



# **ORDINARY MEETING**

## **MINUTES**

**23 JULY 2024**

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	2
6	BUSINESS OUTSTANDING.....	3
	NIL .....	3
7	PUBLIC FORUMS/DEPUTATIONS .....	3
	NIL .....	3
8	PRESENTATION OF PETITIONS.....	3
	NIL .....	3
9	COMMITTEE REPORTS.....	3
	NIL .....	3
10	COUNCILLOR/DELEGATE REPORTS .....	3
	NIL .....	3
11	OFFICERS' REPORTS .....	4
11.1	D/141-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION, FOOD AND DRINK OUTLET, TOURIST PARK, SHORT TERM ACCOMMODATION AND CARETAKER'S ACCOMMODATION .....	4
11.2	D/82-2023 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY AND RECONFIGURING A LOT FOR A LEASE (20 YEARS) .....	24
11.3	ROCKHAMPTON MUSEUM OF ART PHILANTHROPY BOARD - NEW MEMBERS .....	35
11.4	BROWNE PARK REDEVELOPMENT - MURRAY STREET TREE REMOVAL.....	36
11.5	UPCOMING GRANT PROGRAM APPLICATIONS.....	37
11.6	WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD ENDING JUNE 2024.....	38
11.7	LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE - MOTIONS.....	39
11.8	LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE, 21-23 OCTOBER 2024, BRISBANE .....	40

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<b>12</b>	<b>NOTICES OF MOTION .....</b>	<b>41</b>
	NIL .....	41
<b>13</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>41</b>
	NIL .....	41
<b>14</b>	<b>URGENT BUSINESS\QUESTIONS .....</b>	<b>41</b>
	NIL .....	41
<b>15</b>	<b>CLOSED SESSION .....</b>	<b>43</b>
	16.1 LEGAL MATTERS REPORT - 1 APRIL 2024 TO 30 JUNE 2024	
	16.2 LETTER OF SUPPORT - AUSTRALIAN DEFENCE FORCE	
<b>16</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>44</b>
	16.1 LEGAL MATTERS REPORT - 1 APRIL 2024 TO 30 JUNE 2024 .....	44
	16.2 LETTER OF SUPPORT - AUSTRALIAN DEFENCE FORCE .....	45
<b>17</b>	<b>CLOSURE OF MEETING.....</b>	<b>46</b>

**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 23 JULY 2024 COMMENCING AT 9:01AM**

## **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 E B Hilse

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Ms M Taylor – Chief Financial Officer  
Mr D Morrison – Manager Workforce and Governance  
Mr J Webb – Manager Communities and Culture  
Mr D Scott – Manager Planning and Regulatory Services  
Mr D Toon – Manager Water and Wastewater (via video-link)  
Mr J Kann – Manager Office of the Mayor  
Ms A Davie – Senior Advisor Advocacy  
Mr J McCaul – Coordinator Development Engineering  
Ms A O'Mara – Coordinator Development Assessment  
Ms K Roberts – Coordinator Property and Insurance (via video-link)  
Mr A Murray – Senior Planning Officer  
Ms S Muggeridge – Planning Officer  
Ms M Mackay – Planning Assistant  
Mr S Harvey – Coordinator Infrastructure Planning (via video-link)  
Mr J McBurnie – Director Rockhampton Museum of Art  
Mr J Bulwinkel – Sports and Active Communities Coordinator  
Ms L Leeder – Senior Committee Support Officer

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

Leave of Absence for the meeting was previously granted to Councillor Grant Mathers.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 9 July 2024 be confirmed.

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

### COUNCIL RESOLUTION

THAT the minutes of the Special Meeting of 15 July 2024 be confirmed.

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

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Shane Latcham informed the meeting:

“I have a declarable conflict of interest in **Item 11.6 – Whole of Council Corporate Performance Report for Period Ending June 2024**. This declarable conflict of interest arises as my brother Damian Latcham has purchased land situated at 3 Leyden’s Hill Road, Moongan, which is in close proximity to the top of Razorback Road, Mount Morgan. I understand it is not connected to Mount Morgan water and sewerage, however the pipeline corridor will run past the property.

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

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COMMITTEE REPORTS**

Nil

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

## 11 OFFICERS' REPORTS

### 11.1 D/141-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION, FOOD AND DRINK OUTLET, TOURIST PARK, SHORT TERM ACCOMMODATION AND CARETAKER'S ACCOMMODATION

**File No:** D/141-2022

**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

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#### SUMMARY

**Development Application Number:** D/141-2022

**Applicant:** McKay Ventures Pty Ltd

**Real Property Address:** Lot 2 on RP603056

**Common Property Address:** 900-904 Yaamba Road, Parkhurst

**Area of Site:** 3.642 hectares

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

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

**Planning Scheme Overlays:** Airport Environs Overlay

**Existing Development:** Caravan Park (Tourist Park), Service Station, Motel Rooms (Short Term Accommodation) & Caretakers Residence

**Approval Sought:** Development Permit for a Material Change of Use for Service Station, Food and Drink Outlet, Tourist Park, Short Term Accommodation and Caretaker's Accommodation

**Category of Assessment:** Assessable subject to Impact assessment

**Submissions:** One (1) not properly made

**Referral Agency:** Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency)

#### COUNCIL RESOLUTION

##### RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change of Use for a Service Station, Food and Drink Outlet, Tourist Park, Short Term Accommodation and Caretaker's Accommodation, made by McKay Ventures Pty Ltd, located at 900-904 Yaamba Road, Parkhurst, described as Lot 2 on RP603056, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS****Description of the development**

Material Change of Use for a Service Station, Food and Drink Outlet, Tourist Park, Short Term Accommodation and Caretaker's Accommodation

**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.

**Assessment Benchmarks**

The development was assessed against the following assessment benchmarks:

- Local Government Infrastructure Plan;
- Strategic Framework;
- Low Density Residential Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code.

**Compliance with assessment benchmarks**

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

**Assessment Benchmark****Reasons for the approval despite non-compliance with benchmark****Low Density Residential Zone Code****Performance Outcome (PO) 7****Performance Outcome (PO) 8****Purpose (2) (d)**

The proposed development does not comply with Acceptable Outcome (AO) 7.1 which prescribes that short-term accommodation uses are carried out in an existing dwelling, nor does it comply with Performance Outcome (PO) 7 which states that short-term accommodation is established only in existing dwellings which maintain the appearance of an ordinary dwelling in the zone.

Furthermore, the proposed development also conflicts with both AO 8.1, prescribing that the total number of persons does not exceed five (5) at any one time, and PO8 stating short-term accommodation is of a small, domestic scale that accommodates a small number of people for very short periods.

Where the application conflicts with the above Assessment Benchmarks, assessment is undertaken against the purpose and overall outcomes of the Low Density Residential Zone, which establishes that short-term accommodation only occurs where it:

- (i) is established in an existing dwelling;
- (ii) does not adversely impact on the amenity of the surrounding residential area;
- (iii) maintains the appearance of an ordinary dwelling that is consistent with the intentions of the zone; and



	<p>(iv) is limited in scale and duration.</p> <p>The proposed short-term accommodation (and tourist park) conflicts with some of the above overall outcomes as the proposal is not located in an established dwelling, does not maintain the appearance of an ordinary dwelling and is not limited in scale. In this instance, it is acknowledged the proposal does not introduce a new short-term accommodation / tourist park land use but rather redevelopment and expansion of the existing activities operating on the site. Consideration is given to the Strategic Framework and relevant matters as detailed below.</p> <p>To the extent that conflicts are identified with the assessment benchmarks, purpose and overall outcomes of the zone code, assessment against the Strategic Framework and regards to relevant matters is considered to outweigh those conflicts.</p>
<p><b>Low Density Residential Zone Code</b></p> <p><b>Performance Outcome (PO) 13</b></p>	<p>The proposed development does not comply with part (a) of Performance Outcome (PO) 13 which states that development should be located and designed so that buildings and structures make provision for an appropriate scale and size that reflects the purpose of the Low Density Residential Zone.</p> <p>To the extent of this conflict with the assessment benchmarks, consideration is undertaken against the purpose and overall outcomes of the zone code as well as the Strategic Framework. Regards to relevant matters is considered to outweigh those conflicts and have been addressed in the relevant section/s of the Statement of Reasons.</p>
<p><b>Low Density Residential Zone Code</b></p> <p><b>Performance Outcome (PO) 16 Purpose (2) (e)</b></p>	<p>The proposed development does not comply with Performance Outcome (PO) 16 which states that non-residential development may locate in the low density residential zone when the use can demonstrate the following:</p> <ul style="list-style-type: none"> <li>(a) it services the day-to-day needs of residents of the local neighbourhood or is a community or emergency facility that primarily services the needs of the local neighbourhood;</li> <li>(b) it does not compromise the residential character and existing amenity of the surrounding area in relation to lighting, noise, dust and odour;</li> <li>(c) is small in scale;</li> <li>(d) is consistent with the surrounding built form and streetscape;</li> <li>(e) the use provides only a convenience function and does not compromise the role and function of existing centres;</li> <li>(f) does not adjoin an existing centre zone;</li> <li>(g) located in proximity to public transport facilities and public transport routes; and</li> <li>(h) minimises impacts on local amenity and the local street network.</li> </ul> <p>The development is considered non-compliant with (a), (c) and (e) with further assessment and consideration required in relation to (b), (d) and (h). In addition to the assessment benchmarks of PO16 above, the purpose and overall outcomes of the Low Density Residential Zone further establishes that non-residential uses only occur where they:</p> <ul style="list-style-type: none"> <li>(i) do not compromise the residential character and existing amenity of the surrounding area;</li> <li>(ii) are small-scale and consistent with the surrounding urban form;</li> <li>(iii) primarily function to service the needs of the immediate local residential community;</li> <li>(iv) do not detract from the role and function of centres;</li> </ul>

