



ORDINARY MEETING

AGENDA

10 DECEMBER 2024

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 December 2024 commencing at 9:00 AM for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. Pe", written in a cursive style.

CHIEF EXECUTIVE OFFICER
9 December 2024

Next Meeting Date: 21.01.25

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer – Rev David Alley, Peace Christian Church

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 26 November 2024

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

File No: 10097
Attachments: 1. [November 2024](#)
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.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for Ordinary Council be received.

BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

November 2024

Meeting Date: 10 December 2024

Attachment No: 1

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

Meeting Date	Subject	Resolution	Officer	Target Date	Notes
14/07/2020	First Turkey Mountain Bike Reserve - Blue Dawg Concept Plan	<p>COUNCIL RESOLUTION</p> <ol style="list-style-type: none"> 1. THAT Council notes the early-stage status of the Blue Dawg trail proposal and officers continue dialogue with the Rockhampton Mountain Bike Club in relation to the proposal. 2. THAT Council invites the Rockhampton Mountain Bike Club to a Workshop with Council. 	Clark, Wade	28/02/2025	<p>11 Aug 2020 Clark, Wade QPWS has been requested for a meeting to discuss the proposed Blue Dawg Downhill Trail. QPWS have indicated that they will meet with Council officers to discuss further. A meeting date is yet to be confirmed by QPWS.</p> <p>11 Aug 2020 Revised Target Date changed by: Clark, Wade From 28/7/20 to 28/8/20: Awaiting QPWS to confirm meeting date and time</p> <p>09 Sep 2020 Clark, Wade Preliminary meeting held with QPWS, a joint meeting between RRC, QPWS and the Rockhampton Mountain Bike Club to be held in September to discuss the proposal and if they are any other options for the downhill trail.</p> <p>25 Sep 2020 Clark, Wade Combined meeting between QPWS, RRC and Rockhampton Mountain Bike Club held on the 24 September., An options analysis with multiple options to be developed., A Councillor workshop with all parties involved to be developed and implemented in November.</p> <p>14 Oct 2020 Revised Target Date changed by: Clark, Wade From: 28 Aug 2020 To: 30 Nov 2020, Reason: Awaiting QPWS to confirm meeting date and time</p> <p>17 May 2022 2:56pm Clark, Wade Potential options identified by the Rockhampton Mountain Bike Club with further work required to be identify the preferred alignment.</p> <p>17 May 2022 Target date changed by Clark, Wade from 30 November 2020 to 01 December 2022 - Further work required for mountain bike alignments to discuss at the workshop with Councillors.</p> <p>20 Feb 2023 Clark, Wade Requested direction on whether to finalise this resolution given Council's current priorities and financial pressures.</p>

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

					<p>09 Jan 2024 Wade Clark: No further update at this stage</p> <p>27 Nov 2024 Clark, Wade There is current discussions with the Mountain Bike Club as to whether the Blue Dawg Concept Plan is to be pursued.</p> <p>27 Nov 2024 Target date changed by Clark, Wade from 01/12/22 to 28/2/23. Current discussions with Mountain Bike Club are ongoing regarding a new master plan that may not include a Blue Dawg trail.</p> <p>27 Nov 2024 Target date changed by Clark, Wade from 28/2/23 to 28/2/25. Current discussions with Mountain Bike Club regarding a new master plan which may not include the Blue Dawg trail.</p>
14/09/2021	<p>Notice of Motion - Councillor Shane Latcham - Rockhampton Regional Council Floral Emblem</p>	<p>COUNCIL RESOLUTION</p> <p>THAT Council undertake a Community Engagement Program when appropriate on civic symbols including a Floral Emblem, representative of the Rockhampton Region Local Government area.</p>	<p>Brodel, Emma</p>	<p>30/06/2025</p>	<p>17 Sep 2021 Action reassigned to Mansfield, Matthew</p> <p>12 May 2022 Target date changed by Mansfield, Matthew from 28 September 2021 to 28 September 2021 - Scheduled for later this calendar year pending resource capacity</p> <p>12 May 2022 Target date changed by Mansfield, Matthew from 28 September 2021 to 28 September 2022 - Amending to correct date - due to be completed later this calendar year pending resource capacity</p> <p>09 Aug 2022 7:45am Mansfield, Matthew Pending discussions around Communications resourcing, this item was scheduled to be revisited in the October Quarter 2022. Further assessment is required where this engagement sits against competing Council priorities.</p> <p>21 Oct 2022 Mansfield, Matthew Engagement is due to be discussed with Councillors on 6th December Workshop when Engagement Framework is discussed.</p>

