



ORDINARY MEETING

MINUTES

10 SEPTEMBER 2024

These minutes are due to be confirmed at the next Ordinary Council meeting on 24 September 2024.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING	2
	6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL.....	2
7	PUBLIC FORUMS/DEPUTATIONS	3
	NIL	3
8	PRESENTATION OF PETITIONS	3
	NIL	3
9	COMMITTEE REPORTS	3
	NIL	3
10	COUNCILLOR/DELEGATE REPORTS	3
	NIL	3
11	OFFICERS' REPORTS.....	4
	11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY (353 SITES)	4
	11.2 REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT D/2-2023 FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MICROBREWERY), HOTEL AND SHOP	23
	11.3 REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY REVIEW	30
12	NOTICES OF MOTION.....	31
	12.1 NOTICE OF MOTION - COUNCILLOR GRANT MATHERS - PLACE OF LAST RESORT	31
13	QUESTIONS ON NOTICE.....	32
	NIL	32
14	URGENT BUSINESS\QUESTIONS	32

14.1	REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR CHERIE RUTHERFORD - 17 SEPTEMBER 2024.....	32
15	CLOSED SESSION	33
16.1	UPDATE ON RECTIFICATION CHARGES TO BEEF AUSTRALIA FOLLOWING THE BEEF 2024 EVENT	
16.2	ROCKHAMPTON AGRICULTURAL SHOW	
16.3	ROCKHAMPTON EVENTS PLANNING	
16	CONFIDENTIAL REPORTS.....	35
16.1	UPDATE ON RECTIFICATION CHARGES TO BEEF AUSTRALIA FOLLOWING THE BEEF 2024 EVENT	35
16.2	ROCKHAMPTON AGRICULTURAL SHOW	36
16.3	ROCKHAMPTON EVENTS PLANNING	38
17	CLOSURE OF MEETING	39

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 10 SEPTEMBER 2024 COMMENCING AT 9:00AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Reverend Ross Nicholson, Dean at St Paul's Cathedral

2 PRESENT

Members Present:

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

Executive Officer:

Mr R Cheesman

3 APOLOGIES AND LEAVE OF ABSENCE

Mayor Tony Williams tendered his apology as he is attending a matter of Council business, however may be able to join the meeting after its completion.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 27 August 2024 be confirmed.

Moved by: Councillor Oram
Seconded by: Councillor Mathers
MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

File No: 10097
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding Table is used as a tool to monitor outstanding items resolved at previous Council or Committee meetings. The current Business Outstanding Table for Ordinary Council is presented for Councillors' information.

COUNCIL RESOLUTION

THAT the Business Outstanding Table for Ordinary Council be received.

Moved by: Councillor Wickerson
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

UNCONFIRMED

11 OFFICERS' REPORTS

11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY (353 SITES)

File No: D187-2023
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Alicia Cutler - General Manager Community Services
Author: Kathy McDonald - Principal Planning Officer

SUMMARY

Development Application Number: D/187-2023
Applicant: LG Resorts No 3 Pty Ltd A.C.N. 662 327 540
Real Property Address: Lots 7 to 10 on RP603508
Common Property Address: 930-960 Norman Road and 19 McMillan Avenue, Parkhurst
Area of Site: 18.177 hectares
Planning Scheme: Rockhampton Region Planning Scheme 2015 (v4.4)
Planning Scheme Zone: Low Density Residential Zone
Planning Scheme Overlays: Airport Environs Overlay;
Biodiversity Areas Overlay; and
Flood Hazard Overlay.
Existing Development: Lot 7 – Single Dwelling House
Lots 8 and 9 – Vacant Land
Lot 10 – Golf Driving Range and Dwelling House
Approval Sought: Development Permit for a Material Change of Use for a Retirement Facility (353 Sites)
Category of Assessment: Assessable subject to Impact assessment
Submissions: Two (2) properly made; and
One (1) not properly made
Referral Agency: Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Material Change of Use for a Retirement Facility (353 Sites), made by LG Resorts No 3 Pty Ltd A.C.N. 662 327 540, located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, described as Lots 7 to 10 on RP603508, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for a Retirement Facility (353 Sites)	
Reasons for Decision	
<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; • Low Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Filling and Excavation Code; • Biodiversity Areas Overlay Code; and • Flood Hazard Overlay 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
Strategic Framework	<p>3.3 Settlement Pattern</p> <p>3.3.9 Element – Future Urban</p> <p>3.3.9.1 Specific Outcome (2)</p> <p>The proposed development partly conflicts with Specific Outcome (2) of the Future Urban Settlement Pattern under the Strategic Framework because urban development is not expected to occur within future urban areas before 2031.</p>

	<p>The subject site is only partly located within the Future Urban designation of the Strategic Framework. Majority of the development's footprint is located in the Urban Infill and Intensification designation which the development has no conflict with.</p> <p>Rockhampton's growth is currently focused on the northern suburbs, in particular the area of Parkhurst. This being considered, despite the conflict with the Future Urban designation the development is consistent with the pattern of growth as outlined in strategic framework maps (SFM-1 to SFM-4); and</p> <p>Complies with specific outcome (15) of the Urban and New Urban settlement pattern which states that: Future greenfield development in Rockhampton is directed to Norman Gardens and Parkhurst to avoid areas affected by flooding to the south and west and steep land/environmental constraints to the east.</p> <p>Therefore, on balance the proposal complies with the Settlement Pattern theme of the Strategic Framework.</p>
<p>Local Government Infrastructure Plan</p>	<p>Table SC3.4.2 Schedule of works – Sewerage network</p> <p>An alternative delivery method for sewerage infrastructure for connection to the development site will be via a 150-millimetre diameter non-trunk sewerage gravity main which will be constructed from the 300-millimetre diameter sewerage gravity main along Rachel Drive and Norman Road and terminate at the south-western corner of the development site.</p>
<p>Low Density Residential Zone Code</p>	<p>Performance Outcome (PO) 18</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 18.1 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 650 metres (walking distance) from Parkhurst Shopping Centre (District Centre Zone);</p> <p>Is located approximately 450 metres (walking distance) from the Rockhampton Heritage Village; and</p> <p>Approximately 400 metres North to an accessible bus stop along Jones Street and 500 metres West to another bus stop along Yaamba Road.</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>3.3.10.1 (5)(a) and (b) (Strategic Framework, Settlement Pattern, Element – Urban Infill and Intensification) – The proposed development provides for a choice of housing types and contributes to “affordable living” by including smaller and inexpensive options close to centres.</p> <p>Therefore, the development is taken to comply with PO18.</p>
<p>Relevant Matters</p>	

