



ORDINARY MEETING

MINUTES

27 AUGUST 2024

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 27 AUGUST 2024 COMMENCING AT 9:00AM**

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 M A Taylor
Councillor E B Hilse

Executive Officer:

Mr R Cheesman

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Rutherford and Councillor Mathers tendered their apologies for the meeting

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 13 August 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 11.5 – Encroachment on Public Land Policy and Procedure Review** as there is vacant road reserve land next door to the property where I reside, to which has been the subject of a recent application that has now been finalised by Council.

Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial.

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

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

COUNCIL RESOLUTION

The table determines that it is in the public interest that, as the recent application referred to has been resolved with no decision to be made, Councillor Latcham participates and votes on **Item 11.5 – Encroachment on Public Land Policy and Procedure Review** and no conditions on participating be imposed.

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

MOTION CARRIED

Councillors Williams, Wickerson, Oram voted in the affirmative.

Councillor Latcham was a non-eligible councillor and did not participate in the vote.

Councillors Taylor and Hilse were non-eligible councillors for this vote.

Councillor Marika Taylor informed the meeting:

"I have a declarable conflict of interest in **Item 11.5 – Encroachment on Public Land Policy and Procedure Review** as there is a parcel of Council owned land behind where I reside.

Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial.

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

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

COUNCIL RESOLUTION

The table determines that it is in the public interest that Councillor Taylor participates and votes on **Item 11.5 – Encroachment on Public Land Policy and Procedure Review** and no conditions on participating be imposed.

Moved by: Councillor Oram

Seconded by: Mayor Williams

MOTION CARRIED

Councillors Williams, Wickerson, Oram, Latcham voted in the affirmative.

Councillor Hilse was a non-eligible councillor and did not participate in the vote.

Councillor Taylor was a non-eligible councillor for this vote.

Councillor Elliot Hilse informed the meeting:

"I have a declarable conflict of interest in **Item 11.5 – Encroachment on Public Land Policy and Procedure Review** as there is vacant road reserve land behind where I reside.

Although I have a declarable conflict of interest, I believe a reasonable person would perceive me to be impartial.

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

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

COUNCIL RESOLUTION

The table determines that it is in the public interest that Councillor Hilse participates and votes on **Item 11.5 – Encroachment on Public Land Policy and Procedure Review** and no conditions on participating be imposed.

Moved by: Councillor Oram

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillors Williams, Wickerson, Oram, Latcham voted in the affirmative.

Councillors Hilse and Taylor did not participate in the vote.

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

10.1 LEAVE OF ABSENCE - COUNCILLOR SHANE LATCHAM - TUESDAY 3 SEPTEMBER 2024

File No: 10072
Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Shane Latcham is seeking leave of absence on Tuesday 3 September 2024.

COUNCIL RESOLUTION

THAT Councillor Shane Latcham be granted leave of absence on Tuesday 3 September 2024.

Moved by: Mayor Williams
Seconded by: Councillor Taylor
MOTION CARRIED

10.2 COUNCILLOR DISCRETIONARY FUND APPLICATION - MOUNT MORGAN PROMOTION AND DEVELOPMENT - WATTLE DAY FESTIVAL

File No: 8295
Authorising Officer: Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Nicole Semfel - Executive Assistant to the Mayor

SUMMARY

Mayor Tony Williams, Councillor Drew Wickerson and Councillor Cherie Rutherford are requesting approval for a donation of \$1371.00 in total from their Councillor Discretionary Funds to Mount Morgan Promotion and Development to support the Wattle Day Festival.

COUNCIL RESOLUTION

THAT Council approve the allocation of \$371 from Mayor Tony Williams, \$500 from Councillor Drew Wickerson and \$500 from Councillor Cherie Rutherford's Councillor Discretionary Funds to Mount Morgan Promotion and Development to support the Wattle Day Festival for their creative arts workshops.

Moved by: Councillor Taylor
Seconded by: Councillor Oram
MOTION CARRIED UNANIMOUSLY

11 OFFICERS' REPORTS

11.1 D/170-2022 - 'OTHER CHANGE' TO DEVELOPMENT PERMIT D/170-2022 FOR A MATERIAL CHANGE OF USE FOR A STAGED RETIREMENT FACILITY (57 DWELLINGS)

File No: D/170-2022

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

Author: Kathy McDonald - Principal Planning Officer

SUMMARY

Development Application Number: D/170-2022

Applicant: Gemstone Lifestyle No 3 Pty Ltd

Real Property Address: Lot 8 on RP607712 and Lot 24 on RP607814

Common Property Address: 192 Dean Street, Berserker

Area of Site: 25,250 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 4.4)

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Acid Sulfate Soils Overlay;
Airport Environs Overlay;
Flood Hazard Overlay; and
Steep Land Overlay.

Existing Development: Nil

Approval Sought: 'Other Change' to Development Permit D/170-2022 for a Material Change of Use for a Staged Retirement Facility (57 Dwellings)

Category of Assessment: Assessable subject to Impact assessment

Submissions: Two (2) Not Properly Made Submissions

Referral Agency: Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

COUNCIL RESOLUTION**RECOMMENDATION A**

That in relation to the request for an 'Other Change' to Development Permit D/170-2022 for a Material Change of Use for a Staged Retirement Facility (57 Dwellings), made by Gemstone Lifestyle No 3 Pty Ltd, located at 192 Dean Street, Berserker, described as Lot 8 on RP607712 and Lot 24 on RP607814, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

| | |
|---|--|
| Description of the development | |
| 'Other Change' to Material Change of Use for a Staged Retirement Facility (57 Dwellings) | |
| Reasons for Decision | |
| <p>Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p> | |
| Assessment Benchmarks | |
| <p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • Low Density Residential Zone Code; • Flood Hazard Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • 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 | <p>Performance Outcome (PO) 18</p> <p>The proposed development does not comply with AO18.1 because the Retirement Facility is not located within close proximity (200 metres) to a park, centre zone or major community facility.</p> <p>Despite this, the subject site is considered highly accessible and provides convenience for the following reasons:</p> <p>The development is located approximately 600 metres (walking</p> |

