTIAL REPORTS

### 16.1 AIRPORT LEASING MATTER

**File No:** 4535  
**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

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

#### COUNCIL RESOLUTION

1. THAT pursuant to s236(1)(b)(i) of the *Local Government Regulation 2012 (Qld)* Council approve the granting of a Freehold Lease over part of Lot 6 on CP906611 described as Lease AK on SP132349 to The Commonwealth of Australia; 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 Wickerson

**Seconded by:** Councillor Taylor

**MOTION CARRIED UNANIMOUSLY**

**16.2 COMMERCIAL OPPORTUNITY - AIRPORT**

**File No:** 1689  
**Authorising Officer:** Ross Cheesman - Acting 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**

*Manager Airport reporting on a Tender process for a commercial opportunity at the Rockhampton Airport.*

**COUNCIL RESOLUTION**

THAT Council authorises the Chief Executive Officer (Manager Airport) to negotiate the Lease for Site B with Pacifica Developments Pty Ltd, in preparation for execution by the delegated officer.

**Moved by:** Councillor Mathers  
**Seconded by:** Councillor Latcham

**MOTION CARRIED UNANIMOUSLY**

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 12:54pm.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**25 JUNE 2024**

## **ANNEXURE A**

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

- 11.2 D/278-2013 - Application for 'Other Change' to Development Permit for Material Change of Use for an Extractive Industry**
  
- 11.3 D/366-2010 - Request for a Minor Change to Development Permit for Material Change of Use for a Major Shopping Outlet and Operational Works for Advertising Signs (two Pylon Signs and eleven Flush Wall Signs)**