<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
<p>Matters raised in submissions</p>	
<p>The proposal was the subject of public notification between 26 April 2024 and 22 May 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) properly made submissions and one (1) not properly made submission was received.</p>	
<p>Construction concerns for residents adjoining the development site in regard to dust and noise.</p>	<p>The submitters raised concerns with the length of construction time it may take to develop the site regarding dust and noise to the surrounding properties.</p> <p>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>Location of Fire Hydrants.</p>	<p>The submitter asked if consideration could be given to relocate a fire hydrant from the development site into their adjoining property so that it could service their site and others in the event of a fire.</p> <p>There are three (3) fire hydrants connected to Council water infrastructure and located within the development site. Being a private lot, this infrastructure is encumbered by an easement in favour of Council. It is not feasible to relocate this infrastructure, and it can be utilised by Queensland Fire and Emergency Services in the event of a fire for all residences in the immediate area.</p>
<p>Norman Road and McMillian Avenue condition in regard to safety and lighting.</p>	<p>The submitters raised concerns with the lack of lighting and pedestrian infrastructure along Norman Road and McMillian Avenue, in particular along Norman Road at the corner of Mason Avenue.</p> <p>Norman Road is classified as a Major Urban Collector Road and will be required to be upgraded to this standard, ultimately. The works required by this development include widening along the full frontage side of the development site (from Mason Avenue to McMillian Avenue) to an eight (8) metre wide road. Kerb and channel, 1.5 metres wide pedestrian pathway, public lighting, and drainage infrastructure will be included and have been conditioned.</p> <p>McMillian Avenue is classified as a Major Rural Collector. There is no requirement to provide a pedestrian pathway or public lighting.</p>
<p>Norman Road and McMillian Avenue concerns with the current speed limits.</p>	<p>The submitters raised concerns with the current speed limit of Norman Road and McMillian Avenue.</p> <p>The speed limit of a road is set by The Department of Transport and Main Roads and Local Government (Council) as per The Queensland Road Safety Technical User Volumes (QRSTUV): Guide to Speed Management which contains the methods and procedures in relation to setting speed limits, installed on the transport network.</p> <p>Council may monitor and undertake a speed limit review of Norman Road and McMillian Avenue once infrastructure has been installed, upgraded and the use commenced.</p>
<p>Clearing occurring prior to</p>	<p>The submitters raised concerns that the clearing of vegetation on</p>

completion of the public notification stage.	<p>the subject site has been undertaking prior to a land use approval.</p> <p>The subject site is not mapped as containing regulated vegetation. Any clearing of vegetation would be considered exempt clearing work with no requirement for a permit.</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 Material Change of Use for a Retirement Facility (353 Sites), made by LG Resorts No 3 Pty Ltd A.C.N. 662 327 540, located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, described as Lots 7 to 10 on RP603508, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction.
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage;
 - (vi) Site Works; and
 - (vii) Landscaping Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 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 7 on RP603508, Lot 8 on RP603508 and Lot 9 on RP603508 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.10 Lot 10 on RP603508 must be amalgamated with Lots 7, 8 and 9 and registered as one lot prior to the commencement of Stage three (3) or Stage four (4), whichever occurs first.
- 1.11 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>
Master Plan	Jared Poole Desgin	11 April 2024	BP1426/03.0 1	E
Staging Plan	Jared Poole Desgin	12 April 2024	BP1426/03.0 2	B
Footpath and Walking Network Plan	Jared Poole Desgin	11 April 2024	BP1426/03.0 3	C
Clubhouse – Ground Floor Plan	Jared Poole Desgin	06 September 2023	BP1426/04.0 1	A
Clubhouse - Elevations	Jared Poole Desgin	06 September 2023	BP1426/04.0 2	A
Clubhouse - Elevations	Jared Poole Desgin	06 September 2023	BP1426/04.0 3	A
Dwelling Type A	Jared Poole Desgin	06 September 2023	BP1426/05.0 1	A
Dwelling Type B	Jared Poole Desgin	06 September 2023	BP1426/05.0 2	A
Dwelling Type C	Jared Poole Desgin	06 September 2023	BP1426/05.0 3	A

Statement of Landscape Intent	Zone Landscape Architecture	15 December 2023	L23171	A
Flood Report	Westera Partners	09 July 2024	S23-055	C
Stormwater Management Report	Westera Partners	01 March 2024	S23-055	B
Engineering Services Report	Westera Partners	01 March 2024	S23-055	B
Preliminary Cover Sheet	Westera Partners	01 March 2024	S23-055-PG01	A
Preliminary Civil Notes & Legend	Westera Partners	01 March 2024	S23-055-PC01	A
Preliminary Civil Works Site Plan	Westera Partners	09 July 2024	S23-055-PC02	B
Preliminary Catchments Plan	Westera Partners	09 July 2024	S23-055-PC03	B
Preliminary Civil Works Plan 1 Of 4	Westera Partners	09 July 2024	S23-055-PC04	B
Preliminary Civil Works Plan 2 Of 4	Westera Partners	09 July 2024	S23-055-PC05	B
Preliminary Civil Works Plan 3 Of 4	Westera Partners	09 July 2024	S23-055-PC06	B
Preliminary Civil Works Plan 4 Of 4	Westera Partners	09 July 2024	S23-055-PC07	B
Preliminary Channel Sections	Westera Partners	09 July 2024	S23-055-PC08	B
Preliminary Stormwater Tank Details 1 Of 3	Westera Partners	09 July 2024	S23-055-PC09	A
Preliminary Stormwater Tank Details 2 Of 3	Westera Partners	09 July 2024	S23-055-PC10	A
Preliminary Stormwater Tank Details 3 Of 3	Westera Partners	09 July 2024	S23-055-PC11	A