| | |
|--|--|
| | <p>distance) from the Neighbourhood Centre Zone on Berserker Street and Elphinstone Street directly west of the subject site; and</p> <p>Is located approximately 600 metres (walking distance) from Rigarfsford Park south-east of the subject site along Elphinstone Street, which is suitable for general sport and recreation activities; and</p> <p>A bus stop is located directly fronting the subject site along Dean Street which will provide residents with easily accessible public transport.</p> <p>Furthermore, Dean Street is categorised as an Urban Sub Arterial Road and has sufficient capacity to cater for the vehicle movements associated with the development.</p> <p>To the extent any conflicts are identified the proposed development is considered to comply with the following higher order provisions of the Planning Scheme:</p> <p>6.2.1.2 (2)(c) (Overall Outcomes Low Density Residential Zone) – The proposed development maintains a low-rise setting.</p> <p>3.3.8.1 (5)(f) (Strategic Framework, Settlement Pattern, Element – Urban and New Urban) – The proposed development assists in providing housing choice and lifestyle options.</p> <p>Therefore, the development is taken to comply with PO18.</p> |
| Matters raised in submissions | |
| <p>The proposal was the subject of public notification between 3 June 2024 and 28 June 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) not properly made submissions were received.</p> | |
| <p>Construction concerns including requesting compensation for residents adjoining the development site for dust damage to private property, noise and tradespeople within the immediate area.</p> | <p>The submitters raised concerns with the length of construction time it may take to develop the site regarding dust impacts and noise to the surrounding properties and the possibility of receiving compensation.</p> <p>Compensation is not provided to neighbouring properties for development purposes regarding construction requirements. Operational Works conditions of approval and requirements in the Environmental Protection Act 1994 ensures that all environmental measures can be enforced during construction to protect the amenity of adjoining premises or the surrounding area from emission of light, noise, odour or dust.</p> |
| <p>Property boundary concerns</p> | <p>The submitter raised concerns with existing fences being damaged during construction.</p> <p>All boundary fences proposed will be constructed 100 millimetres from each boundary, abutted up against existing fences. If access to any adjoining private property is required, this matter is dealt with directly by the developer and with the property owner.</p> |
| <p>Bin Pad Placement</p> | <p>The submitter raised concerns with the location of a Bin Pad in the south-west corner of the subject site and its proximity to the adjoining properties outdoor entertainment area.</p> <p>The location of the Bin Pad is approximately 25 metres away from the adjoining property boundary to the south. This is more than the minimum two (2) metre requirement as stipulated in the Waste Management Code under the <i>Rockhampton Region Planning Scheme</i> (2015).</p> |
| Matters prescribed by regulation | |
| <p>The Rockhampton Region Planning Scheme 2015 (version 4.4); and</p> | |

Central Queensland Regional Plan 2013;

The common material, being the material submitted with the application.

RECOMMENDATION B

That in relation to the request for an 'Other Change' to Development Permit D/170-2022 for a Material Change of Use for a Staged Retirement Facility (57 Dwellings), made by Gemstone Lifestyle No 3 Pty Ltd, located at 192 Dean Street, Berserker, described as Lot 8 on RP607712 and Lot 24 on RP607814, Council resolves that:

- | | |
|-----------------------------|---------|
| 1. Condition 2.1 | Changed |
| 2. Condition 3.4 | Changed |
| 3. Condition 4.4 | Deleted |
| 4. Condition 4.12 | Changed |
| 5. Condition 4.19 | Changed |
| 6. Condition 5.4 | Changed |
| 7. Condition 5.9 | Changed |
| 8. Condition 5.10 | Deleted |
| 9. Condition 5.11 | New |
| 10. Condition 6.10 | Changed |
| 11. Condition 6.11 | Changed |
| 12. Condition 6.12 | New |
| 13. Condition 7.1 | Deleted |
| 14. Condition 9.4 | New |
| 15. Condition 9.5 | New |
| 16. Condition 9.6 | New |
| 17. Condition 10.6 | Changed |
| 18. Condition 10.11 | New |
| 19. Condition 10.12 | New |
| 20. Condition 11.1 | Changed |
| 21. Conditions 16.1 to 16.4 | New |
| 22. Condition 17.1 | New |
| 23. Conditions 18.1 to 18.3 | New |

RECOMMENDATION C

That to reflect the above changes, Gemstone Lifestyle No 3 Pty Ltd, be issued with an Amended Decision Notice:

1.0 ADMINISTRATION

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

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 should be read as being non-trunk infrastructure conditioned under section 145 of the Planning Act 2016, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
- (ii) Access and Parking Works;
- (iii) Stormwater Works;
- (iv) Roof and Allotment Drainage; and
- (v) Site Works.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works:
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.9 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 Lot 8 on RP607712 and Lot 24 on RP607814 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

| <u>Plan/Document Name</u> | <u>Prepared by</u> | <u>Date</u> | <u>Reference No.</u> | <u>Version/ Issue</u> |
|---------------------------|--------------------|-------------|----------------------|-----------------------|
| Master Plan | Jared Poole Design | 14 May 2024 | BP1485/03.01 | P |
| Staging Plan | Jared Poole Design | 14 May 2024 | BP1485/03.02 | A |
| Fencing Plan | Living Gems | 14 May 2024 | BP1485/03.03 | C |
| Statement of | Zone | 16 May 2024 | L24029 | C |

| | | | | |
|----------------------------|--------------------------------|---------------|-----------|---|
| Landscape Intent | Landscape Architecture | | | |
| Stormwater Management Plan | Westera Partners | 15 March 2024 | S24-018 | A |
| Engineering Service Report | Westera Partners | 15 March 2024 | S24-018 | A |
| Traffic Impact Assessment | McMurtrie Consulting Engineers | 23 May 2023 | 063-21-22 | A |

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

3.0 ROAD WORKS

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

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

3.3 Double barrier lines must be marked in the centre of Dean Street fronting the proposed access driveway to prevent right turn onto the development site from the Dean Street.

3.4 A concrete footpath, with a minimum width of 1.5 metres, must be constructed on the eastern side of Dean Street for the full frontage of the development site.

3.5 Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".

3.6 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".

3.7 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with Australian Standard AS1158 "Lighting for roads and public spaces".

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 DELETED

4.5 A new access to the development must be provided at Dean Street. A small traffic island with a 'No Right Turn' sign must be installed in the access driveway to prevent right turn onto Dean Street.

4.6 Access to development site from Dean Street must be limited to 'left in, left out' only.

- 4.7 All vehicular access to and from the development must be via Dean Street only.
- 4.8 Service and delivery vehicles, including refuse collection vehicles must be via Dean Street only.
- 4.9 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.10 All vehicles must ingress and egress the development in a forward gear.
- 4.11 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities".
- 4.12 A minimum of one seventy-seven (77) car parking spaces and six (6) RV parking spaces must be provided on-site in accordance with the approved plans (refer to condition 2.1).
- 4.13 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".
- 4.14 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the Australian Standard AS2890 "Parking facilities" and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.15 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.16 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".
- 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of Australian Standard AS1158 "Lighting for roads and public spaces".
- 4.18 All internal pedestrian pathways must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".
- 4.19 A pedestrian pathway with a minimum width of 1.8 metres must be constructed to provide residents access to/from Stamford Street.
- 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 water connection point(s) must be disconnected. A new water connection point must be provided to the development site from existing 100 millimetre diameter main in Stamford Street. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 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 Note: A 100 millimetre internal water main may be required within the internal road network for fire-fighting purposes. This requirement must be finalised by a suitable qualified person.
- 5.7 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 5.8 All internal plumbing and sanitary drainage works must be completely independent for each dwelling unit.
- 5.9 Sewer connections, access chambers 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.
- 5.10 DELETED
- 5.11 The existing sewerage infrastructure located adjacent to the southern property boundary must be decommissioned as identified on the approved plans (see condition 2.1). Council's ownership finishes at the existing access chamber on the eastern side of the easement. All proposed sewerage works internal to the site will be privately owned and maintained.
- 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 storm event, for the post-development conditions.
- 6.5 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.
- 6.6 Note: The pedestrian access from the site to Stamford Street is permitted within easement area.
- 6.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 6.8 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner.
- 6.9 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.

- 6.10 The combined treatment/detention tank water quality improvement devices 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 detention basin, and the design must:
- 6.10.1 be suitable to the climate and incorporate predominately native species;
 - 6.10.2 maximise areas suitable for on-site infiltration of stormwater;
 - 6.10.3 incorporate shade trees; and
 - 6.10.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.
- 6.11 The detailed design of the combined treatment/detention tank 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 detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).
- 6.12 An amended Stormwater Management Plan must be submitted with the Operational Works application. The amended plan must address the State Planning Policy requirements for water quality for the entire development site. It maybe necessary to treat the eastern catchment flows to a higher standard such that the overall site treatment meets the reduction targets. In addition, commentary should be included around the western catchment flows pre and post and a comparison of same.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 DELETED

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 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

9.0 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 All building works for Class 1 and Class 10 buildings must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 9.3 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:
- 9.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.3.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 9.3.3 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the Plumbing and Drainage Act 2018.