	<p>(v) do not result in the expansion of a centre zone; and</p> <p>(vi) have direct access to higher order roads (minor urban collector or higher) and are in proximity to public transport.</p> <p>The proposed service station and fast food outlet do not achieve all of the above overall outcomes. The development is considered non-compliant with overall outcomes (ii) and (iii) while (i), (iv) and (v) required further assessment and consideration.</p> <p>The applicant provided an economic needs assessment which addresses the suitability of the development on the subject site in light of the above performance outcomes and overall outcomes addressing the actual and potential non-compliances.</p> <p>To the extent of the conflicts identified with the assessment benchmarks, purpose and overall outcomes of the zone code, assessment against the Strategic Framework and regards to relevant matters is considered to outweigh those conflicts.</p>
<p><b>Low Density Residential Zone Code</b></p> <p><b>Performance Outcome (PO) 21</b></p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 21.1, as the proposal seeks to establish 24/7 operations for the service station and food and drink outlet, whereas AO 7.1 limits non-residential land uses to operating between the hours of 7am to 10pm only.</p> <p>The corresponding Performance Outcome (PO) 21 requires that the development minimises adverse impacts on the amenity of adjoining land uses and the surrounding area. The application material included an Environmental Noise Assessment investigating the potential amenity impact of the proposed development on the surrounding area. As a result of that noise assessment, acoustic barriers were recommended to be constructed within certain parts of the development site to mitigate noise, particularly in relation to mobile refrigerated units on truck trailers and heavy vehicles. The findings of the noise assessment concluded that with the installation of the recommended acoustic barriers, the development can achieve the relevant Acoustic Quality Objectives for daytime, evening and nighttime periods.</p> <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 21 when supported by the approved plans and relevant conditions to ensure the Acoustic Quality Objectives are achieved.</p>
<p><b>Low Density Residential Zone Code</b></p> <p><b>Performance Outcome (PO) 25</b></p> <p><b>Landscape Code</b></p> <p><b>Performance Outcome (PO) 1</b></p>	<p>Acceptable Outcome (AO) 1.1 of the Landscape Code prescribes that landscaping is provided in accordance with the requirements of the relevant zone code. In this case, the proposed development does not comply with Acceptable Outcome (AO) 25.1 Low Density Residential Zone Code, which requires that landscaping retains existing, significant trees with a height exceeding four (4) metres, or a trunk diameter of fifty (50) centimetres (whichever is lesser) except where nominated as an undesirable species. The proposal seeks to remove some significant trees on-site where necessary to facilitate the development but will retain other significant trees where possible. A Landscape Concept Plan was provided, and conditions imposed which establish the landscaping requirements for the development and ensure that the amenity of the site and surrounding area is maintained.</p> <p>The Landscape Concept Plan ensures compliance with Performance Outcome (PO) 1 of the Landscape Code in that the landscaping is professionally designed and provides a suitably sized area to:</p> <ul style="list-style-type: none"> <li>(a) create an attractive visual addition to a building or place;</li> <li>(b) soften the built form;</li> <li>(c) provide a space for on-site recreation; and</li> </ul>

	<p>(d) enable landscaping to establish and thrive under the local conditions.</p> <p>Therefore, the proposed development is taken to comply with PO1 of the Landscape Code as well as the intent of PO25 of the Low Density Residential Zone Code despite the conflict with the related AO25.1. Any non-compliance is considered a low-level conflict given the approval of the Landscape Concept Plan and supporting conditions imposed to ensure an effective overall landscape planning and design is achieved.</p>
<p><b>Access, Parking and Transport Code</b></p> <p><b>Performance Outcome (PO) 7</b></p>	<p>The proposed development does not comply with Performance Outcome (PO) 7 which states that sites with more than one (1) road frontage (excluding laneways) gain access only from the lower order road, except where it will introduce traffic generated by a non-residential use into a street that is in a residential zone.</p> <p>The site is located in the Low Density Residential Zone and includes non-residential uses; however the site already has constructed vehicle accesses to Yaamba Road (Highway) and Norman Road (currently constructed to Urban Access standard with future planning for Major Urban Collector). Both road accesses are pre-existing and will be upgraded to the relevant standards for the applicable road network hierarchy. The traffic generated by the development is not unreasonable and will have minimal impact on roads classified as a highway and major urban collector respectively.</p> <p>The non-compliances with PO 7 is considered a low-level conflict and on balance the proposed development complies with the majority of assessment benchmarks for the Access, Parking and Transport Code.</p>
<p><b>Access, Parking and Transport Code</b></p> <p><b>Performance Outcome (PO) 14</b></p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 14.2, which prescribes that no direct property access is gained to a highway other than via a service road or a joint access arrangement with other sites.</p> <p>The development site already benefits from a constructed vehicle access to Yaamba Road (classified as highway in the road network hierarchy). The application, including the proposed upgrades to the vehicle access, has been assessed and conditioned accordingly by the State Assessment Referral Agency (SARA) and Department of Transport and Main Roads (DTMR) through a concurrence referral.</p> <p>Being that the existing access pre-dates the application, will be upgraded to the relevant standards and has been assessed by DTMR as the relevant road manager, the proposal is taken to not impact on the safety, operation or function of the road network. Therefore, the proposed development is taken to comply with Performance Outcome (PO) 14.</p>
<p><b>Strategic Framework</b></p> <p><b>3.3 Settlement pattern</b></p> <p><b>3.3.8. Element – Urban and new urban</b></p>	<p>The site is located within the urban designation under the Strategic Framework and the proposed development presents some conflicts with some aspects of the Strategic Framework. This notably includes the following specific outcomes (S3.3.8.1) relating to the settlement pattern theme for the urban and new urban designation:</p> <p><i>(1) Urban and new urban areas are characterised by walkability between housing and activity nodes, such as a park, shop or bus stop. They offer a choice of housing types, including dwelling houses, semi-detached or dual occupancy housing, row or terrace houses, some multiple dwellings (in accordance with specific outcome (6) below) and small scale live/work buildings (i.e. home-based businesses). While dwelling houses are the most common use, many dwelling houses are on a range of smaller lots.</i></p> <p><i>(8) Urban and new urban areas (excluding neighbourhood centres) contain existing land uses that provide for a localised service</i></p>

*function such as small-scale food and drink outlets, community uses and services. These land uses can continue; however, the expansion of these uses or the establishment of new uses must function to service the needs of the immediate local residential community, not conflict with sensitive land use(s), not compromise the role and function of designated centres and be consistent with the relevant zone code.*

*(9) No expansion of existing centres or industrial areas will occur into residential zoned areas (unless otherwise identified within the planning scheme). This will:*

*(a) maintain the viability and sustainability of existing centres and industrial areas;*

*(b) provide certainty to the owners and occupants;*

*(c) encourage the reinvestment and redevelopment of existing centres and industrial areas; and*

*(d) prevent the spread of 'ribbon' development along state-controlled road and major roads.*

These specific outcomes identify that the area provides primarily for residential activities and non-residential activities when they provide a localised service function for the immediate local residential community.

While the specific outcomes are focused on the above, they do not preclude non-residential uses occurring within the urban and new urban designation, rather that residential uses prevail. The proposal is for the redevelopment of an existing service station, short-term accommodation (motel) and tourist park (caravan park). What is taken to be a 'localised service function' in this instance is considered to go beyond the immediate bounds of Parkhurst. The reason being that the site is located on a State-controlled highway which provides for linear development that is generally highway-focused and servicing transient customers. Notwithstanding this, it is acknowledged that it may only service a relatively small portion of the immediate local community.

The proposal expands on and redevelops the existing motel and caravan park activities that have previously been established on the site with lawful existing use rights. Despite the low density residential zoning, it is acknowledged that the site already contains non-residential land uses being a service station, tourist park/caravan park and motel units. The site is also located in a busy, high traffic area directly adjoining Yaamba Road, being a major highway and state-controlled road. There are also a number of other non-residential land uses in the immediate local area, including both established and approved developments.

The development provides a convenience function for road users of Yaamba Road (Bruce Highway). The proposal will provide refuelling and rest facilities including for heavy vehicles north of the Rockhampton Ring Road's (RRR) intersection with Yaamba Road.

The application material addresses the Strategic Framework and is supported by an economic needs assessment prepared by a qualified economist in accordance with the *Economic impact assessment planning scheme policy (SC6.9)* adopted under Council's planning scheme. The economic needs assessment further reinforces the unique characteristics and implications of the site with regard to its geographic location in relation to Yaamba Road and the Northern intersection/entrance to the Rockhampton Ring Road.

Council officers are satisfied that potential impacts of the development can be mitigated with appropriate conditions to ensure there are no adverse offsite impacts to the residential character and amenity of the surrounding area. Specifically, this is achieved through acoustic barriers, landscaping, siting, layout and building design for the activities and is supported by an Environmental Noise Assessment.