Preliminary Earthworks Site Plan	Westera Partners	09 July 2024	S23-055-PE01	B
Preliminary Earthworks Plan 1 Of 4	Westera Partners	09 July 2024	S23-055-PE02	B
Preliminary Earthworks Plan 2 Of 4	Westera Partners	09 July 2024	S23-055-PE03	B
Preliminary Earthworks Plan 3 Of 4	Westera Partners	09 July 2024	S23-055-PE04	B
Preliminary Earthworks Plan 4 Of 4	Westera Partners	09 July 2024	S23-055-PE05	B
Preliminary Earthworks Section 1 Of 2	Westera Partners	01 March 2024	S23-055-PE06	A
Preliminary Earthworks Section 2 Of 2	Westera Partners	01 March 2024	S23-055-PE07	A
Preliminary Erosion & Sediment Control Plan Pre-Bulk Earthworks	Westera Partners	01 March 2024	S23-055-PESC01	A
Preliminary Erosion & Sediment Control Plan Post Bulk Earthworks	Westera Partners	01 March 2024	S23-055-PESC02	A
Preliminary Erosion & Sediment Control Details 1 Of 2	Westera Partners	01 March 2024	S23-055-PESC03	A
Preliminary Erosion & Sediment Control Details 2 Of 2	Westera Partners	01 March 2024	S23-055-PESC04	A
Preliminary Erosion & Sediment Control Notes	Westera Partners	01 March 2024	S23-055-PESC05	A

General Layout	Westera Partners	09 July 2024	S23-055-FL01	B
Detail Road Layout	Westera Partners	09 July 2024	S23-055-FL02	B
Detail Road Layout	Westera Partners	09 July 2024	S23-055-FL03	B
Typical Road Cross Sections	Westera Partners	09 July 2024	S23-055-FL04	B

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

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in stages, namely:

3.1.1 Sites 1 to 57, Sites 184 to 187, and Sites 326 to 353 (Stage One).

3.1.2 Sites 114 to 183, Sites 188 to 202 (Stage Two); and

3.1.3 Sites 58 to 113, Sites 276 to 288, and Sites 309 to 325 (Stage Three) and,

3.1.4 Sites 203 to 275 and Sites 289 to 308 (Stage Four).

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

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

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

3.4 The currency period for Stages Two, Three and Four is fifteen (15) years from the date this approval takes effect.

3.5 The secondary clubhouse facilities (summer house) must be provided when the 30th dwelling house site is delivered.

3.6 The primary clubhouse facilities must be provided when the 150th dwelling house site is delivered.

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

4.0 ROAD WORKS

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

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

4.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) at the time of making the application.

4.4 Norman Road must be designed and constructed to Major Urban Collector standard, with half road construction along the full frontage of the development site extending two (2) metres beyond the centreline of the road and have a minimum width of eight (8.0) metres. Where kerb and channel exists on the western side of Norman Road

north of McMillian Avenue, the ultimate width of Norman Road at Major Urban Collection standard is to be realised. Kerb and channel, pedestrian pathways, lighting, and drainage infrastructure must be included. This trunk infrastructure has been identified as T-10 in the *Local Government Infrastructure Plan* and is conditioned under section 128 of the *Planning Act 2016*.

- 4.5 Land is to be dedicated to Council for additional road reserve to appropriately accommodate a Major Urban Collector Road hierarchy with adequate verge.
- 4.6 A concrete pathway, with a minimum width of 1.5 metres, must be constructed on the development side of Norman Road for the full frontage of the development site.
- 4.7 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.8 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"*.
- 4.9 All pathways must incorporate kerb ramps at all road crossing points.
- 4.10 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 4.11 Dedicated pedestrian linkages must be provided in accordance with the 'Footpath and Walking Network' approved plan (refer to condition 2.1).

5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All access, parking and vehicle manoeuvring areas must be concrete paved in accordance with the approved site plan (refer to condition 2.1).
- 5.4 A minimum of one hundred and eighty (180) parking spaces must be provided on-site. This includes one hundred and twenty-eight (128) visitor car parking spaces and fifty-two (52) recreational vehicle parking spaces.
- 5.5 Each Dwelling must be provided with two (2) car parking spaces, which may be provided in tandem, with at least one (1) space being covered.
- 5.6 A new access to the development must be provided at Norman Road and McMillian Avenue.
- 5.7 Service and delivery vehicles, including refuse collection vehicles must be via Norman Road only.
- 5.8 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.9 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"*.
- 5.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.

- 5.11 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.12 Any application for a development permit for operational works (access and parking works) must be accompanied by detailed and scaled plan, which demonstrate the turning movement/swept paths of the largest vehicle to access the development site including refuse collection.
- 5.13 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-streetcar parking"*.
- 5.14 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.15 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.16 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 SEWERAGE WORKS
- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 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*, and *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network via a "Special Sewerage Arrangement".
- 6.4 A 150-millimetre diameter non-trunk sewerage gravity main must be constructed from a new access chamber to be provided in the south western corner of the development site, connecting to the existing 300-millimetre diameter sewerage gravity main located at the Rachel Drive and Percy Street intersection. An access chamber must be provided at the connection of the existing 300-millimetre diameter sewerage main and at the termination point. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 6.5 A new sewerage connection point must be provided to the proposed development from the sewerage infrastructure to be constructed in accordance with condition 6.4.
- Note: The sewerage connection point to be provided for the development cannot command the development via gravity. A private pump station and raising main will be required to service the development and must comply with *Australian Standard AS3500.2 "Sanitary Plumbing and Drainage"*. A private pump station and raising main is to be approved as a part of Plumbing and Drainage Works.
- 6.6 Any proposed sewerage access chamber located within a park or reserve, or below a ten per cent (10%) Annual exceedance probability flood level, must be provided with bolt down lids.
- 6.7 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.
- 6.8 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.

7.0 WATER WORKS

- 7.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008 and Plumbing and Drainage Act 2018*.
- 7.2 The development must be connected to Council's reticulated water network.
- 7.3 The existing water connection point must be capped off. A new water connection point must be provided from the 200-millimetre diameter water main located within the eastern side of Norman Road. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 7.4 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 7.5 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 7.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

8.0 PLUMBING AND DRAINAGE WORKS

- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 8.2 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*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.

9.0 STORMWATER WORKS

- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwaters must drain to a 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.
- 9.4 A Drainage Easement must be provided over all land assessed to be within a post-development one (1%) Annual Exceedance Probability defined flood / storm event, inundation area.
- 9.5 A Stormwater channel must be provided along the western and northern boundaries to contain the overland flow that traverses the development site. This trunk infrastructure has been identified as D-4 in the *Local Government Infrastructure Plan* and is conditioned under section 128 of the *Planning Act 2016*.

Note: Channel freeboard must be provided in accordance with *Queensland Urban Drainage Manual* requirements and demonstrated at Operational Works (Stormwater Works) stage.

- 9.6 All internal field inlets / pits must be fitted with gross pollutant traps in accordance with approved plans (refer to condition 2.1).
- 9.7 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).
- 9.8 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.
- 9.9 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner/operator.