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

- 9.4 Boundary fencing must be erected along the common boundary of the subject development site prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 9.5 The private open space area provided for each unit must be fenced with a 1.8 metre high screen fence. The fence must be constructed of appropriate materials and to Council's satisfaction to prevent viewing of the private open space from a public space and adjoining properties.
- 9.6 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.

10.0 LANDSCAPING WORKS

- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 10.2 Landscaping must be designed in accordance with the requirements of Australian Standard AS 1428 — Design for access and mobility.
- 10.3 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.

- 10.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 10.4.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 10.4.2 adversely affect any road lighting or public space lighting; or
 - 10.4.3 adversely affect any Council infrastructure, or public utility plant.
- 10.5 The landscaped areas must be subject to:
- 10.5.1 a watering and maintenance plan during the establishment phase; and
 - 10.5.2 an ongoing maintenance and replanting programme.
- 10.6 Existing established street trees located along Dean Street must be retained where deemed healthy and in good form. Where replacement of street trees is necessary they must be provided in accordance with the approved plans (refer to condition 2.1) and the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 10.7 The street trees required by condition 10.6 must be one or a combination of the following species:
- 10.7.1 *Buckinghamia celcissma* – Ivory Curl
 - 10.7.2 *Corymbia ptychocarpa* –Swamp Bloodwood
 - 10.7.3 *Cupaniopsis anacardioides* – Tuckeroo
 - 10.7.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
 - 10.7.5 *Harpullia pendula* – Tulip wood
 - 10.7.6 *Melicope elleryana*- Pink Flowering Euodia
 - 10.7.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
 - 10.7.8 *Waterhousia floribunda* – Weeping Lilly Pilly
 - 10.7.9 *Xanthostemon chrysanthus* – Golden Penda
- 10.8 The street trees must:
- 10.8.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
 - 10.8.2 Be at least three (3) metres from a driveway;
 - 10.8.3 Be at least five (5) metres apart; and
 - 10.8.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 10.9 Street trees must be maintained by the owner / developer until established.
- Note: Street trees become the property of Council. Council reserves all rights to trim or remove street trees as per our requirements and in accordance with the current Street Tree Policy.
- 10.10 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 10.11 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 10.12 Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 11.0 ELECTRICITY
- 11.1 Underground electricity services must be provided in accordance with approved

Operational Works Plans and 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 HEALTH

14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".

15.0 OPERATING PROCEDURES

15.1 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 Dean Street, Stamford Street or Edington Street.

15.2 No kerbside collection is permitted for waste bins. All waste must be stored and collected within the site.

16.0 STAGED DEVELOPMENT

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

16.1.1 Stage One - Fourteen (14) dwelling houses, Roundabout and three (3) carparks

16.1.2 Stage Two - Twenty (20) dwelling houses and six (6) carparks;

16.1.3 Stage Three - Twenty-three (23) dwelling houses, six (6) visitor and six (6) recreation vehicle (RV) carparks; and

16.1.4 Stage Four - Five (5) visitor carparks, club house, hobby shed, pool, pickleball court and barbecue/s.

in accordance with the approved staging plan (refer to condition 2.1).

16.2 Stage one must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.

16.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the stages(s) being developed.

- 16.4 The currency period for all Stages is six (6) years from the date this approval takes effect.
- 17.0 STREET LIGHTING
- 17.1 The developer is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with Australian Standard AS1158 'Lighting for roads and public spaces'.
- 18.0 ENVIRONMENTAL
- 18.1 The Erosion Control and Stormwater Control Management Plan in accordance with the Capricorn Municipal Design Guidelines, must be:
- 18.1.1 Implemented, monitored, and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydro mulched, concreted, landscaped); and
- 18.1.2 Available on-site for inspection by Council Officers whilst all works are being carried out.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Property Note (Access)

All vehicular access to and from the development must be via Dean Street only. Direct vehicular access to Stamford Street or Edington Street is prohibited.

NOTE 5. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include a food business. Approval for such activities is required before 'fitout' and operation.

NOTE 6. 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 7. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with Council's Planning Scheme.

NOTE 8. Standard Terms Document for Easements

Easement documents for Council infrastructure must utilise Council's standard terms document - 718579623 to accompany the Survey Plan for endorsement by Council.

NOTE 9. 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 Oram

Seconded by: Councillor Latcham

MOTION CARRIED

11.2 D/5-2024 - MATERIAL CHANGE OF USE FOR LOW IMPACT INDUSTRY

File No: D/5-2024
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
 Doug Scott - Manager Planning and Regulatory Services
 Alicia Cutler - General Manager Community Services
Author: Kathy McDonald - Principal Planning Officer

SUMMARY

Development Application Number: D/5-2024
Applicant: JJ Kerr's Appliances Pty Ltd
Real Property Address: Lot 131 and 132 on RP601289
Common Property Address: 59 Lucas Street, Berserker
Area of Site: 818 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (v4.4)
Planning Scheme Zone: Low-Medium Density Residential Zone
Planning Scheme Overlays: Acid Sulfate Soils Overlay; and Airport Environs Overlay.
Existing Development: Dwelling House
Approval Sought: Development Permit for a Material Change of Use for Low Impact Industry
Category of Assessment: Assessable subject to Impact assessment
Submissions: Nil
Referral Agency: Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Low Impact Industry, made by JJ Kerr's Appliances Pty Ltd, located at 59 Lucas Street, Berserker, described as Lot 131 and 132 on RP601289, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS**Description of the development**

Material Change of Use for a Low Impact Industry

| Reasons for Decision | |
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| <p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p> | |
| Assessment Benchmarks | |
| <p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • Specialised Centre Zone Code; • Low-Medium Density Residential Zone Code; • Low Impact Industry Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; and • Airport Environs Overlay Code. | |
| Compliance with assessment benchmarks | |
| <p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> | |
| Assessment Benchmark | Reasons for the approval despite non-compliance with benchmark |
| <p>Low-Medium Density Residential Zone Purpose and Strategic Framework</p> | <p>6.2.2.2 Purpose of the Low-Medium Density Residential Zone</p> <p>The proposed development conflicts with aspects of the overall outcomes specified under (2) (c) of the zones purpose. The overall outcomes specify provisions for a non-residential use located within the Low-Medium Density Residential Zone.</p> <p>Specifically, the conflict is with (iii) which stipulates that the primary function of the development is to service the needs of the immediate local residential community and (v) which stipulates that the development does not result in the expansion of a centre zone.</p> <p>3.3 Settlement Pattern – 3.3.12 Element – Specialised Centres</p> <p>3.3.12.1 Specific Outcome (4) of the Strategic Framework specifies that further expansion of centres into adjacent residential zones and outside the designated centre areas (including ribbon development along roads) will not occur.</p> <p>Whilst the development is located in the Low-Medium Density Residential Zone it is also located in the Specialised Centres designation under the scheme’s strategic framework mapping. This</p> |