	Despite conflict with some aspects of the Strategic Framework, the development does not comprise the overall strategic intent for the Parkhurst area under the planning scheme and regard to relevant matters is considered to outweigh those conflicts.
<b>Relevant Matters</b>	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>• The land uses for service station, tourist park and short-term accommodation are pre-existing on the subject site and the proposed development is for continuation, redevelopment and expansion of those existing uses or otherwise introduces a supporting/complementary land use activity, that being the food and drink outlet with drive through facility.</li> <li>• An economic needs assessment demonstrates that the development fulfils a growing need for fuel retail and after-hours convenience retail within the Parkhurst / North Rockhampton catchment. The economic needs assessment identifies an undersupply and increased demand for these activities north of the Rockhampton Ring Road.</li> <li>• The economic needs assessment also identifies an undersupply of drive-through fast food retail within the Parkhurst / North Rockhampton catchment. Market assessment further highlights increasing demand for this activity within the catchment.</li> <li>• Despite the zoning, the subject site is uniquely located and highly accessible for local residents, the wider community and passing traffic, particularly in relation to Yaamba Road, the Bruce Highway and the Rockhampton Ring Road.</li> <li>• The expansion of the proposed facility would have limited impacts on the settlement pattern, centres hierarchy and competitor facilities.</li> <li>• Rockhampton Region Planning Scheme 2015 (version 4.4) came into effect on 25 October 2023, after the application had been lodged. Version 4.4 of the Planning Scheme contains amendments to the Flood Hazard Overlay as a result of updated flood modelling which affects the subject site. Council officers have given consideration to the Flood Hazard Overlay Code and updated flood modelling as part of the assessment of the application.</li> </ul>	
<b>Matters raised in submissions</b>	
<p>The proposal was the subject of public notification between 27 April 2023 and 19 May 2023, in accordance with the requirements of the <i>Planning Act 2016</i> and the <i>Development Assessment Rules</i> and no properly made submissions were received.</p>	
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The Rockhampton Region Planning Scheme 2015 (version 2.2);</li> <li>• Central Queensland Regional Plan 2013; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Service Station, Food and Drink Outlet, Tourist Park, Short Term Accommodation and Caretaker's Accommodation, made by McKay Ventures Pty Ltd, located at 900-904 Yaamba Road, Parkhurst, described as Lot 2 on RP603056, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

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

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

1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a letter of compliance for any operational works required by this development approval:

1.3.1 to Council's satisfaction;

1.3.2 at no cost to Council; and

1.3.3 prior to the commencement of the use,

unless otherwise stated.

1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.5.1 Operational Works:

(i) Access and Parking Works;

(ii) Stormwater Works;

(iii) Roof and Allotment Drainage;

(iv) Site Works;

(v) Advertising Device.

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works:

(i) Demolition Works; and

(ii) Building Works.

1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Cover Page	TRG Architects	1 February 2024	TP100	P3
Existing Conditions & Site Context Plan	TRG Architects	1 February 2024	TP200	P3
Site Master Plan & Proposed	TRG Architects	1 February 2024	TP201	P3

Demolition Plan				
Staging Plan	TRG Architects	1 February 2024	TP202	P2
Proposed Floor Plans Fuel Station & QSR	TRG Architects	1 February 2024	TP300	P4
Proposed Floor Plans Family Accommodation	TRG Architects	1 February 2024	TP301	P3
Proposed Floor Plan Manager's Residence & Store	TRG Architects	1 February 2024	TP302	P2
Proposed Floor Plans Ablutions & L'dry Services	TRG Architects	1 February 2024	TP303	P2
Proposed Floor Plans Reception Building	TRG Architects	1 February 2024	TP304	P3
Proposed Stage 1 Elevations	TRG Architects	1 February 2024	TP400	P3
Proposed Stage 1 Elevations	TRG Architects	1 February 2024	TP401	P3
Proposed Elevations Family Accommodation	TRG Architects	1 February 2024	TP402	P2
Proposed Motel Elevations	TRG Architects	1 February 2024	TP403	P2
Proposed Standard Cabin Elevations	TRG Architects	1 February 2024	TP404	P2
Proposed Ensuite Cabin Elevations	TRG Architects	1 February 2024	TP405	P2
Proposed Elevations Manager's Residence & Store	TRG Architects	1 February 2024	TP406	P2
Proposed Elevations Ablutions & Laundry / Services	TRG Architects	1 February 2024	TP407	P2
Proposed Elevations Reception Building	TRG Architects	1 February 2024	TP408	P2
Fence Elevations	TRG Architects	1 February 2024	TP409	P1
Finishes Schedule	TRG Architects	24 November 2022	TP600	P2
Landscape Concept Plan	Faulkner & Chapman Landscape Design	19 April 2023	Sheets 1 to 4	-

Flood Impact Assessment & Stormwater Management Plan	McMurtrie Consulting Engineers	8 March 2023	073-21-22	R1V2
Traffic Impact Assessment	McMurtrie Consulting Engineers	6 March 2023	073-21-22	2
Technical Memorandum	McMurtrie Consulting Engineers	19 December 2023	073-21-22	
Environmental Noise Assessment Service Station Redevelopment and Upgrade	RoadPro Accoustics	12 January 2023	1371R1-R1	Rev 1
Waste Management Plan	GSPC	15 March 2023	211165	-
Response to Further Advice	Hazkem Pty Ltd	27 February 2024	-	Rev 1

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

### 3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Service Station and Food and Drink Outlet (Stage One); and

3.1.2 Tourist Park, Short Term Accommodation and Caretaker's Accommodation (Stage Two).

in accordance with the approved Staging Plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

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

3.3 The currency period for Stage One and Stage Two is six (6) years from the date this approval takes effect.

### 4.0 ACCESS AND PARKING WORKS

4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.

4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

4.4 No heavy vehicle access or egress is permitted to or from Norman Road. Appropriate signage must be provided at the access / egress location accordingly.

4.5 The existing access from Norman Road to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.



- 4.6 A basic left turn treatment must be investigated at the access off Norman Road and a turn warrants assessment. Relevant commentary must be provided as part of the required application for Operational Works (access and parking works).
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 For Stage 1, a minimum of 32 car parking spaces and six (6) heavy vehicle parking spaces must be provided on-site. In addition to the parking requirements, the drive through facility must be capable of supporting on-site queuing for at least ten (10) vehicles.
- 4.9 For Stage 2, a minimum of 84 parking spaces must be provided on-site, broken down as follows:
- 4.9.1 Tourist Park – 28 car parking spaces for the cabins (one (1) per cabin) and 34 car parking spaces for the powered caravan sites (one (1) per site);
  - 4.9.2 Short Term Accommodation – twelve (12) car parking spaces for guests (one (1) per unit);
  - 4.9.3 Caretaker's Accommodation/Manager's Residence – one (1) car parking space; and
  - 4.9.4 A minimum of nine (9) car parking spaces for non-resident staff and visitors to the site.
- 4.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.11 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.12 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"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.16 For Stage One, bicycle parking facilities must be provided in accordance with *SC6.4 – Bicycle network planning scheme policy* and must encourage casual surveillance.
- 5.0 **PLUMBING AND DRAINAGE WORKS**
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.

- 5.4 The existing sewerage and water connection point(s) must be retained, and upgraded, if necessary, to service the development.
- 5.5 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.6 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.7 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.
- 5.8 A four (4) metre wide easement must be provided over the 300 millimetre trunk sewerage infrastructure traversing the site. The sewer infrastructure must be centrally located within the easement.
- 6.0 **STORMWATER WORKS**
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) annual exceedance probability (AEP) storm event, for the post-development conditions.
- 6.5 Easements must be provided over any other land required to accommodate the flows associated with the subject development.
- 6.6 Easements must be provided over all land assessed to be within the inundation area in a one per cent (1%) Annual exceedance probability flood event.
- 6.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 6.8 The bio-detention basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the bio-detention basin and the design must:
- 6.8.1 be suitable to the climate and incorporate predominately native species;
  - 6.8.2 maximise areas suitable for on-site infiltration of stormwater;
  - 6.8.3 incorporate shade trees; and
  - 6.8.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the bio-detention basin/s as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed bio-detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

- 6.9 A major drainage channel must be designed and constructed traversing the site north south in accordance with Council's Local Government Infrastructure Plan (LGIP) and Schedule of Works. This necessary trunk infrastructure has been identified as D-1 in the Local Government Infrastructure Plan and is conditioned under section 128 of the *Planning Act 2016*.
- 6.10 A revised Flood Impact Assessment must be submitted with the Operational Works application. The revised modelling must include a relocated central channel twelve (12) metres to the east and identify any impacts external to the development site for a range of flood events up to and including the one (1) per cent annual exceedance probability (AEP) event.