10.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 10.1 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.
- 10.2 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*, and sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 10.3 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.

11.0 SITE WORKS

- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 11.2 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 an actionable nuisance or worsening to surrounding land or infrastructure.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidance on earthworks for commercial and residential development"*.
- 11.4 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.4.1 the location of cut and/or fill.
 - 11.4.2 the type of fill to be used and the way it is to be compacted.
 - 11.4.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels.
 - 11.4.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 11.4.5 the maintenance of access roads to and from the development site so that they are free of all cuts and/or fill material and cleaned as necessary.

- 11.5 All retaining structures above one (1) meter height requires separate building approval and certification by a Registered Professional Engineer of Queensland.
- 12.0 BUILDING WORKS
- 12.1 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.
- 12.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 12.3 All building works for must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 12.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 12.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 12.4.2 surrounded by at least a 1.8-metre-high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 12.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 12.4.4 setback a minimum of two (2) metres from any road frontage; and
 - 12.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- 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.
- 12.5 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"*.
- 12.6 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).
- 12.7 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.
- 13.0 EXTERNAL LANDSCAPING WORKS
- 13.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 13.2 Street trees must be provided along Norman Road 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*.

- 13.3 The street trees required by condition 13.2 must be one or a combination of the following species:
- 13.3.1 *Buckinghamia celcissma* – Ivory Curl
 - 13.3.2 *Corymbia ptychocarpa* – Swamp Bloodwood
 - 13.3.3 *Cupaniopsis anacardioides* – Tuckeroo
 - 13.3.4 *Cupaniopsis parvisolia* – Small Leaf Tuckeroo
 - 13.3.5 *Harpullia pendula* – Tulip wood
 - 13.3.6 *Melicope elleryana*- Pink Flowering Euodia
 - 13.3.7 *Syzygium leuhmanii*- Small Leafed Lilly Pilly
 - 13.3.8 *Waterhousia floribunda* – Weeping Lilly Pilly
 - 13.3.9 *Xanthostemon chrysanthus* – Golden Penda
- 13.4 The street trees must:
- 13.4.1 Be planted between one (1) and 1.2 metres from the edge of the kerb;
 - 13.4.2 Be at least three (3) metres from a driveway;
 - 13.4.3 Be at least five (5) metres apart; and
 - 13.4.4 Be at least six (6) metres from the corner of the kerb at street intersections.
- 13.5 Street trees must be maintained by the owner 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.
- Note: Council approval must be obtained prior to the removal of or interference with street trees located on Council land.
- 13.6 Street trees and landscaping must not impact on vehicle site distances in accordance with *Australian Standard AS2890 – Parking Facilities*, or unduly restrict visibility to pedestrians in verge areas.
- 13.7 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.
- 13.8 Any application for a Development Permit for Operational Works (landscaping works) must be accompanied by a detailed plan that demonstrates the proposed landscaping within the easement or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent will not affect / decrease the conveyance capacity of the channel.
- Note: Landscaping within Drainage Easement A located on SP307472 or proposed channel including one (1) per cent Annual Exceedance Probability flood inundation extent as identified on the approved plans (refer to condition 2.1) must be in accordance with Council's easement schedule.
- 14.0 **INTERNAL LANDSCAPING WORKS**
- 14.1 Landscaping must be constructed and/or established in all relevant areas shown on the approved plans prior to the commencement of the use for that area (refer to condition 2.1).
- 14.2 Landscaping must be designed in accordance with the requirements of Australian Standard AS 1428 — Design for access and mobility.
- 14.3 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:

- 14.3.1 trees at five (5) metre intervals;
 - 14.3.2 shrubs at two (2) metre intervals; and
 - 14.3.3 groundcovers at one (1) metre intervals.
- 14.4 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:
- 14.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 14.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 14.5 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 14.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 14.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 14.6.2 adversely affect any road lighting or public space lighting; or
 - 14.6.3 adversely affect any Council infrastructure, or public utility plant.
- 14.7 The landscaped areas must be subject to:
- 14.7.1 a watering and maintenance plan during the establishment phase; and
 - 14.7.2 an ongoing maintenance and replanting programme.
- 15.0 **STREET LIGHTING**
- 15.1 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'.
- 15.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.
- 16.0 **ELECTRICITY**
- 16.1 Underground electricity services must be provided in accordance with approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 16.2 A Certificate of Electricity Supply from the relevant service provider must be provided to Council, prior to the commencement of the use.
- Note: The applicant can enter a Negotiated Connection Establishment Contract with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a Certificate of Electricity Supply.
- 17.0 **TELECOMMUNICATIONS**
- 17.1 Provide Fibre-Ready pit and pipe telecommunications infrastructure to each lot within the development in accordance with the Australian Government '*Telecommunications infrastructure in new developments*' policy.

- 17.2 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 17.3 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use: -
- NBN** a 'Certificate of Practical Completion',
- Telstra** a- "Telecommunications Agreement/Provisioning Letter",
- A Licenced Carrier** under the Telecommunications Act 1997- (signed documentation from a Registered Professional Engineer Queensland -electrical engineer.)
- 18.0 ASSET MANAGEMENT
- 18.1 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.
- 18.2 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.
- 18.3 '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).
- 19.0 ENVIRONMENTAL
- 19.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives.
 - (ii) site location and topography.
 - (iii) vegetation.
 - (iv) site drainage.
 - (v) soils.
 - (vi) erosion susceptibility.
 - (vii) erosion risk.
 - (viii) concept.
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 19.2 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), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the State Planning Policy 2017 and Capricorn Municipal Design Guidelines requirements, must be:
- 19.2.1 implemented, monitored, and maintained for the duration of the development works, and until all exposed soil areas are permanently

stabilised (for example, turfed, hydro mulched, concreted, landscaped).

19.2.2 The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

20.0 OPERATING PROCEDURES

20.1 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 Norman Road or McMillian Avenue.

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. 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 food business activities such as a commercial kitchen. Approval for such activities is required before 'fitout' and operation.

NOTE 5. Infrastructure Charges Notice

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

NOTE 6. 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 7. Building Works

Council will be a referral agency for the Building Works Permit where the development does not comply with the *Queensland Development Code*. This Development Permit does not constitute a referral agency response from Council.

NOTE 8. Advertising Devices

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

NOTE 9. 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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for a Retirement Facility (353 Sites), made by LG Resorts No 3 Pty Ltd A.C.N. 662 327 540, located at 930-960 Norman Road and 19 McMillan Avenue, Parkhurst, described as Lots 7 to 10 on RP603508, Council resolves to accept an application fee of \$92,393.00 for the development.