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| | <p>being considered, the mapping suggests the subject site is planned for centre development and is not an expansion of the centre zone.</p> <p>Furthermore, the development is not considered to worsen the 'ribbon effect' as adjoining development to the east and south of the subject site is already established further along within the Low Medium Density Residential Zone and Lucas Street.</p> <p>Likewise, whilst the development is not purpose built, it is not considered to compromise the role and function of designated centres as a Low Impact Industry use is contemplated within the Specialised Centre Zone. Is small in scale, has an active street front and does not involve a significant increase in Ground Floor Area.</p> <p>Therefore, the proposal demonstrates that the development will not compromise the Rockhampton Region Planning Scheme 2015 Strategic Framework outcomes.</p> |
| <p>Specialised Centre Zone Code</p> | <p>Performance Outcome (PO) 36</p> <p>The proposed development conflicts with PO 36 and no Acceptable Outcome (AO) is nominated. PO 36 states that industrial uses do not occur in the mixed use sub-precinct.</p> <p>Whilst the subject site is not directly located within the mixed use sub-precinct it does boarder it.</p> <p>Industrial uses are contemplated within the Specialised Centre Zone, generally concentrated in the outdoor sales and sub-precinct and contemplated elsewhere where they can demonstrate that no adverse amenity impacts will occur as a result of the development due to the proximity to surrounding residential areas.</p> <p>The applicable overall outcomes for the mixed use sub-precinct state that non-residential development provides:</p> <ul style="list-style-type: none"> - suitable buffering to the residential zones located east and west of Musgrave Street; - business-to-business uses are located on lower order side roads connecting with Musgrave Street; and - all uses incorporate a high level of design and pedestrian amenity and contribute to the creation of an attractive link between the major centre zone. <p>The development can demonstrate appropriate buffers to existing sensitive land uses (20 metres away) with appropriate landscaping and a minimum 1.8 metre high solid screen fence conditioned to be erected surrounding the development site;</p> <p>The development site is located on Lucas Street being a lower order side road connected to Musgrave Street; and</p> <p>Provides appropriate pedestrian amenity with the extension of the footpath to integrate with existing commercial and industrial adjoining developments contributing to the linkage of Lucas Street to Musgrave Street.</p> <p>Therefore, the proposal can demonstrate compliance with the overall outcomes of the mixed use sub-precinct and purpose of the Specialised Centre Zone.</p> |
| <p>Low-Medium Density Residential Zone Code</p> | <p>Performance Outcome (PO) 10</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 10.1 (d) and (e) because:</p> <p>(d) requires the side boundary setbacks to be two (2) metres for a wall up to 7.5 metres high, where the proposed setback along the right side boundary is 208 millimetres.</p> |

(e) requires the rear boundary setback to be four (4) metres, where the proposed setback is three (3) metres; and

The proposed development does not comply with Acceptable Outcome (AO) 10.3 because the maximum length of any exterior wall is fifteen (15) metres, where the proposed length of the wall along the right side boundary is 23.5 metres.

Despite this, the development is designed to make provisions for landscaping, integration with the streetscape and privacy and noise attenuation to ensure no adverse impacts on the urban form of the surrounding low-medium density residential area.

This is achieved by increasing the road boundary setback to include landscaping along the front boundary and both left and right side boundaries. Extension of the footpath to integrate with existing commercial and industrial adjoining developments and on-site carparking to avoid increased parking along Lucas Street.

Conditions have been imposed to ensure the exterior wall fronting east includes articulation so that it does not exceed a length of fifteen (15) metres without a change in plane to minimise the expanse of blank walls facing the street.

Furthermore, the reduced setbacks are considered low-level conflicts as the adjoining property is of a similar land use (motor vehicle workshop) and the building height and scale is consistent with the zone.

Therefore, the proposed development is taken to comply with Performance Outcome (PO) 10.

Performance Outcome (PO) 13

The proposed development does not comply with Performance Outcome (PO) 13 (a) and (g) and no Acceptable Outcome is nominated.

(a) specifies that non-residential development services the day-to-day needs of residents of the local neighbourhood; and

(g) specifies that non-residential development does not adjoin an existing commercial centre zone, where the subject site is adjoining the Specialised Centre Zone.

Despite this, the development does comply with the remainder of the Performance Outcomes (c), (d), (e), (f), (h) and (i) of PO13:

(c) and (e) - The development can demonstrate that it will not compromise the residential character and existing amenity of the surrounding area as the built form height and scale of the development complies with the built form provisions for a new building within the zone and is consistent with the surrounding area. In addition, the adjoining property is of a similar land use (motor vehicle workshop) and built form.

(d) - The development can demonstrate that it is small in scale as the limited site area, layout, ground floor area and land use applied for indicate the capabilities of the site are constrained to that of a small scale development.

(f) - Whilst the development is not purpose built, it is not considered to compromise the role and function of designated centres as a Low Impact Industry use is contemplated within the Specialised Centre Zone.

(h) – The development site is in proximity to public transport with a bus stop located 130 metres away along Musgrave Street; and

(i) – The development is not anticipated to compromise the local street network as outlined in the response to PO14.

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| | <p>Therefore, on balance the proposed development complies with PO13.</p> <p>Refer to above response to 6.2.2.2 Purpose of the Low-Medium Density Residential Zone for non-compliances with (a) and (g).</p> |
| | <p>Performance Outcome (PO) 14</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 14.1 because the development is located on Lucas Street which is identified as an Urban Access Street, whereby 14.1 specifies that a development for a non-residential use is located only on a road classified as a minor urban collector or higher.</p> <p>Despite this, the Lucas Street carriage width is approximately 11 metres and combined with the road reserve width, is approximately 20 metres. With this road geometry and in accordance with the Capricorn Municipal Development Guidelines (CMDG), Lucas Street can be classified as a Minor Urban Collector.</p> <p>Furthermore, in accordance with Road Planning and Design Manual, for Light Industrial uses the daily traffic generation rate is nine (9) per 100 square metres of Ground Floor Area (GFA). The proposed development has a total GFA of 330 square metres so, will generate a maximum of 30 vehicles per day. This is not considered a major increase to Lucas Street which can accommodate 3000 vehicles per day.</p> <p>Therefore, the proposed development is taken to comply with PO 14.</p> |
| | <p>Performance Outcomes (PO) 24.3</p> <p>The proposed development partly conflicts with Acceptable Outcome (AO) 24.3 because a minimum four (4) metre width landscape buffer for the full length of the rear boundary is not proposed.</p> <p>Despite this, the development proposes an alternative outcome that will enhance the appearance and create an attractive environment that is consistent with the surrounding streetscape because:</p> <ul style="list-style-type: none"> - The development does comply with the minimum landscaped area of 10 per cent with approximately 80 square metres of landscaping proposed and condensed to the front of the development site to enhance the street appearance. - Extension of the footpath to integrate with existing commercial and industrial adjoining developments will improve the public street along Lucas Street. - A minimum 1.8 metre high solid screen fence has been conditioned to be erected between the subject development site and adjacent rear residential property to appropriately screen the development from the adjoining sensitive land uses; and - The Alternative rear boundary setback of three (3) metres is considered appropriate as the closest dwelling to the rear is an additional 20 metres from the rear common boundary of the development. <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 24.</p> |
| Low Impact Industry Zone Code | <p>Performance Outcomes (PO) 7.1</p> <p>The proposed development partly conflicts with Acceptable Outcome (AO) 7.1 because a minimum two (2) metre width landscaping is not provided for the full length of the road frontage.</p> <p>An alternative outcome has been proposed with the development providing a 1.166 metre Landscape strip along the road frontage.</p> <p>As stated in the response to Performance Outcome (PO) 24.3 of the Low-Medium Density Residential Zone Code, the development does</p> |