#### 7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

#### 8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
  - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
  - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

## 9.0 BUILDING WORKS

- 9.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 9.2 The existing structures on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 9.3 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 9.4 Any building plant must be screened from view of the street by one or more of the following:
- 9.4.1 a solid screen fence, or
  - 9.4.2 a roof design feature; or
  - 9.4.3 a wall; or
  - 9.4.4 dense vegetation; or
  - 9.4.5 be located within, underneath or central to the building so as to not be visible from the street.
- 9.5 Noise mitigation measures must be implemented in accordance with the recommendations in the report titled "Environmental Noise Assessment Service Station Redevelopment and Upgrade" (refer to condition 2.1).
- 9.6 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.7 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of the statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 9.8 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 9.8.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 9.8.2 concealed from public view such that the contents of the waste storage area are not visible from any public place;
  - 9.8.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning; and
  - 9.8.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the approved stormwater treatment device (refer to condition 2.1).
- 9.9 Acoustic screen fencing must be erected along the common boundary of the subject development site and any adjoining residential properties in accordance with the approved plans and the recommendations included in the report titled "Environmental Noise Assessment Service Station Redevelopment and Upgrade" (refer to condition 2.1).

- 9.10 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability (AEP) flood inundation level.
- 9.11 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 9.12 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) annual exceedance probability (AEP) flood level.
- 9.13 A Development Permit for Operational Works (advertising device) must be submitted to Council for approval of signage (e.g. pylon sign); other than those that are accepted development under Council's Planning Scheme.
- 10.0 LANDSCAPING WORKS
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use.
- 10.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 10.3 Planting types used within the landscaping areas must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 10.3.1 trees at five (5) metre intervals;
- 10.3.2 shrubs at two (2) metre intervals; and
- 10.3.3 groundcovers at one (1) metre intervals.
- 10.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 10.5 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.6 Shade trees must comply with the following requirements:
- 10.6.1 Be planted clear of services and utilities;
- 10.6.2 Be planted clear of park furniture and embellishments;
- 10.6.3 Not obstruct pedestrian or bicycle traffic; and
- 10.6.4 Comply with crime prevention through environmental design principles.
- 10.7 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 10.8 Shade trees shown on the Landscape Concept Plan (refer to condition 2.1) must be installed, retained and maintained.
- 10.9 Each shade tree must have a clean trunk with a minimum height of two (2) metres and must be provided within the car park areas at the following rates:
- 10.9.1 In single sided, angle or parallel bays – One (1) tree per three (3) car parks; and

- 10.9.2 In double sided, angle or parallel bays – One (1) tree per six (6) car parks; and
- 10.9.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 10.10 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.11 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 10.12 Landscaping, or any part thereof, upon reaching full maturity, must not:
  - 10.12.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
  - 10.12.2 adversely affect any road lighting or public space lighting; or
  - 10.12.3 adversely affect any Council infrastructure, or public utility plant.
- 10.13 The landscaped areas must be subject to:
  - 10.13.1 a watering and maintenance plan during the establishment moment; and
  - 10.13.2 an ongoing maintenance and replanting programme.
- 10.14 Landscaping must be provided with a minimum planting area of three (3) metres in width for the full length of all common side boundaries.
- 10.15 Landscaping is provided along the Norman Road frontage for a minimum width of two (2) metres.
- 10.16 A vegetated landscape buffer, created through a 'three tier' planting approach, at least four (4) metres in width (measured perpendicular to the property boundary), must be provided along the front boundary of Yaamba Road (except where a driveway exists or is proposed) and consist of:
  - 10.16.1 a minimum of two (2) shade or rounded canopy trees for every five (5) linear metres or part thereof of the length of the landscape buffer;
  - 10.16.2 a minimum of two (2) shrubs for every three (3) linear metres or part thereof of the length of the landscaped buffer;
  - 10.16.3 a minimum of two (2) ground covers for every two (2) linear metres or part thereof of the length of the landscaped buffer; and
  - 10.16.4 a one (1) metre high earth mound for the length of the common property boundary excluding access points and driveways.
- 10.17 Submit to Council for approval, prior to submission of a development application for Operational Works, an amended Landscape Concept Plan that demonstrates compliance with the conditions of this approval and is consistent with the site layout as shown on the approved plans, specifically the Site Master Plan and the Staging Plan (refer to condition 2.1).
- 10.18 Submit to Council for approval, prior to submission of a Building Application, amended Building Elevation and Perspectives Plans that show elevation plans for the proposed acoustic barrier fence with at least three (3) variations in textures, materials and colours for the full extent of the acoustic barrier fence (exterior to the service station).

Note: Treatments on the external-facing side of acoustic barrier fencing along a shared common boundary must be capable of being maintenance free.

- 10.19 The proposed three (3) metre high section of acoustic fencing along the northern boundary adjacent to the service station building and food and drink outlet as shown in the approved plans (refer to condition 2.1) must be extended further west towards Yaamba Road to align parallel with western end of the fuel canopy for light vehicles.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 14.0 ENVIRONMENTAL
- 14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
  - (ii) site location and topography;
  - (iii) vegetation;
  - (iv) site drainage;
  - (v) soils;
  - (vi) erosion susceptibility;
  - (vii) erosion risk;
  - (viii) concept;
  - (ix) design; and
  - (x) implementation,
- for the construction and post-construction phases of work.
- 14.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

## 15.0 ENVIRONMENTAL HEALTH

- 15.1 All fuel dispensing areas must be drained to the approved stormwater treatment device (refer to condition 2.1). Contaminants within the stormwater treatment device must be removed and disposed of as regulated waste. Water that has passed through the treatment device may be deposited in the stormwater system.
- 15.2 The approved stormwater treatment device must be maintained to the manufacturer's instruction as per the approved plans and documents.
- 15.3 A Manufacturers Maintenance Instruction Manual must be located on site at all times for inspection by Council Officers.
- 15.4 Noise emitted from the activity must not cause an environmental nuisance.
- 15.5 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 15.6 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 15.6.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
  - 15.6.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - 15.6.3 waste bags and ties.
- 15.7 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 15.8 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.
- 15.9 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 15.10 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 15.10.1 the date, quantity and type of waste removed;
  - 15.10.2 a copy of any licensed waste transport vehicle docket;
  - 15.10.3 the name of the licensed regulated waste removalist and/or disposal operator; and
  - 15.10.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- ## 16.0 OPERATING PROCEDURES
- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not



- occur within Yaamba Road or Norman Road.
- 16.2 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 16.3 All waste storage areas must be:
- 16.3.1 kept in a clean and tidy condition; and
  - 16.3.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 16.4 For Stage One, commercial waste bins must be provided on-site within the 'shared refuse and receiving area' as shown on the approved plans (refer to condition 2.1).
- 16.5 For Stage Two, commercial waste bins must be provided on-site in suitable locations that are compliant with condition 9.8 of this approval.
- 16.6 For Stages One and Two, all commercial waste bins must be collected by a private contractor. No kerbside collection or collection within the road reserve is permitted.

### ADVISORY NOTES

#### NOTE 1. Aboriginal Cultural Heritage

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

#### NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

#### NOTE 3. General Environmental Duty

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

#### NOTE 4. Duty to Notify of Environmental Harm

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

#### NOTE 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

#### NOTE 6. 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 7. Infrastructure Charges Notice

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

NOTE 8. Rating Category

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

**Moved by: Councillor Latcham**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

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**11.2 D/82-2023 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY AND RECONFIGURING A LOT FOR A LEASE (20 YEARS)**

**File No:** D/82-2023  
**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

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**SUMMARY**

**Development Application Number:** D/82-2023  
**Applicant:** Ventia  
**Real Property Address:** Lot 1 on RP602872  
**Common Property Address:** 50 Nagle Drive, Norman Gardens  
**Area of Site:** 6.857 hectares  
**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (version 2.2)  
**Planning Scheme Zone:** Environmental Management and Conservation Zone  
**Planning Scheme Overlays:** Airport Environs Overlay;  
Biodiversity Areas Overlay;  
Bushfire Hazard Overlay; and  
Steep Land Overlay.  
**Existing Development:** Water Reservoir  
**Approval Sought:** Development Permit for Material Change of Use for a Telecommunications Facility and Reconfiguring a Lot for a Lease (20 years)  
**Level of Assessment:** Impact Assessable – Material Change of Use for a Telecommunications Facility  
Code Assessable – Reconfiguring a Lot for a Lease (20 Years)  
**Submissions:** Thirteen (13)  
**Referral Agency:** Nil

***Suspension of Standing Orders*****COUNCIL RESOLUTION**

9:13AM

That pursuant to s7.8 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be suspended to allow adequate time for informal discussion on Item D/82-2023 Development Application for Material Change of Use for a Telecommunications Facility and Reconfiguring a Lot for a Lease (20 years) prior to entering into formal debate.

**Moved by:** Councillor Latcham

**MOTION CARRIED**

***Resumption of Standing Orders*****COUNCIL RESOLUTION**

9:35AM

That pursuant to s7.8 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be resumed.

**Moved by:** Councillor Latcham

**MOTION CARRIED**

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

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility and Reconfiguring a Lot for a Lease (20 years), made by Ventia, located at 50 Nagle Drive, Norman Gardens, described as Lot 1 on RP602872, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS**

<b>Description of the development</b>
a) Material Change of Use for a Telecommunications Facility and Reconfiguring a Lot for a Lease (20 years)
<b>Reasons for Decision</b>
b) 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
c) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.
<b>Assessment Benchmarks</b>
The development was assessed against the following assessment benchmarks: <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Local Government Infrastructure Plan;</li> </ul>

- Environmental Management and Conservation Zone Code;
- Telecommunications Facilities and Utilities Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Airport Environs Overlay Code;
- Steep Land Overlay Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code; and
- Reconfiguring of a Lot Code.