Moved by: Councillor Mathers

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

11.2 REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT D/2-2023 FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MICROBREWERY), HOTEL AND SHOP

File No: D/2-2023
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Alicia Cutler - General Manager Community Services
Author: Kathy McDonald - Principal Planning Officer

SUMMARY

Development Application Number: D/2-2023
Applicant: B R Brewery Pty Ltd
Real Property Address: Lot 1 on RP608441
Common Property Address: 304 Quay Street, Rockhampton City
Area of Site: 809 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (v2.2)
Planning Scheme Zone: Waterfront and Marine Industry Zone
Planning Scheme Precinct: Fitzroy River Industry Precinct
Existing Development: Warehouse
Approval Sought: Amended Decision Notice for Development Permit D/2-2023 for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop
Affected Entity: Nil

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Minor Change to D/2-2023 for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to issue an Amended Decision Notice 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) Parking Works;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
Overall Site / Title	Dezign Elements	28 June 2023	S-00	-
Site Plan - Parking	Dezign Elements	28 June 2023	S-01	-
Existing Floor Plan	Dezign Elements	28 June 2023	S-02	-
Proposed Floor Plan	Dezign Elements	28 June 2023	S-03	-
Legend Colour Zone	Dezign Elements	28 June 2023	S-04	-

- 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 PARKING WORKS

- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 All 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 (parking works).
- 3.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel prior to the commencement of Stage Two (Hotel).
- 3.4 A minimum of ten (10) on-street parking spaces must be provided along the Stanley Street frontage of the site prior to the commencement of Stage One (Special Industry - Microbrewery and Shop).
- 3.5 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".
- 3.6 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 (parking works).
- 3.7 Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".
- 3.8 An additional four (4) on-street parking spaces must be provided along the Quay Street frontage of the site prior to the commencement of Stage Two (Hotel).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.5 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act 2018.
- 4.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act 2018 and Council's Plumbing and Drainage Policies.
- 4.7 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

5.0 BUILDING WORKS

- 5.1 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".
- 5.2 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 5.3 All external elements, such as air conditioners and any associated equipment for the development, must be adequately screened from public view, to Council's satisfaction.
- 5.4 Waste storage areas must be provided in accordance with the Environmental Protection Regulation 2019 and must be screened so as not to be visible from a public space.
- 5.5 Access to and use of the land the subject of this application must comply with the provisions of the Anti-Discrimination Act 1991. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

6.0 ASSET MANAGEMENT

- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 6.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway 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.
- 6.3 '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).

7.0 OPERATING PROCEDURES

- 7.1 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 Quay Lane.
- 7.2 Service vehicles, including refuse collection vehicles must be via Quay Lane only.
- 7.3 The hours of operations for the development site must be limited to:
- (i) 10:00 hours to 24:00 hours on Monday to Sunday
- 7.4 Live entertainment must be limited to:
- (i) 20:00 hours on Sunday to Thursday; and
 - (ii) 24:00 hours on Friday to Saturday.
- 7.5 Noise emitted from the activity must not cause an environmental nuisance.

- 7.6 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 or odour.
- 7.7 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.
- 7.8 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) and in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 7.8.1 the area is kept in a clean and tidy condition;
 - 7.8.2 no waste material is stored external to the waste storage area/s; and
 - 7.8.3 the area is maintained in accordance with Environmental Protection Regulation 2019.
- 8.0 STAGED DEVELOPMENT
- 8.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
- 8.1.1 Stage one – Special Industry (Microbrewery) and Shop; and
 - 8.1.2 Stage two – Hotel.
- Stage one must be completed prior to Stage two.
- 8.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 8.3 The currency period for Stage one and Stage two is six (6) years from the date this approval takes effect.

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. 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 5. 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 6. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with *Standard Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (parking works).

NOTE 7. Building Works

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.

A Building Works Permit for a change of building classification may be required in accordance with the *Building Act 1975*.

NOTE 8. Plumbing and Drainage

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

NOTE 9. Advertising Devices

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

NOTE 10. Flooding (Contingency Plan)

A Contingency Plan is recommended for the development site. The plan should demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the owner and any occupier of the premises will collect possessions, clear the site and vacate the property in a flood event.

NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.

It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.

NOTE 11. 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 12. Stationary Roadside Vending

Roadside vendors wanting to trade on Local Government controlled areas and/or roads require approval (Commercial Use of Roads Application Form – Stationary Roadside Vending). This approval must be obtained for the activity to allow an operator to solicit or carry on the supply of goods or services (including food and drink) for profit from a specified place or a number of specified places.

RECOMMENDATION B

THAT in relation to the application for a Minor Change to D/2-2023 for a Material Change of Use for Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$62,860.03.

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

11.3 REFUND, EXEMPTION AND REDUCTION OF FEES AND CHARGES POLICY REVIEW

File No: 11979
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The reviewed draft Refund, Exemption and Reduction of Fees and Charges Policy is presented to Council for consideration and adoption.

COUNCIL RESOLUTION

THAT Council adopts the revised Refund, Exemption and Reduction of Fees and Charges Policy.

Moved by: Councillor Taylor
Seconded by: Councillor Hulse

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR GRANT MATHERS - PLACE OF LAST RESORT

File No: 10072

Responsible Officer: Justin Kann – Manager Office of the Mayor
Evan Pardon – Chief Executive Officer

SUMMARY

Councillor Grant Mathers has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Tuesday 10 September 2024 regarding a place of last resort for the homeless members of our community.

COUNCIL RESOLUTION

THAT the Chief Executive Officer prepare detailed information, including potential locations, to inform Council's direction on providing a place of last resort for the homeless members of our community. It is requested that this information be presented to a briefing session in September.

Moved by: Councillor Mathers

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS**14.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR CHERIE RUTHERFORD -
17 SEPTEMBER 2024**

File No: 10072

Responsible Officer: Evan Pardon – Chief Executive Officer

COUNCIL RESOLUTION

THAT Councillor Cherie Rutherford be granted leave of absence for meetings on Tuesday 17 September 2024.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

15 CLOSED SESSION

COUNCIL RESOLUTION

9:29AM

THAT Council move into Closed Session pursuant to section 254J(1) of the *Local Government Regulation 2012* and the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Update on Rectification Charges to BEEF Australia following the BEEF 2024 Event

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

16.2 Rockhampton Agricultural Show

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

16.3 Rockhampton Events Planning

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

Moved by: **Councillor Latcham**

Seconded by: **Councillor Mathers**

MOTION CARRIED

COUNCIL RESOLUTION

10:27AM

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

Moved by: **Councillor Wickerson**

Seconded by: **Councillor Oram**

MOTION CARRIED

COUNCIL RESOLUTION**10:27AM**

THAT the meeting be adjourned until 10:40am.