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| | <p>comply with the minimum landscaped area of 10 per cent with approximately 80 square metres of landscaping proposed and condensed to the front of the development site to enhance the street appearance.</p> <p>Therefore, the development is considered to make a positive contribution to the streetscape and is taken to comply with Performance Outcome (PO) 7.</p> |
| Relevant Matters | |
| <p>The proposed development was assessed against the following relevant matters:</p> <p>The development is not considered to further expand into the adjacent residential zone due to the approved development TPC/2382-1900 for a Service Industry (Sales and Service of Automotive Parts) which is an established land use on the adjoining property located further along Lucas Street within the Low-Medium Density Residential Zone.</p> | |
| Matters raised in submissions | |
| <p>The proposal was the subject of public notification between 20 May 2024 and 12 June 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.</p> | |
| Matters prescribed by regulation | |
| <ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 4.4); • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application. | |

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Low Impact Industry, made by JJ Kerr's Appliances Pty Ltd, located at 59 Lucas Street, Berserker, described as Lot 131 and 132 on RP601289, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Access and Parking Works;
 - (ii) Sewerage Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works:
- (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 Lot 131 on RP601289 and Lot 132 on RP601289 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

| <u>Plan/Document Name</u> | <u>Prepared by</u> | <u>Date</u> | <u>Reference No.</u> | <u>Version/ Issue</u> |
|---------------------------|--------------------|---------------|----------------------|-----------------------|
| 3D View | Dezignelements | 29 April 2024 | 23_252 / S-01 | - |
| 3D View | Dezignelements | 29 April 2024 | 23_252 / S-02 | - |
| 3D View | Dezignelements | 29 April 2024 | 23_252 / S-03 | - |
| Site Plan | Dezignelements | 29 April 2024 | 23_252 / S-04 | - |
| Proposed Floor Plan | Dezignelements | 29 April 2024 | 23_252 / S-05 | - |
| Elevations | Dezignelements | 29 April 2024 | 23_252 / S-06 | - |
| Elevations | Dezignelements | 29 April 2024 | 23_252 / S-07 | - |
| Stormwater | Hartecs Group | 25 March 2024 | PRJ-0437 | 1 |

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

3.0 ROAD WORKS

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

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

3.3 A concrete pathway must be provided along Lucas Street, for the full frontage of the development site. The construction must extend and connect from the existing adjacent concrete pathways on Lucas Street.

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 access, parking and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction.

4.4 The existing access to the development located at south-eastern corner must be removed.

4.5 A new access to the development must be provided from Lucas Street.

4.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

4.7 All vehicles must ingress and egress the development in a forward gear.

4.8 A minimum of one (1) metre setback must be provided from the access driveway to any street signage, power poles, streetlights, access chambers, stormwater gully pits or other Council asset.

4.9 A minimum of four (4) parking spaces must be provided on-site.

4.10 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle (Medium Rigid Vehicle – 8.8 metres) to access the development site including refuse collection vehicles.

4.12 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

4.13 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".

- 4.14 Medium Rigid Vehicles (8.8 metres in length) or smaller vehicles must be used to supply and remove goods or services to and from the proposed development.

Note: Large Vehicles other than Medium Rigid Vehicles (8.8 metres in length) are restricted to the development site.

5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.

- 5.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).

- 5.3 The development must be connected to Council's reticulated sewerage network.

- 5.4 The existing combined line located within the development site must be upgraded to standard sewerage infrastructure (150 millimetre sewerage main) and terminated at the access chamber on the eastern boundary of Lot 131 on RP601289.

Note: The upgrade must be from the existing access chamber located within the neighbouring allotment (Lot 137 on SP259322).

- 5.5 Owners consent must be obtained from adjoining property owners (Lot 131 RP601289 and Lot 137 on SP259322) prior to the commencement of any sewerage works required by this development approval.

- 5.6 The existing sewerage connection point(s) must be disconnected, and a new connection point must be provided to the development site from sewerage infrastructure to be constructed in accordance with condition 5.4.

Note: the new sewerage connection point must be located a minimum of one (1) metre clear of the proposed structure.

- 5.7 The upgraded sewerage infrastructure (sewerage main and access chamber) must be located a minimum of two (2) metres clear of the proposed structure.

- 5.8 The sewerage service to the existing building located within the neighbouring allotment (Lots 129 - 130 on SP601289) must be maintained throughout the development.

- 5.9 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.

- 5.10 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

- 5.11 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

6.0 PLUMBING AND DRAINAGE WORKS

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

- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.

- 6.3 The development must be connected to Council's reticulated water networks.
- 6.4 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 A fire hydrant must be installed on the existing water infrastructure located within the Lucas Street, fronting the development site.
- 7.0 STORMWATER WORKS
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 7.2 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).
- 7.3 All stormwater (roof and allotment runoff) must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one percent (1%) Annual Exceedance Probability defined storm event, for the post development condition.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 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.
- 8.2 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).
- 8.3 All the roof drainage pipes (downpipes) from the proposed structure must be connected to a rainwater tank which is used as the detention system.
- 8.4 All the roof drainage system (downpipes and gutters) for the proposed building / shed must be designed to accommodate the one percent (1%) Annual Exceedance Probability defined storm event flow.
- 9.0 SITE WORKS
- 9.1 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 10.0 BUILDING WORKS
- 10.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 10.2 The existing dwelling 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.
- 10.3 All building works for Class 2 to Class 9 buildings must be undertaken in accordance

- with “*Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure*”.
- 10.4 Any building plant must be screened from view of the street by one or more of the following:
- 10.4.1 a solid screen fence, or
 - 10.4.2 a roof design feature; or
 - 10.4.3 a wall; or
 - 10.4.4 dense vegetation; or
 - 10.4.5 be located within or behind the building so as to not be visible from the street.
- 10.5 The external wall of the structure fronting east must be:
- 10.5.1 articulated so that it does not exceed a length of fifteen (15) metres without a change in plane of at least 0.75 metre depth; or
 - 10.5.2 painted with at least two colours, each of which covers at least ten (10) per cent of total exterior wall area; or
 - 10.5.3 covered with at least two (2) different types of cladding material, each of which covers at least ten (10) per cent of total exterior wall area.
- 10.6 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”*.
- 10.7 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 10.7.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 10.7.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 10.7.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 10.7.4 setback a minimum of two (2) metres from any road frontage; and
 - 10.7.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 10.8 A minimum 1.8 metre high solid screen fence must be erected between the subject development site and adjacent rear residential property of the development. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding residential area.
- 10.9 A minimum 1.8 metre high screen fence must be erected between the subject development site and adjacent properties to the east and west of the development.