**Compliance with assessment benchmarks**

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
<p>Strategic Framework and Environmental Management and Conservation Zone purpose</p>	<p><b>3.4.6 Element – Landscape and scenic amenity of strategic framework</b></p> <p><b>Environmental management &amp; conservation zone purpose</b></p> <p>The proposed development does not comply with the landscape and scenic amenity element of the Strategic Framework, specifically outcomes 3.4.6.1 (1) and 3.4.6.1 (2) along with overall outcome 2 (d and e) of the Environmental Management and Conservation Zone. Despite the structure being visible from Norman Road, the proposed development is unlikely to adversely impact on the significant scenic landscape features of the subject site for the following reasons:</p> <ul style="list-style-type: none"> <li>• The tower is of a monopole design, which is a narrow structure and of a similar height to the existing vegetation onsite;</li> <li>• The structure has been designed with colours that reflect the natural landscape of Mount Archer to soften the visual impact of the structure to the surrounding landscape and surrounding residential areas; and</li> <li>• The established dense tree cover surrounding the proposed tower and water reservoir, which are of a similar height to the monopole structure assist in screening the development and softening the built form.</li> </ul> <p>In the instance any conflicts are identified with both the elements of the strategic framework and purpose of the zone code, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p>
<p>Environmental Management and Conservation Zone</p>	<p><b>Performance Outcome (PO) 4</b></p> <p>The proposed development does not comply with PO4 (a) and no Acceptable Outcomes (AO) are nominated.</p>

	<p>Despite the structure being visible to the surrounding landscape, it is unlikely to adversely impact on the urban form or significant scenic landscape features of the area for the following reasons:</p> <ul style="list-style-type: none"> <li>• The tower is of a monopole design, which is a narrow structure;</li> <li>• The structure has been designed with colours that reflect the natural landscape of Mount Archer to soften the visual impact of the structure to the surrounding landscape and surrounding residential areas;</li> <li>• The established dense tree cover surrounding the proposed tower and water reservoir, which are of a similar height to the monopole structure assist in screening the development and softening the built form; and</li> <li>• Telecommunication towers are integral parts of a community's infrastructure network and form part of a normal urban landscape.</li> </ul> <p>In the instance any conflicts are identified with PO4 (a), regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p>
	<p><b>Performance Outcome (PO) 5</b></p> <p>The proposed development conflicts with Acceptable Outcome (AO) 5.1 because the development involves the clearing of vegetation, where AO5.1 requires no vegetation to be cleared as part of the development.</p> <p>An assessment of vegetation within the proposed facility lease area resulted in the requirement to remove one (1) eucalyptus tree. This is because the location is within a cleared portion of the site.</p> <p>The removal of one (1) tree is considered minimal and as a result the subject site maintains a majority of the existing dense native vegetation ensuring the disruption to existing flora and fauna is reduced.</p> <p>Therefore, the proposed development is taken to comply with PO 5.</p>
<p>Telecommunications Facilities and Utilities Code</p>	<p><b>Performance Outcome (PO) 1</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 1.1 as the Telecommunications Facility is located within the Environmental Management and Conservation Zone.</p> <p>A site selection methodology was undertaken and determined the proposed facility needs to be close to where it is currently proposed to ensure the radio-frequency and network outcomes for the area can be achieved. Moving it well away from the residential area it is intending to serve is an unviable option and found the proposed site to be the most suitable.</p> <p>The subject site, whilst located in the Environmental Management and Conservation Zone provides the ability to minimise its impacts by way of acceptable setbacks, approximately 278 metres from Nagle Drive, and approximately 198 metres to 280 metres to all residential uses to the east, south and west.</p> <p>Existing dense vegetation on the subject site will provide further screening from all boundaries, with a majority of the vegetation being retained as part of the development. Furthermore, as with all mobile telecommunications facilities in Australia, the proposed facility is required to comply, at all times with the relevant Radiation Protection Standards.</p> <p>Therefore, it is not anticipated that the telecommunications facility will adversely impact on the amenity, health or visual character of an</p>

	<p>environmental zone or other sensitive locations and the proposal generally complies with the Performance Outcome.</p>
	<p><b>Performance Outcome (PO) 5</b></p> <p>The proposed development conflicts with Acceptable Outcomes (AO) 5.1 as it does not provide a minimum three (3) metre wide earth mounded landscape strip with dense landscaping.</p> <p>The applicant has not proposed any additional landscaping as part of the proposal. However, a majority of the site is dense vegetation that provides a natural buffer and will reduce the impact of the development from all adjoining property boundaries. The proposed structure is significantly set back from adjoining properties. All existing vegetation is retained onsite unless otherwise identified on the approved plans.</p> <p>Therefore, the proposed development is taken to comply with PO5.</p>
<p>Landscape Code</p>	<p><b>Performance Outcome (PO) 1</b></p> <p>The proposed development conflicts with Acceptable Outcome 1.1 as no landscaping is proposed as part of the development.</p> <p>The outcome is effectively achieved by the significant separation distance from any local area, approximately 270 metres from the south being Norman Road frontage, 200 metres from the west property boundary and over 150 metres from the east property boundary.</p> <p>Further, the existing vegetation on the subject site already provides for a natural buffer and will provide some screening of the development from all adjoining boundaries.</p> <p>Therefore, the proposed development is taken to comply with PO1.</p>
<p><b>Relevant Matters</b></p>	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>• Telecommunication facilities are considered critical pieces of community infrastructure, similar to reticulated water and sewerage.</li> <li>• There is a growing demand and need for new telecommunications facilities as mobile usage continues to trend upward nationally.</li> <li>• Changes in how people use mobile data have resulted in Telecommunication providers experiencing exponential growth in data usage as more people spend time working from home.</li> <li>• Without new telecommunication facilities, similar to the one being proposed, users may experience difficulty connecting to the mobile network or experience call dropouts. The Applicant has demonstrated in order to practically meet user requirements, the proposed development and site are the most suitable.</li> </ul>	
<p><b>Matters raised in submissions</b></p>	
<p>The proposal was the subject of public notification between 25 January 2024 and 16 February 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and thirteen (13) submission were received.</p>	
<p>Health Concerns</p>	<p>Submitters raised concerns regarding the potential health impacts of such facilities on nearby residents and the water reservoir on the subject land, particularly because of ‘electromagnetic radiation’, also commonly referred to as ‘electromagnetic energy’ (EME).</p> <p>As part of a further advice request the applicant submitted an Environmental EME Report, which provided a summary of levels of radiofrequency (RF) and electromagnetic energy (EME) around the proposed base station at 50 Nagle Drive, Norman Gardens. The RF</p>

	<p>and EME levels were calculated using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The maximum EME level calculated for the proposed development is 1.38% out of 100% of the public exposure limit that is deemed safe.</p> <p>As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant Radiation Protection Standard and once operational must have this compliance certified by an accredited person.</p> <p>Therefore, based on the reporting provided there is no known adverse health concerns that would result from the development.</p>
Devaluing of nearby properties	<p>Submitters raised concerns the proposal would devalue their properties. Property value is not a matter Council may or must have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application.</p> <p>Notwithstanding, there is no evidence that the installation of these facilities has had any adverse and direct impact upon property values. Access to essential telecommunications services, particularly in developing areas, is increasingly seen as not only beneficial but necessary.</p>
Poor public consultation/ notification	<p>Submitters raised concerns about the lack of public awareness of the proposed development. Particularly, why residents in the surrounding area were not more widely consulted.</p> <p>The Applicant undertook public notification in accordance with the mandatory requirements of the <i>Planning Act 2016</i>. This included:</p> <ul style="list-style-type: none"> <li>• Notifying adjoining landowners with a common boundary by post.</li> <li>• Placing a notice in a newspaper circulating in the locality.</li> <li>• One (1) notice sign was placed on the Nagle Drive Road frontage of the site for 15 business days.</li> </ul> <p>There is no requirement for the Applicant or Assessment Manager (Council) to consult with or undertake public notification beyond that required by the <i>Planning Act 2016</i>.</p>
Visual Impact	<p>Submitters raised concerns regarding visual impacts to the subject site and surrounding area. Siting of the proposed facility allows for significant setbacks and screening by existing tree cover. The closest residential property is approximately 200 metres to the west, and it is unlikely that any directly adjoining, or nearby residential property will have a clear view of the proposed facility. Any views available are more likely to be substantially obscured and could not be described as unreasonable or dominant. Furthermore, it has been conditioned that the monopole, headframe and antennas are to be painted and finished in a non-competing colour that will further minimise its visual impact.</p>
Alternate Locations	<p>Submitters made comment to the relocation of the Telecommunications Facilities on other potential sites, either further up into the Mount Archer Ranges or located along the rural areas of Yeppoon Road.</p> <p>The need for the Telecommunications Facilities has arisen as a result of increased demand on the network in the Norman Gardens area. A site selection methodology was undertaken and first sought to assess the suitability of existing facilities for upgrade or collocation, before moving to new sites where existing facilities were not appropriate. The methodology took into account proximity to residential areas, impacts on visual amenity and benefit to the network.</p>