# **Other Change Application relating to Existing Development Approval D/278-2013**

**Material Change of Use for Extractive Industry**

**Lot 100 Nine Mile Road, Fairy Bower (Lot 100 on SP318665)**

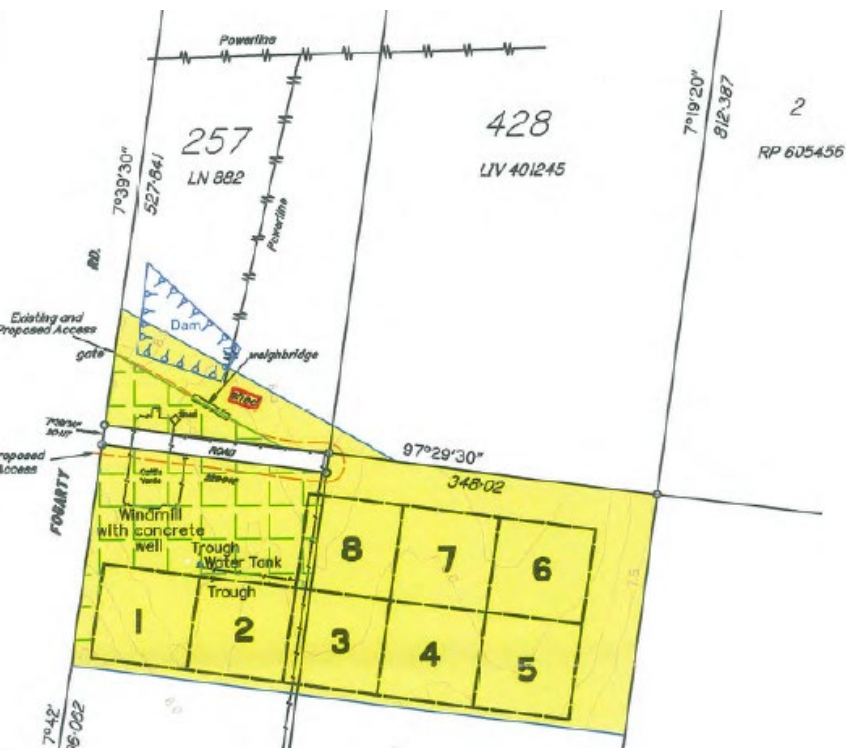
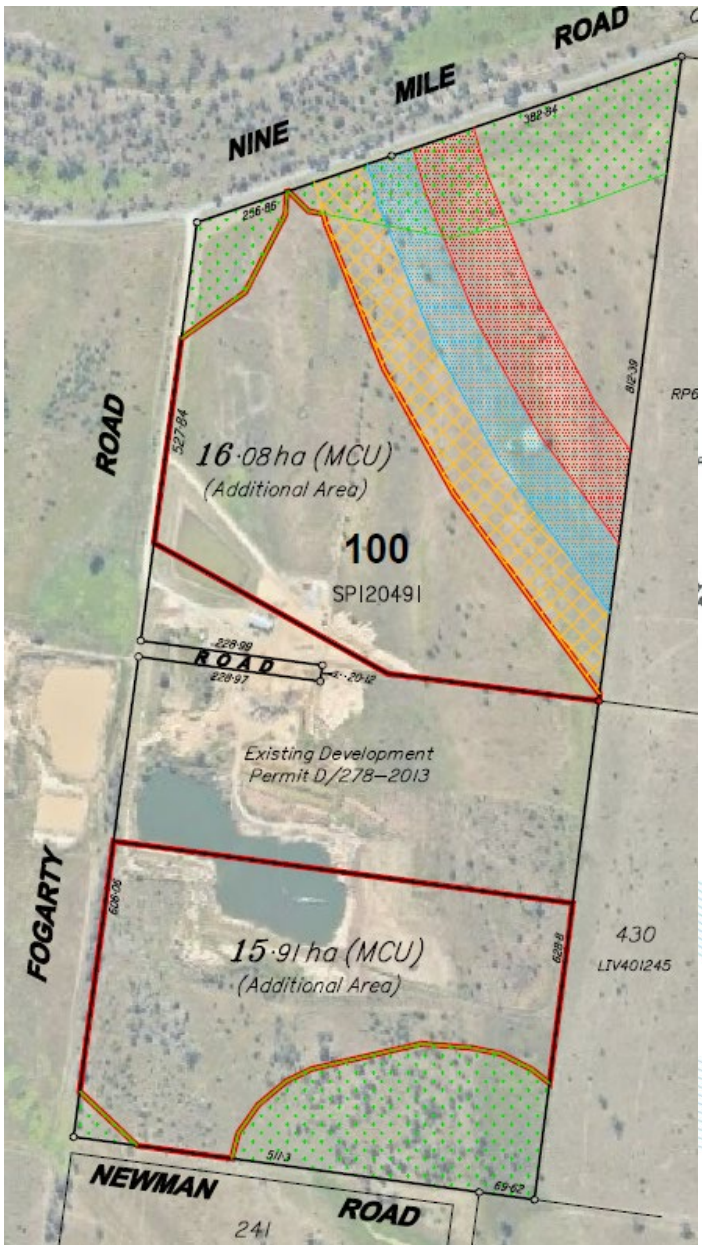
Council Meeting – 25 June 2024

Aidan Murray – Acting Principal Planning Officer

# Location



# Site Plan





# Development Details

- Material Change of Use for Extractive Industry.
- Approved by Council Resolution on 27 November 2013.
- Minor changes approved by Council on 19 November 2019.
- Existing approval for 250,000 tonnes per annum.
- Proposed increase up to 500,000 tonnes per annum.
- Referral approved by Department of Transport and Main Roads with related conditions.
- Existing Environmental Authority Approval is related but separate to the Development Approval.
  - Regulated by the Department of Environment and Science and required to be amended through a separate application process.