11.0 LANDSCAPING WORKS

- 11.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 11.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 11.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 11.3.1 trees at five (5) metre intervals;
 - 11.3.2 shrubs at two (2) metre intervals; and
 - 11.3.3 groundcovers at one (1) metre intervals.
- 11.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 11.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 11.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 11.5 One (1) shade tree within the car parking area is to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and protected by wheel stops or bollards as required.
- 11.6 The shade tree must have a clean trunk with a minimum height of two (2) metres.
- 11.7 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.
- 11.8 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 11.8.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 11.8.2 adversely affect any road lighting or public space lighting; or
 - 11.8.3 adversely affect any Council infrastructure, or public utility plant.
- 11.9 The landscaped areas must be subject to:
- 11.9.1 a watering and maintenance plan during the establishment moment; and
 - 11.9.2 an ongoing maintenance and replanting programme.
- 11.10 Council approval must be obtained prior to the removal of or interference with the existing street tree located on Council land, fronting the development site.
- ## 12.0 ELECTRICITY
- 12.1 Underground electricity services must be provided in accordance with the standards and requirements of the relevant service provider. Alternatively overhead electricity service connection may be approved where:
- 12.1.1 overhead electricity reticulation is established;
 - 12.1.2 no new poles within the road reserve are required to service the development;
 - 12.1.3 overhead service connection does not cross a road; and

12.1.4 overhead service connection does not cross the development site (a premises), other than the premises being serviced.

13.0 TELECOMMUNICATIONS

13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

14.0 ASSET MANAGEMENT

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

14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

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

15.0 ENVIRONMENTAL

15.1 An Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland*) in accordance with the *Capricorn Municipal Design Guidelines* and *State Planning Policy 2017* must be:

15.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

15.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

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 Lucas Street.

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 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to 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 2019*.

16.4 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.

- 16.5 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 16.6 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 16.6.1 the date, quantity and type of waste removed;
 - 16.6.2 a copy of any licensed waste transport vehicle docket;
 - 16.6.3 the name of the licensed regulated waste removalist and/or disposal operator; and
 - 16.6.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- 16.7 No metal surface coating will be permitted other than the following:
- 16.7.1 Brushed finishes achieved by a hand brush with bristles; and/or
 - 16.7.2 Using hand held aerosol cans where the can and spray device forms one disposable unit and the can holds less than one (1) litre of product.
- 16.8 The workshop must have an impervious floor that is adequately bunded and drains to a holding tank or the sewer through an approved oil interceptor/separation system.
- 16.9 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 16.10 The hours of operations for the development site must be limited to:
- (i) 0700 hours to 2200 hours.
- 16.11 The loading and/or unloading of waste collection vehicles must be limited to be outside of the standard business operating hours.
- 16.12 All waste storage areas must be:
- 16.12.1 kept in a clean and tidy condition; and
 - 16.12.2 maintained in accordance with *Environmental Protection Regulation 2019*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the

development site during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety of Public During Construction

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

NOTE 5. 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. 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 7. Rating Category

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

NOTE 8. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with Council's Planning Scheme.

Moved by: Councillor Latcham

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

11.3 PILBEAM THEATRE RENEWAL SOLE SOURCE SUPPLIER ARRANGEMENT

File No: 5883
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

This report seeks a Council resolution to endorse the engagement of a specialised consultant as it is deemed impractical for the Council to invite quotes or tenders due to the commissions requirement to revise and update designs previously submitted to Council.

COUNCIL RESOLUTION

THAT pursuant to s235 (b) of the *Local Government Regulation 2012*, Council approves the engagement of Architectus/Conrad Gargett to revise and update the Concept Plans on the Rockhampton Performing Arts & Convention Centre Project.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.4 RISK REGISTERS QUARTERLY UPDATE AS AT 19 JULY 2024

File No: 8780
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Submission of the quarterly risk register updates, as at 19 July 2024, for adoption by Council.

COUNCIL RESOLUTION

THAT Council adopts the quarterly risk registers, as at 19 July 2024, as updated by management.

Moved by: Councillor Latcham
Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

11.5 ENCROACHMENT ON PUBLIC LAND POLICY & PROCEDURE REVIEW

File No: 10360, 11979
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

The revised draft Encroachment on Public Land Policy and Procedure is presented to Council for consideration and adoption.

COUNCIL RESOLUTION

That Council:

1. Adopts the revised Encroachment on Public Land Policy and Procedure; and
2. Approves a review date of the Encroachment on Public Land Policy of July 2026 and a review date of the Encroachment on Public Land Procedure of July 2025.

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

DIVISION:

Councillor Wickerson voted in the affirmative.

Councillors Williams, Hilse, Latcham, Oram, Taylor voted in the negative.

MOTION LOST

11.6 TEMPORARY ENTERTAINMENT EVENTS AND REGULATED ACTIVITIES ON COUNCIL CONTROLLED AREAS AND ROADS POLICY**File No:** 11979**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer**Author:** Marnie Taylor - Chief Financial Officer

SUMMARY

Council endorsement is sought to adopt a new Local Law Policy relevant to particular events and activities conducted by third parties on certain Council controlled areas and roads.

COUNCIL RESOLUTION

THAT the Temporary Entertainment Events and Regulated Activities on Council Controlled Areas and Roads Policy (Local Law Policy) attached to the report be adopted.

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

**11.7 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
30 JUNE 2024**

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

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2024.

9:38AM Councillor Wickerson left the meeting room

COUNCIL RESOLUTION

That the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2024 be received.

Moved by: Mayor Williams
Seconded by: Councillor Taylor

MOTION CARRIED

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

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

SUMMARY

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

9:41AM Councillor Wickerson returned to the meeting room

COUNCIL RESOLUTION

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

Moved by: Mayor Williams
Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

**11.9 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING JULY 2024**

File No: 1392
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Megan Younger - Acting General Manager Corporate Services

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Wickerson

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

15 CLOSURE OF MEETING

There being no further business the meeting closed at 9:46am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