Moved by: Councillor Wickerson**MOTION CARRIED****COUNCIL RESOLUTION****10:43AM**THAT the meeting be resumed, and pursuant to section 254J(1) of the *Local Government Regulation 2012* the meeting moves into Closed Session to resume discussion on items 16.1, 16.2 and 16.3.**Moved by: Councillor Wickerson****Seconded by: Councillor Mathers****MOTION CARRIED**

Members Present:

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

Executive Officer:

Mr R Cheesman

COUNCIL RESOLUTION**10:59AM**THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.**Moved by: Councillor Wickerson****Seconded by: Councillor Taylor****MOTION CARRIED**

16 CONFIDENTIAL REPORTS

16.1 UPDATE ON RECTIFICATION CHARGES TO BEEF AUSTRALIA FOLLOWING THE BEEF 2024 EVENT

File No: 10486
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

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

SUMMARY

Report details additional costs incurred for the BEEF 2024 event and the proposed recovery thereof.

COUNCIL RESOLUTION

THAT:

1. The Chief Executive Officer (General Manager Community Services) be authorised to proceed with invoice adjustments as outlined in the report.
2. Council consider in the next Beef Sponsorship Agreement with Beef Australia the amount of sponsorship and relevant bonds to mitigate against unknown costs post event.

Moved by: Councillor Hilse
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

16.2 ROCKHAMPTON AGRICULTURAL SHOW

File No: 11715
Authorising Officer: Angus Russell - Executive Manager Advance
Rockhampton
Author: Zac Garven - Tourism and Events Manager
Eileen Brown - Events Coordinator

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

SUMMARY

This report discusses the Rockhampton Agricultural Show.

COUNCIL RESOLUTION

THAT Council progress the matters as detailed in the report.

Moved by: Councillor Mathers
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION**11:01AM**

THAT the meeting be adjourned until 1.00pm.

Moved by: Councillor Wickerson**MOTION CARRIED****COUNCIL RESOLUTION****1:07PM**THAT the meeting be resumed, and pursuant to section 254J(1) of the *Local Government Regulation 2012* the meeting moves into Closed Session to resume discussion on item 16.3.**Moved by: Mayor Williams****Seconded by: Councillor Oram****MOTION CARRIED**

Members Present:

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

Executive Officer:

Mr R Cheesman

COUNCIL RESOLUTION**1:29PM**THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.**Moved by: Mayor Williams****Seconded by: Councillor Wickerson****MOTION CARRIED UNANIMOUSLY**

16.3 ROCKHAMPTON EVENTS PLANNING

File No: 11715
Authorising Officer: Angus Russell - Executive Manager Advance
Rockhampton
Author: Zac Garven - Tourism and Events Manager

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

SUMMARY

This report provides discussion and recommendations about future events.

COUNCIL RESOLUTION

THAT:

- (a) Pursuant to s235(b) of the *Local Government Regulation 2012*, Council approves the supplier as a specialised supplier as detailed within the report; and
- (b) Council authorise the Chief Executive Officer to progress the matters as detailed in the report.

Moved by: Mayor Williams
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 1.30pm.

SIGNATURE

CHAIRPERSON

DATE

UNCONFIRMED



**MEETING
ATTACHMENTS**

10 SEPTEMBER 2024

UNCONFIRMED

APPENDIX A

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

- Item 11.1 Development Application for a Material Change of Use
for a Retirement Facility (353 Sites)**