	<p>The investigations determined the proposed facility needs to be close to where it is currently proposed to ensure the radio-frequency and network outcomes for the area can be achieved. Moving it well away from the residential area it is intending to serve is an unviable option and found the proposed site to be the most suitable.</p> <p>The subject site provides the ability to minimise its visual impacts by way of acceptable setbacks from allotment boundaries and screening available from existing water reservoir and dense vegetation.</p>
Impacts to wildlife	<p>Submitters raised concerns regarding the potential impacts on the surrounding habitat of existing wildlife. Whilst the subject site is partially mapped as containing matters of state or local environmental significance, existing studies by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on the effects of low-level RF and EME exposure on plants and animals indicate that the exposure limits set within the Standard are adequate in providing protection to the environment. Furthermore, only one (1) tree is proposed to be removed as part of the development and it is conditioned as part of the approval that all other existing vegetation is to be retained.</p>
Nagle Drive road safety	<p>Submitters raised concerns around the safety of road users within the access track and recommended a lockable gate to be placed at the entrance of the Nagle Drive access track.</p> <p>As identified in the application material, an existing gate is located within the access track further within the site that is used to restrict vehicles from entering the remainder of the site and gaining access to the water reservoir. There is no viable option to fence or install a lockable gate further down the hill at the entrance of Nagle Drive and it would be unreasonable to impose as part of this development.</p> <p>Furthermore, security fencing is conditioned surrounding the lease area as part of the approval to protect safety.</p>
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and</li> <li>• 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 Development Permit for Material Change of Use for a Telecommunications Facility and Reconfiguring a Lot for a Lease (20 years), made by Ventia, located at 50 Nagle Drive, Norman Gardens, described as Lot 1 on RP602872, Council resolves to Approve the application subject to the following conditions:

### Material Change of Use for Telecommunications Facility

#### 1.0 ADMINISTRATION

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

- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use,  
unless otherwise stated.

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

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Draft Site Layout Sheet 1 of 2	Ventia	4 May 2023	B2621-P1	02
Draft Site Layout Sheet 1 of 2	Ventia	4 May 2023	B2621-P2	02
Draft Site Elevation	Ventia	4 May 2023	B2621-P3	02

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

## 3.0 SITE WORKS

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

## 4.0 BUILDING WORKS

- 4.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 4.2 All external elements, such as cooling fans and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 4.3 A 1.8 metre high security fence is to be provided around the telecommunications facility lease area. All fencing must be maintained to the satisfaction of Council.
- 4.4 The telecommunications tower must be built out of pale eucalypt material in order to reduce any nuisance (glare) to surrounding sensitive land uses.

## 5.0 LANDSCAPING

- 5.1 All existing vegetation must be retained as a result of the development, unless otherwise identified on the approved plans (refer to Condition 2.1).

## 6.0 ASSET MANAGEMENT

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

## 7.0 ENVIRONMENTAL

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

## 8.0 ENVIRONMENTAL HEALTH

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

## 9.0 OPERATING PROCEDURES

- 9.1 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 9.2 All surface treatments must be operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- 9.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Nagle Drive.

## ADVISORY NOTES

### NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Seniors, Disability

Services and Aboriginal and Torres Strait Islander Partnerships website [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

**Reconfiguration of Lot for a Lease (20 years)**

1.0 ADMINISTRATION

1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:

1.3.1 to Council’s satisfaction;

1.3.2 at no cost to Council; and

1.3.3 prior to the issue of the Survey Plan Approval Certificate,

unless otherwise stated.

1.4 The lease is valid for a maximum period of 20 years from the date of this approval. Lease documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate.

2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Prepared by	Date	Reference No.	Version/Issue
Plan of Level & Detail Survey over part of Lot 1 on RP602872 50 Nagle Drive, Norman Gardens	Veris	7 September 2023	400844-057-DS01	B

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of the Survey Plan for endorsement.

**3.0 ASSET MANAGEMENT**

- 3.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

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

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

**NOTE 2. 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.

**Moved by: Councillor Wickerson**

**Seconded by: Mayor Williams**

**MOTION CARRIED**

Councillor Latcham recorded his vote against the motion

**TELECOMMUNICATIONS POLICY REVIEW**

**File No: 11979**

**Responsible Officer: Ross Cheesman – Deputy Chief Executive Officer**

**COUNCIL RESOLUTION**

THAT Council review the Telecommunication Facilities on Council Land Policy.

**Moved by: Councillor Latcham**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

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**11.3 ROCKHAMPTON MUSEUM OF ART PHILANTHROPY BOARD - NEW MEMBERS**

**File No:** 1211  
**Authorising Officer:** John Webb - Manager Communities and Culture  
Alicia Cutler - General Manager Community Services  
**Author:** Jonathan McBurnie - Museum of Art Director

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**SUMMARY**

*The purpose of this report is to seek Council's endorsement of two new members to be accepted to Rockhampton Museum of Art (RMOA) Philanthropy Board and approval for the nominated role of RMOA Philanthropy Board Chair.*

**COUNCIL RESOLUTION**

THAT Council endorse two new Rockhampton Museum of Art (RMOA) Philanthropy Board members, Patric Lilleboe and Anne Stunzer and nominated Chair, Dr Leonie Gray (current RMOA Board member).

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Hilse

**MOTION CARRIED UNANIMOUSLY**

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**11.4 BROWNE PARK REDEVELOPMENT - MURRAY STREET TREE REMOVAL**

**File No:** 11432  
**Authorising Officer:** Alicia Cutler - General Manager Community Services  
**Author:** Justin Bulwinkel - Sports and Active Communities Coordinator  
Jack Barnett - Sports and Active Communities Advisor

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**SUMMARY**

*Department of Tourism and Sport (DTS) are seeking to remove and replace eight (8) significant trees located on the North-East side of Murray Street to support the Browne Park Redevelopment Project (BPRP).*

10:01AM Chief Executive Officer left the meeting room  
10:04AM Chief Executive Officer returned to the meeting room  
10:04AM Councillor Oram left the meeting room  
10:06AM Councillor Oram returned to the meeting room

**COUNCIL RESOLUTION**

THAT:

1. Council approves the Department of Tourism and Sport proposal to remove eight (8) Peltophorum trees, contingent on a funded program to upgrade the planting sites consistent with Council's Tree Management Policy Standards by the end of Browne Park Redevelopment Project, stage one. The trees and sites are adjacent to Browne Park, 75-103 Murray Street, Rockhampton (as identified in Attachment 2 of the report).
2. Council receives notice of the Parks re-planting strategy, renewing all eight (8) trees at the conclusion of the Browne Park Redevelopment Project, stage one.

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

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**11.5 UPCOMING GRANT PROGRAM APPLICATIONS**

**File No:** 12534  
**Authorising Officer:** Angus Russell - Executive Manager Advance  
Rockhampton  
Evan Pardon - Chief Executive Officer  
**Author:** Ann Davie - Senior Advisor Advocacy

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**SUMMARY**

*This report seeks Council support to apply for funding for nominated projects under the Queensland Government's Local Government Grants and Subsidies Program, 2024-28 and the Australian Government's Housing Support Program, Community Enabling Infrastructure.*

**COUNCIL RESOLUTION**

THAT Council supports applying for funding for the following projects under the Queensland Government's Local Government Grants and Subsidies Program, 2024-28 and the Australian Government's Housing Support Program, Community Enabling Infrastructure:

Queensland Government, Local Government Grants and Subsidies Program

- Infrastructure – Animal Welfare Operations Centre
- Infrastructure – Irrigation Renewal Project
- Planning – Water Network Quality Assessment Project

Australian Government, Housing Support Program

- Alexandra Street Extended

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

**MOTION CARRIED UNANIMOUSLY**



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**11.6 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD  
ENDING JUNE 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 30 June 2024 for Councillors' information.*

**COUNCIL RESOLUTION**

THAT the Whole of Council Corporate Performance Report for period ending 30 June 2024 be "received".

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

**MOTION CARRIED UNANIMOUSLY**

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**11.7 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE - MOTIONS**

**File No:** 11092  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Ross Cheesman - Deputy Chief Executive Officer

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**SUMMARY**

*The LGAQ are now seeking submissions of resolutions to be considered at the LGAQ conference being held in Brisbane from 21-23 October 2024. Several motions have been recommended in this report to be submitted.*

**COUNCIL RESOLUTION**

THAT Council endorse the following motions, as detailed in the report, for consideration at the Local Government Association of Queensland Inc Annual Conference to be held in Brisbane from 21 to 23 October 2024.

1. Compost End Product Use Flexible Policy Schedule
2. Household Chemical Collection
3. Regional Commingled Recycling Infrastructure Plan
4. Waste Levy Review
5. PFAS
6. Medium Sized Contracts
7. Local Governments' implementing the Reef 2050 Long-Term Sustainability Plan (Reef 2050 Plan)
8. Queensland Government funding for Local Governments' implementing the Reef 2050 Long-Term Sustainability Plan (Reef 2050 Plan)

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

**MOTION CARRIED UNANIMOUSLY**

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**11.8 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE, 21-23 OCTOBER 2024, BRISBANE**

**File No:** 8291  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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**SUMMARY**

*Local Government Association of Queensland Inc advising the Annual Conference will be held at the Brisbane Convention and Entertainment Centre from 21 to 23 October 2024.*

**COUNCIL RESOLUTION**

THAT:

1. The Mayor and all Councillors be authorised to attend the Local Government Association of Queensland's Annual Conference to be held at the Brisbane Convention and Entertainment Centre from 21 to 23 October 2024 as a matter of Council business;
2. The Mayor Councillor Williams and Deputy Mayor Councillor Wickerson be appointed as delegates with voting rights for Rockhampton Regional Council.
3. Application Form be submitted for Certificate of Extensive Service (20 years) for Mayor Williams and Councillor Rutherford;
4. Council submit any Conference Motions prior to closing date for motions.