27 AUGUST 2024

APPENDIX A

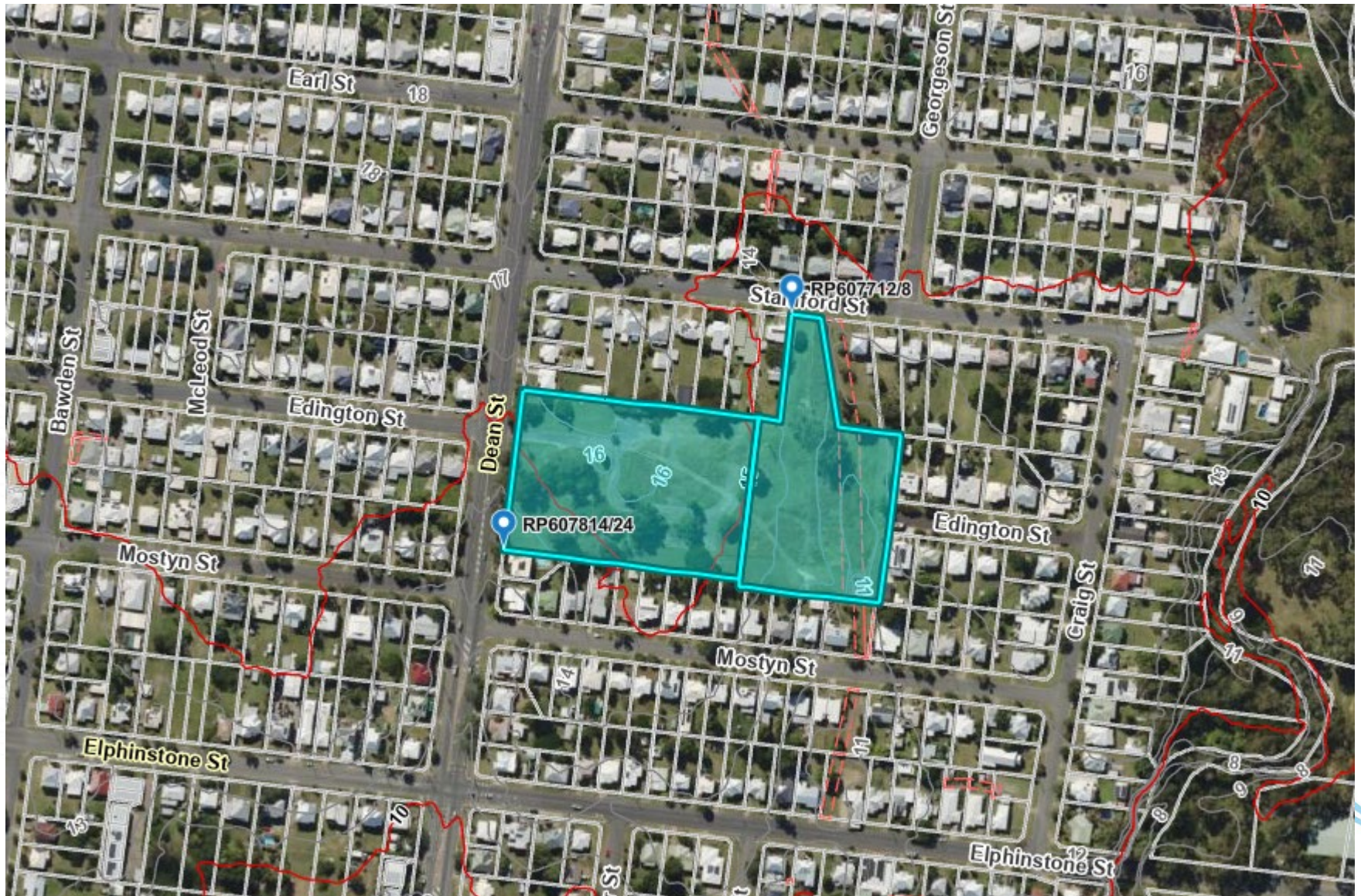
Documents presented to Councillors for their reference during the Council meeting when dealing with:

**Item 11.1 D/170-2022 – ‘Other Change’ to Development Permit D/170-2022
for a Material Change of Use for a Staged Retirement Facility
(57 Dwellings)**