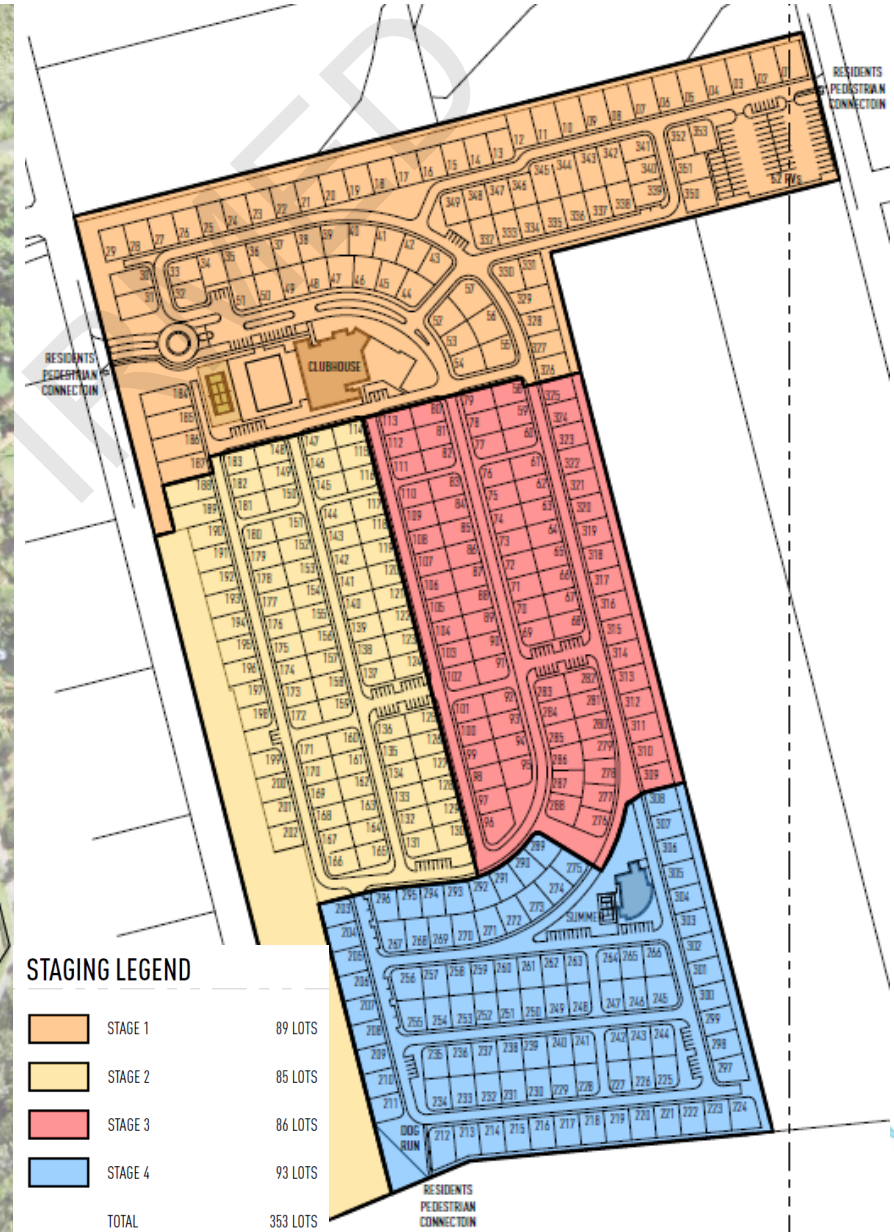
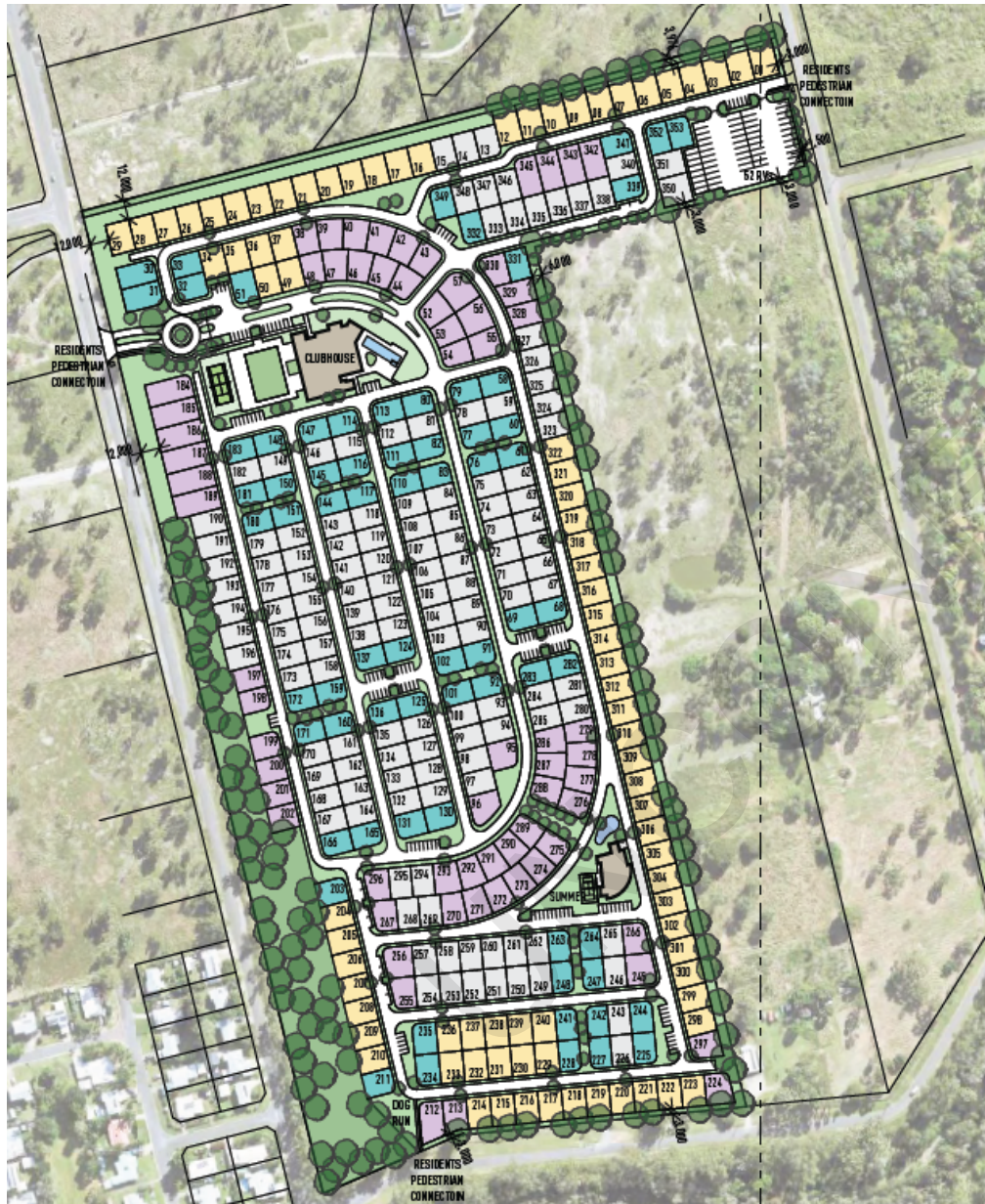
UNCONFIRMED