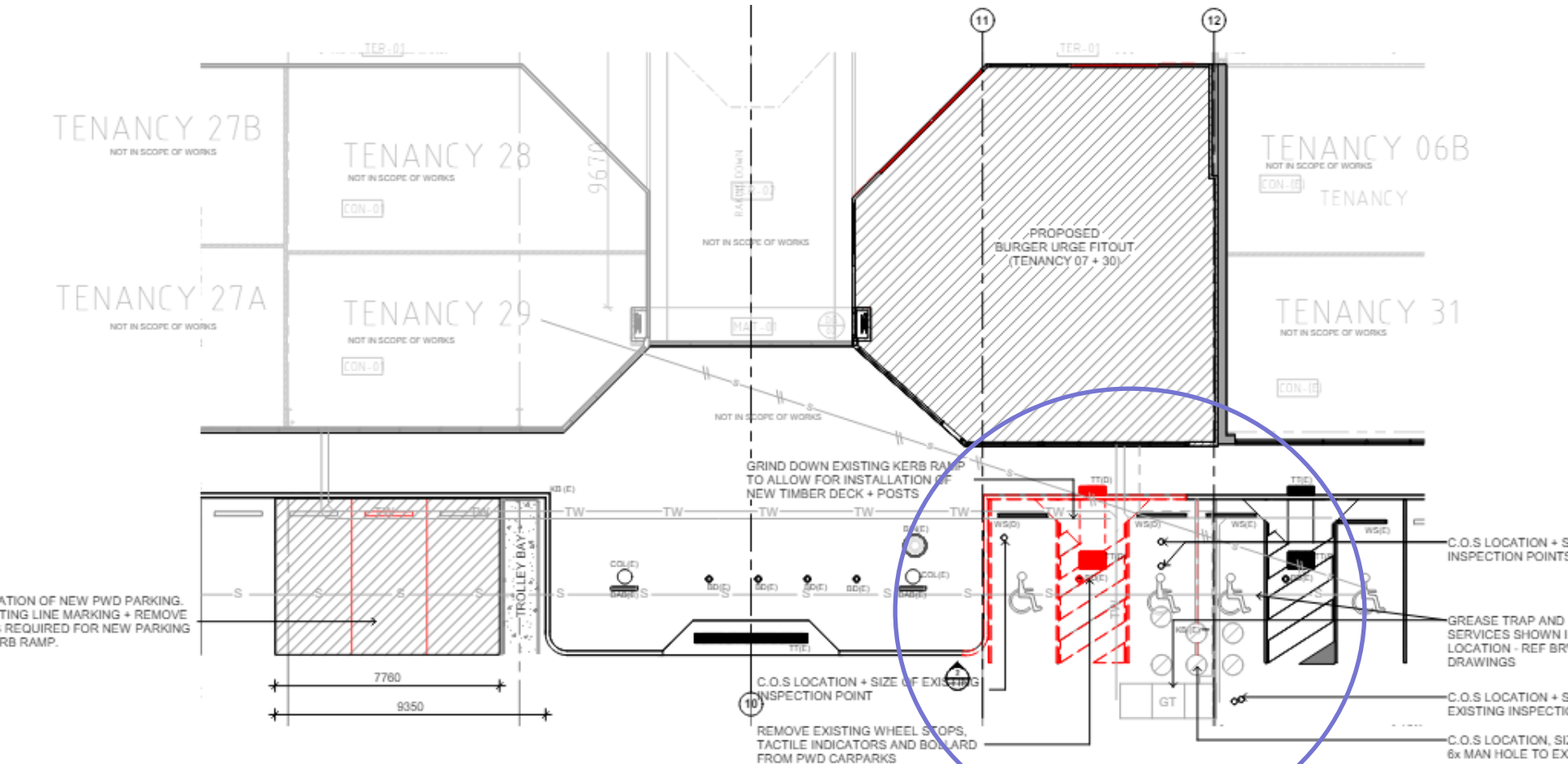
# Grounds for Approval

- The proposal is for the expansion of an existing extractive industry land use activity.
- Reasonable and relevant conditions have been recommended by Council officers where required to manage and mitigate potential impacts.
- The proposal has been reviewed by the Department of Transport Main Roads and is supported subject to conditions. Environmental matters will be separately regulated by the Department of Environment and Science.
- Therefore, the change application is recommended for approval subject to the conditions outlined in the report.

# Locality Plan



# Existing Site Plan



# Proposed Site Plan