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

**MOTION CARRIED**

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS\QUESTIONS**

Nil

**COUNCIL RESOLUTION**

10:30AM

THAT the meeting be adjourned for a 15 minute recess, to resume at 10:45am.

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

10:45AM

THAT the meeting be resumed.

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

## Members Present:

The Mayor, Councillor A P Williams (Chairperson)  
Deputy Mayor, Councillor M D Wickerson  
Councillor S Latcham  
Councillor E W Oram  
Councillor C R Rutherford  
Councillor M A Taylor  
Councillor E B Hilse

## In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Ms M Taylor – Chief Financial Officer  
Mr D Morrison – Manager Workforce and Governance  
Mr D Toon – Manager Water and Wastewater (via video-link)  
Mr J Kann – Manager Office of the Mayor  
Ms S Jennings – Coordinator Legal and Governance  
Ms E Brodel – Coordinator Communications and Engagement (via video-link)  
Ms E Buchan – Senior Stakeholder Relations Advisor  
Ms L Leeder – Senior Committee Support Officer

## 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 Legal Matters Report - 1 April 2024 to 30 June 2024

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

#### 16.2 Letter of Support - Australian Defence Force

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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

**MOTION CARRIED**

### COUNCIL RESOLUTION

**10:46AM**

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

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

**MOTION CARRIED**

### COUNCIL RESOLUTION

**10:56AM**

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

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

**MOTION CARRIED**

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## 16 CONFIDENTIAL REPORTS

### 16.1 LEGAL MATTERS REPORT - 1 APRIL 2024 TO 30 JUNE 2024

**File No:** 1830  
**Authorising Officer:** Damon Morrison - Manager Workforce and Governance  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Shannon Jennings - Coordinator Legal and Governance

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

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#### SUMMARY

*Presenting an update of current legal matters that Council is involved in as at 30 June 2024.*

#### COUNCIL RESOLUTION

THAT the legal matters report containing updates on legal matters for Rockhampton Regional Council as at 30 June 2024 be received.

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

**MOTION CARRIED UNANIMOUSLY**

**16.2 LETTER OF SUPPORT - AUSTRALIAN DEFENCE FORCE**

**File No:** 8026  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Damon Morrison - Manager Workforce and Governance

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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**SUMMARY**

*This report provides details of a request from the Australian Defence Force to provide a letter supporting the upcoming training exercise within the Rockhampton Local Government Area.*

**COUNCIL RESOLUTION**

THAT the Chief Executive Officer (Manager Workforce & Governance) be authorised to provide a letter of support to the Australian Defence Force that the Rockhampton Regional Local Government Area be designated as a 'non-defence training area' for the period 3 August to 24 August 2024 (inclusive) as outlined in the report.

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



**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:58am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**23 JULY 2024**

## **ANNEXURE A**

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

- Item 11.1 - D/141-2022 Development Application for Material Change of Use for a Service Station, Food and Drink Outlet, Tourist Park, Short Term Accommodation and Caretaker's Accommodation**
  
- Item 11.2 - D/82-2023 Development Application for Material Change of Use for a Telecommunications Facility and Reconfiguring a Lot for a Lease (20 Years)**



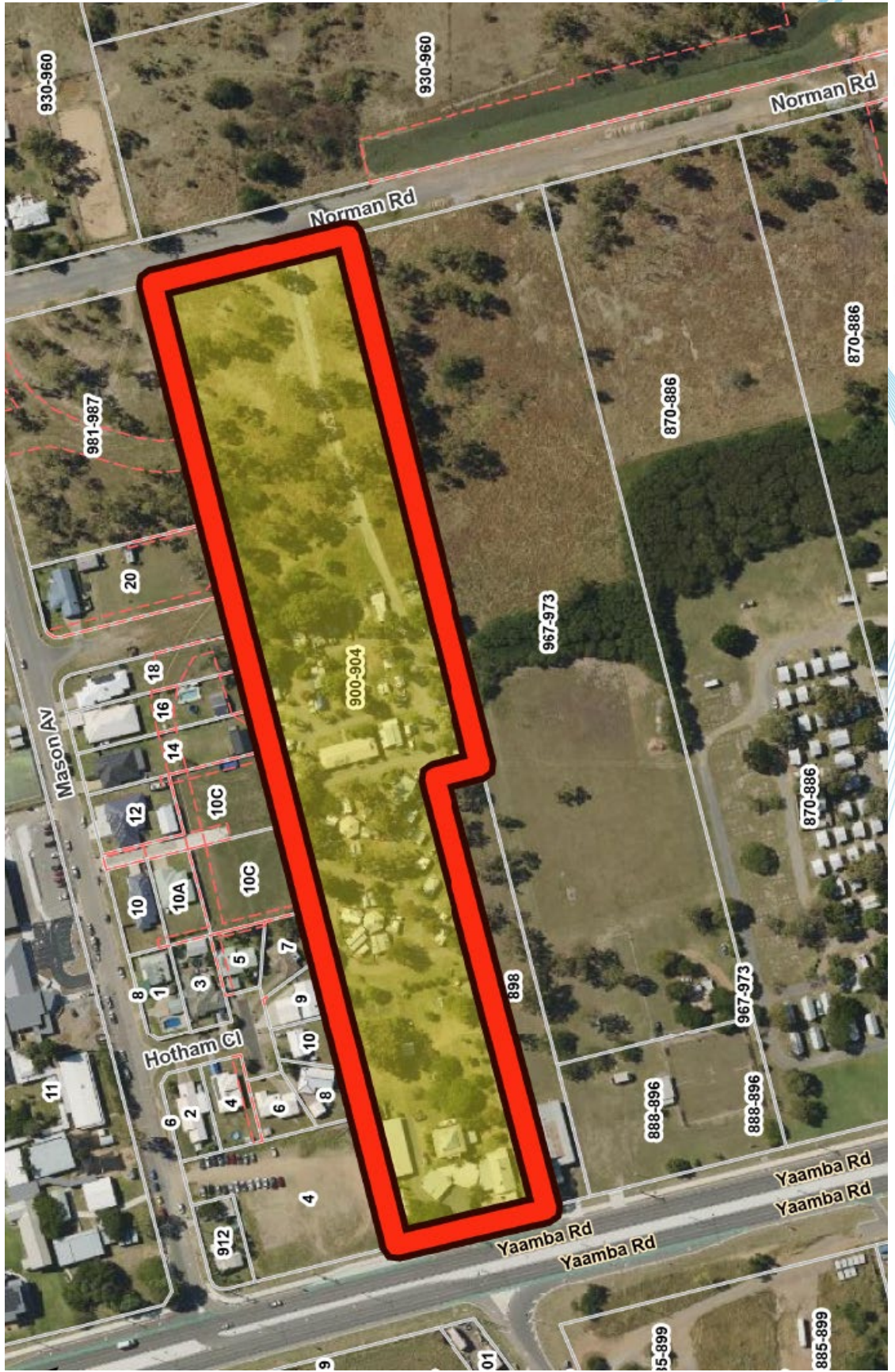
**Development Application (D/141-2022) for a  
Material Change of Use for Service Station,  
Food and Drink Outlet, Tourist Park, Short-term  
Accommodation and Caretaker's  
Accommodation**