Item 11.2 D/5-2024 – Material Change of Use for Low Impact Industry

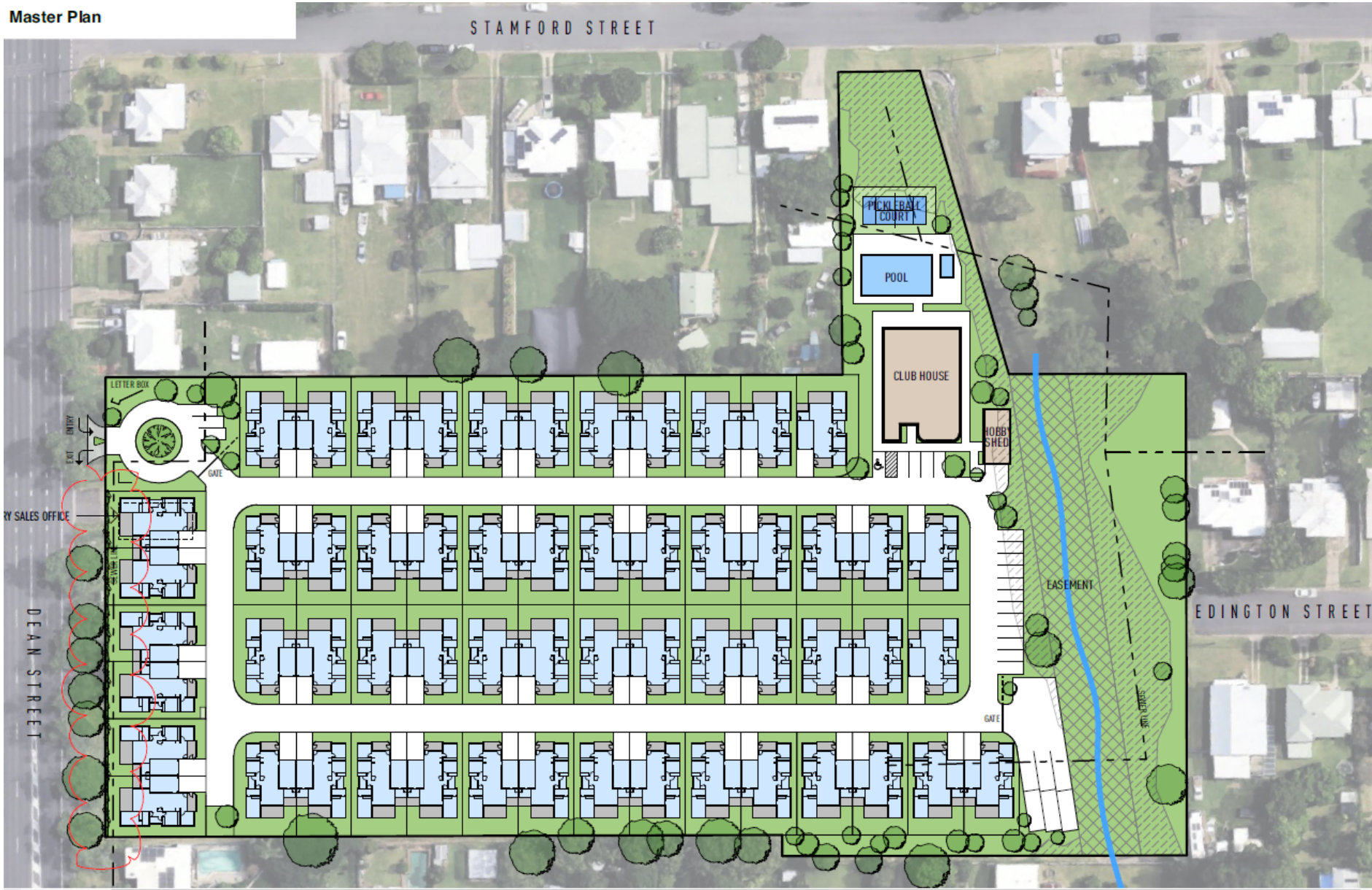
Subject Site

192 Dean Street, Berserker

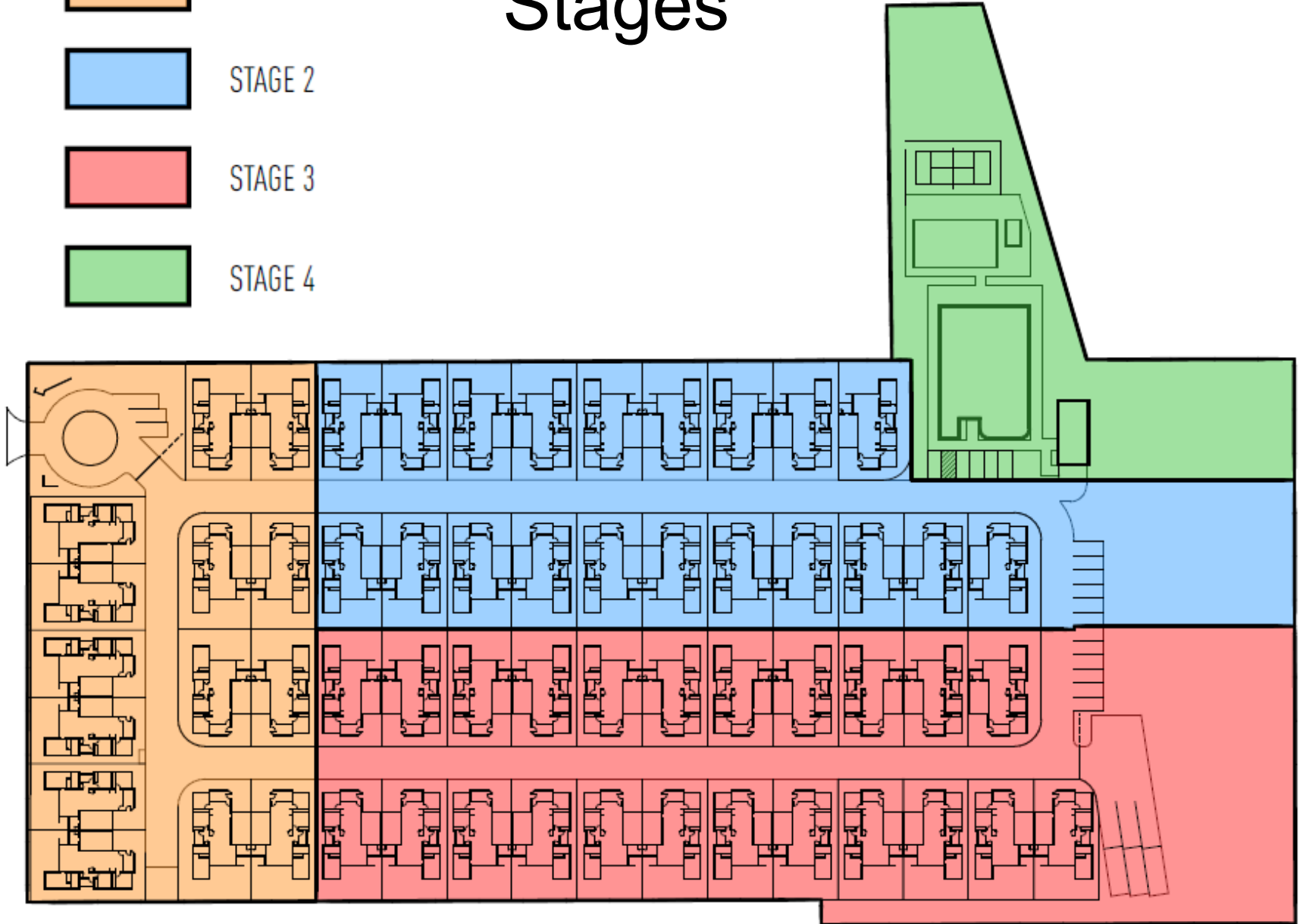


Proposed development

Master Plan



Stages



Three (3) Typical Dwelling Designs



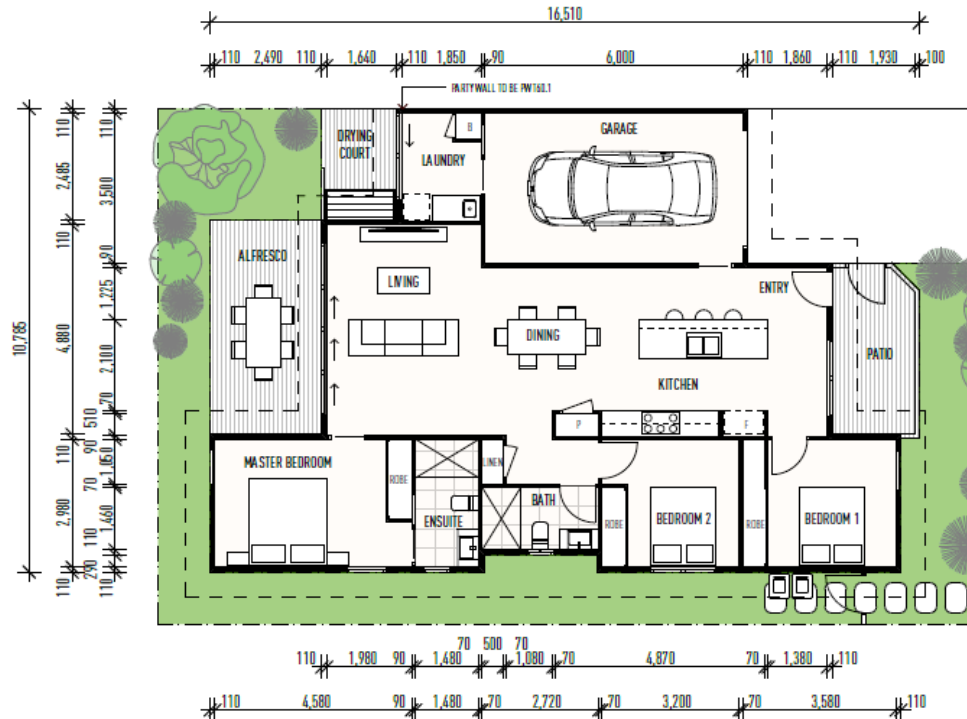
ELEVATION 9



ELEVATION 9



ELEVATION 9



Public Notification

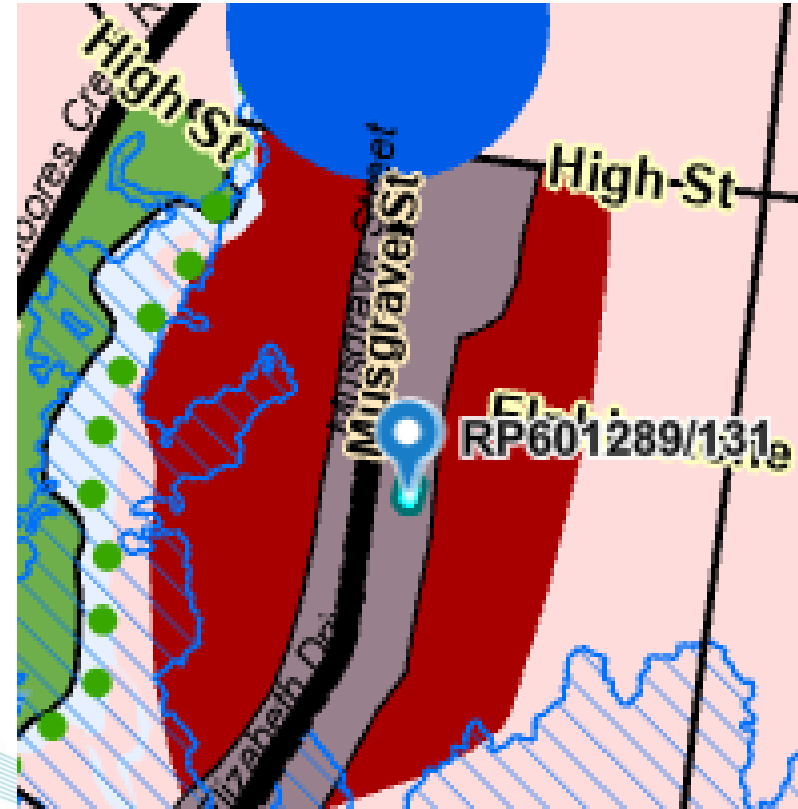


Subject Site

59 Lucas Street, Berserker



Strategic Framework –
Settlement Pattern
Specialised Centres



Low-
Medium
Density
Residential
Zone



Proposed development