Subject Site

930-960 Norman Road and 19 McMillan Avenue, Parkhurst



Proposed development



Proposed development

OUTDOOR POOL

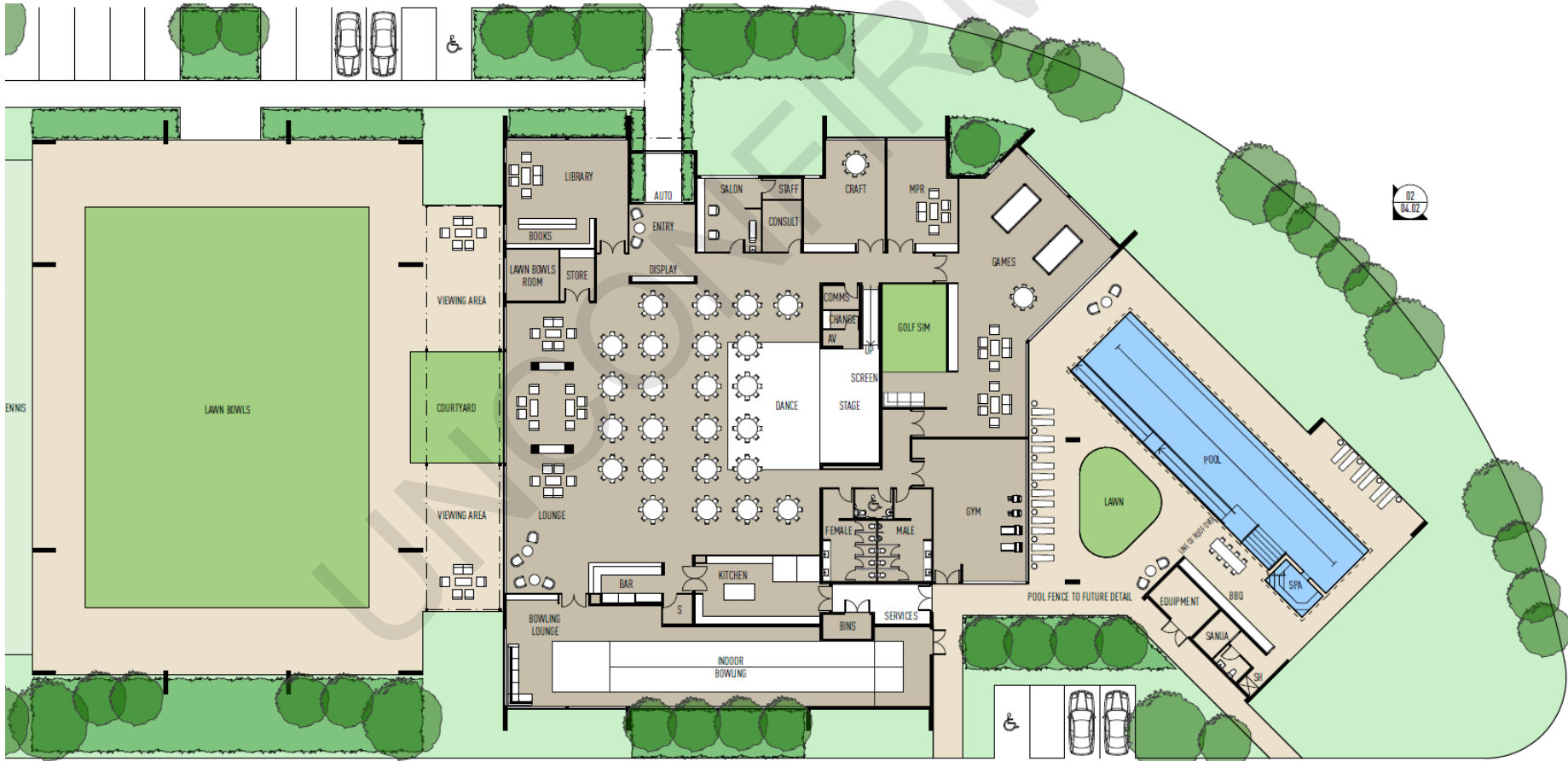
CLUBHOUSE

LAWN BOWLS

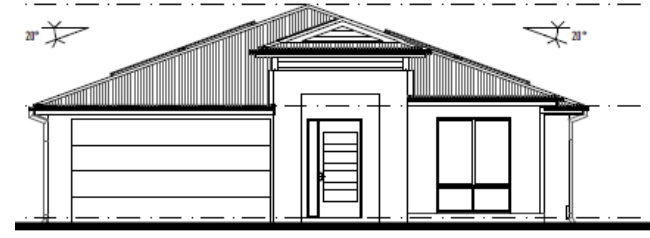
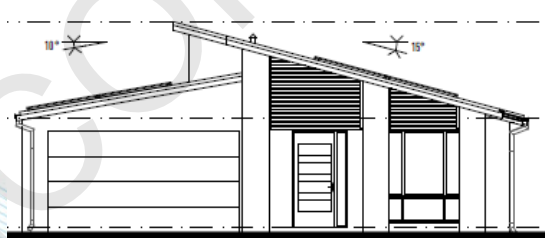
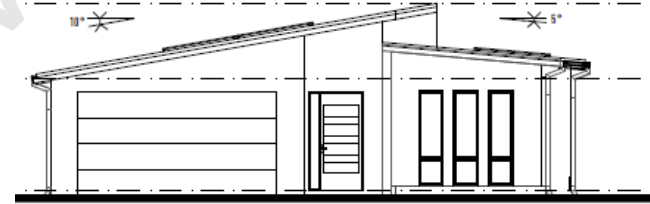
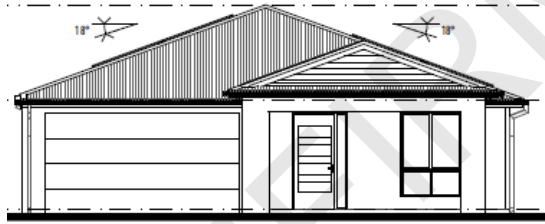
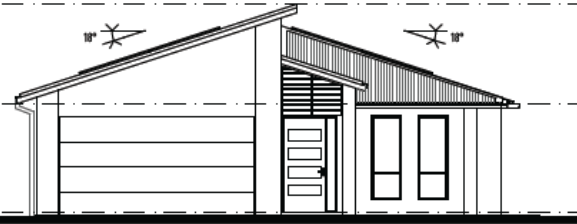
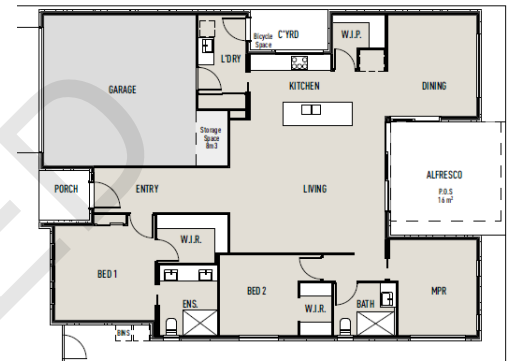
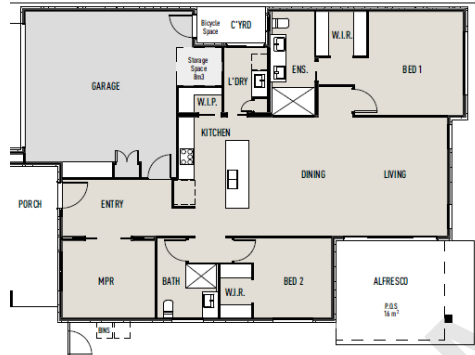
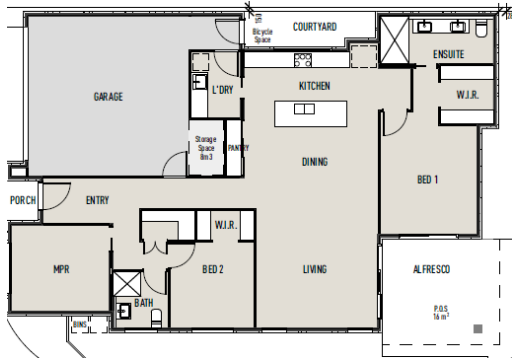
TOP OF ROOF 41.750

CL 36.600

FL 33.600



Dwelling Designs



Public Notification