**900-904 Yaamba Road, Parkhurst**

Council Meeting – 23 July 2024

Aidan Murray – Senior Planning Officer

# Subject Site





# Stage 1

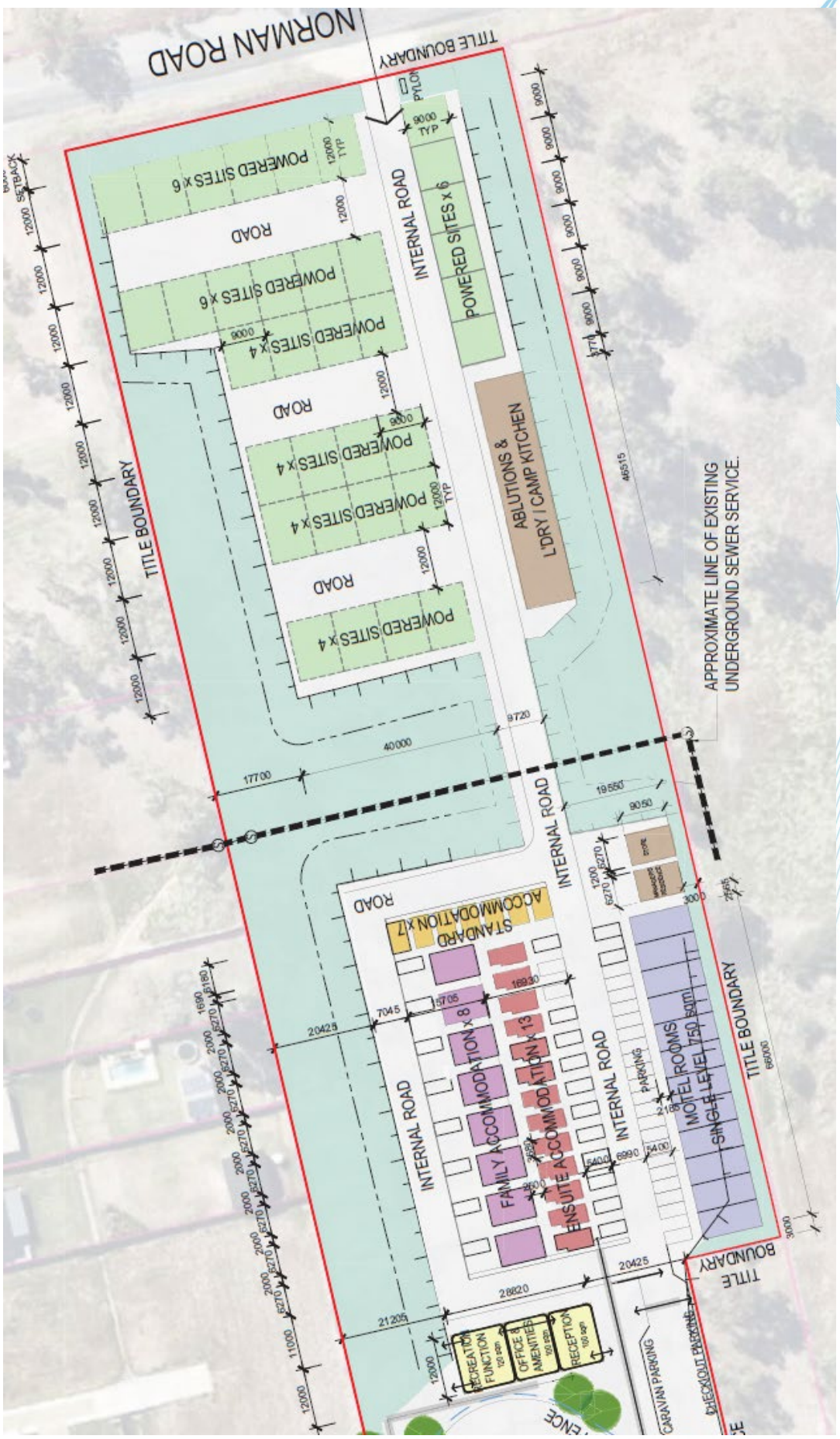


1.8m HIGH SELECTED FENCING TO COMMUNAL PLAY AREA WITH ACCESS CONTROLLED SYSTEM RESTRICTED TO CARAVAN PARK USAGE FOR STAGE 2 WORKS OPERATIONS.

REFER TO TP300 FOR LAYOUT OF TENANCY.

PROPOSED LANDSCAPE AREAS TO FUTURE DETAIL.

# Stage 2





**Development application (D/82-2023)  
Material Change of Use for a  
Telecommunications Facility and Reconfiguring  
of a Lot (lease exceeding 10 years)**

**50 Nagle Drive, Norman Gardens Lot 1 on  
RP602872**

Council meeting – 23 July 2024

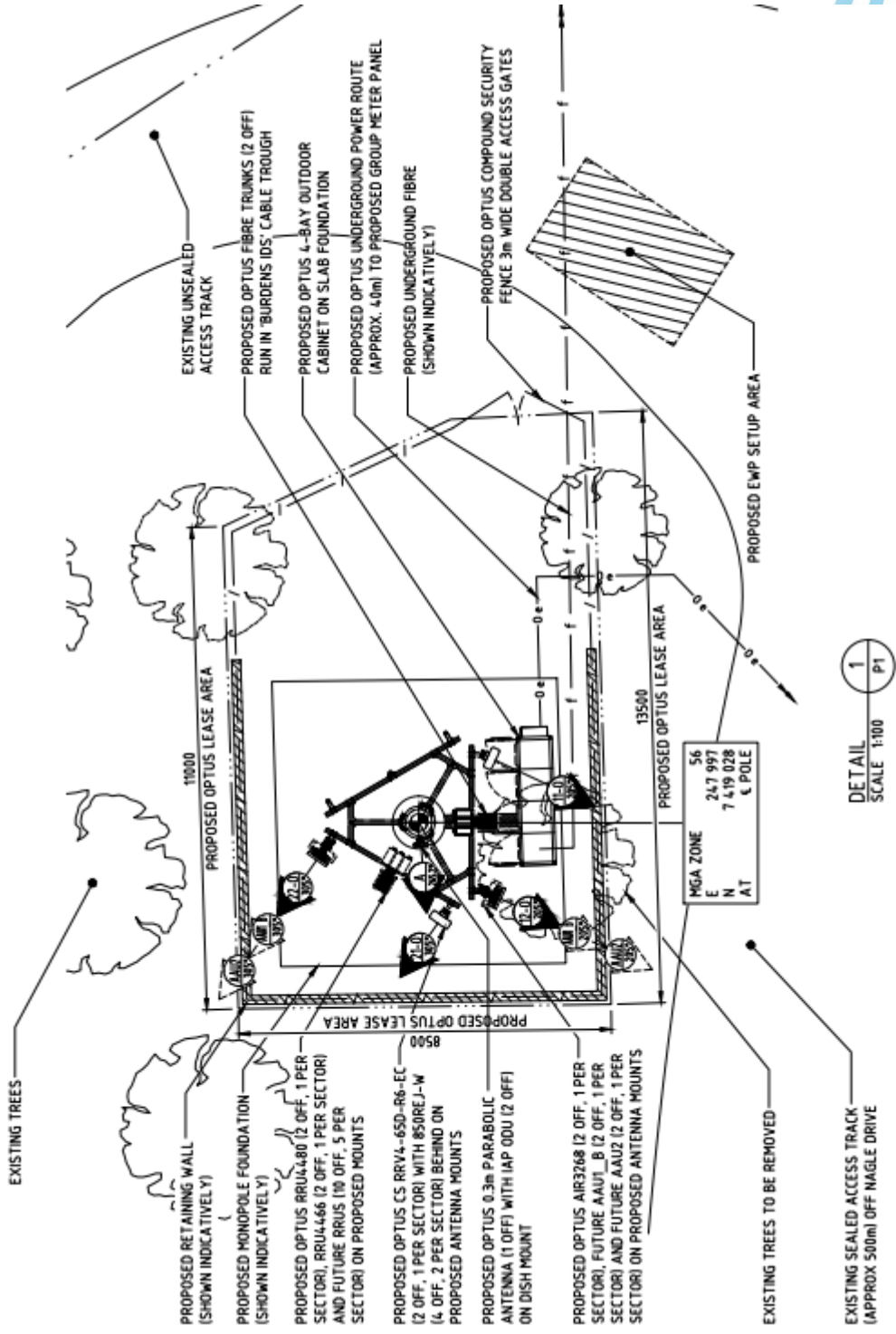
Sophie Muggridge – Planning Officer



# Subject Site

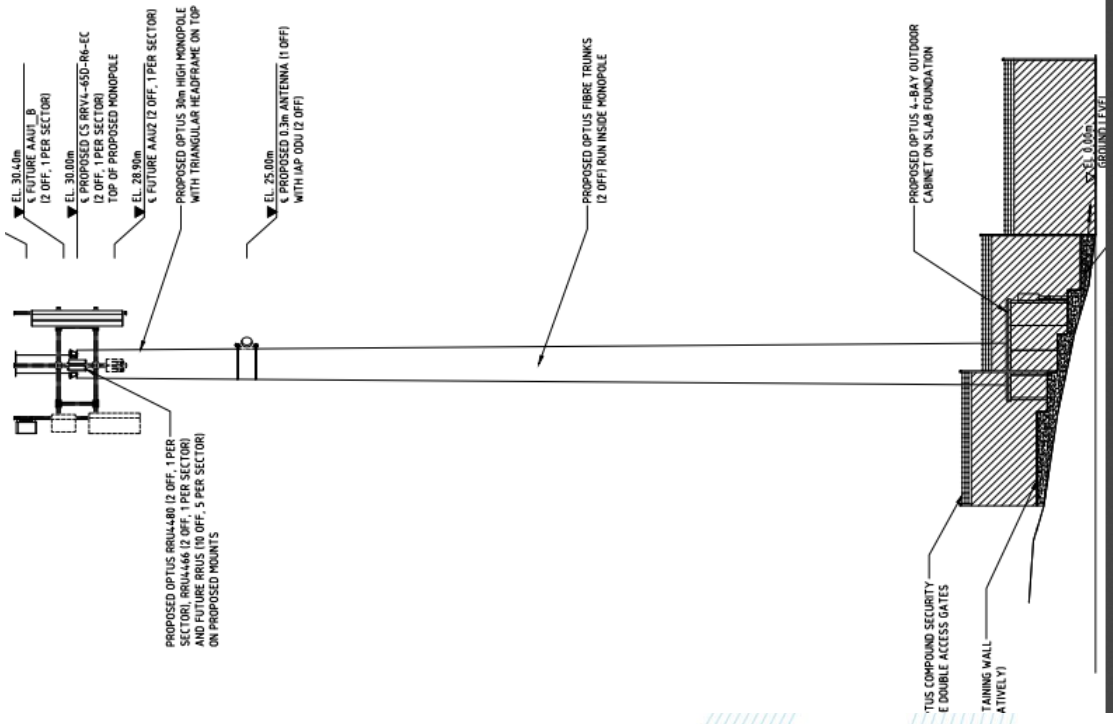


# Proposed development





# Proposed development



# Photo montages

Skyline Drive



Wittenberg Way





# Public notification