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

					<p>21 Oct 2022 Target date changed by Mansfield, Matthew from 28 September 2022 to 28 March 2023 - Pending conversation with Councillors at December 2022 workshop where Op Plan Action of setting a calendar of engagements will be discussed.</p> <p>01 Dec 2022 Target date changed by Mansfield, Matthew from 28 March 2023 to 30 June 2025 - Undertaking this engagement requires both an appetite for change internally and a community that is engaged with Council at a Civic level. Given the Engagement Framework is yet to be adopted, this engagement is suggested to be moved into the 2024-25 FY Calendar of Engagements. This will give time to embed the engagement framework into Council's operations so that this legacy engagement can be completed properly, as symbols which represent the Region will stay for decades to come after.</p> <p>02 Feb 2023 Action reassigned to Dwyer, Genevieve</p> <p>31 May 2023 Action reassigned to Brodel, Emma</p> <p>11 Nov 2024 Target Date changed to 30/6/25</p>
28/06/2022	CMP Updates - Heritage Management Strategy	COUNCIL RESOLUTION THAT Council resolves that the matter lay on the table until further consultation with the community.	Wyatt, Cameron	12/07/2022	<p>05 Aug 2022 11:50am Dorman, Kerri Councillor field trip to Mt Morgan to inspect building held on Wednesday 2nd August 2022</p> <p>21 Oct 2022 8:53am Dorman, Kerri Matter deferred whilst undertaking Mt Morgan Heritage Study, after which a consultation will be undertaken.</p> <p>21 Nov 2022 4:29pm Dorman, Kerri Matter still deferred awaiting outcome from heritage study</p> <p>16 Feb 2023 8:31am Dorman, Kerri Mayor to discuss further with LT on RRC's position. Re-assign to Emma-Jane Dwyer.</p> <p>16 Feb 2023 Action reassigned to Dwyer, Emma-Jane by Leeder, Linda</p>

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

					<p>24 Aug 2023 Dorman, Kerri Briefing session to be scheduled regarding local heritage sites in Mt Morgan</p> <p>09 Oct 2024 12:45pm Dwyer, Emma-Jane Briefing session still to be scheduled.</p> <p>05 Nov 2024 9:47am Dorman, Kerri Matter sitting with Cameron Wyatt for inclusion in Local Heritage Register. Community consultation to take place in conjunction with this. Please re-assign to Cameron Wyatt</p> <p>05 Nov 2024 Action reassigned to Wyatt, Cameron</p>
13/12/2022	Draft Community Engagement Framework	<p>COUNCIL RESOLUTION</p> <p>THAT Council:</p> <ol style="list-style-type: none"> Adopts the draft Community Engagement Framework as detailed in the report; and Approves officers to revise policy and procedure for further consideration by Council. 	Brodel, Emma	30/06/2023	<p>16 Dec 2022 Target date changed by Michaels, Skye from 27 December 2022 to 27 December 2022 - Completing the job. A revised Policy and Procedure will come back to the Council for review at a later date. The three months will be spent building the department toolkits which support this Framework and Policy and Procedure</p> <p>16 Dec 2022 Target date changed by Michaels, Skye to 27 December 2022 - Complete action will bring back revised policy and procedure to the Council at a later date</p> <p>16 Feb 2023 Target date changed from 27 December 2022 to 30 June 2023 - Policy and Procedure to be revised. Development of toolkits will be ongoing process</p> <p>02 May 2023 Action reassigned to Brodel, Emma</p>

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

24/01/2023	Renewal of Lease - Telecommunications Tower, 10 Pilbeam Drive, Mt Archer	COUNCIL RESOLUTION	Roberts, Kellie	31/12/2024	<p>08 Feb 2023 Target date changed by Roberts, Kellie from 07 February 2023 to 30 April 2023 - Time to allow for renewal process to occur.</p> <p>13 Apr 2023 Target date changed by Roberts, Kellie from 30 April 2023 to 31 May 2023 - To allow time for lease negotiation.</p> <p>11 May 2023 Target date changed by Roberts, Kellie from 31 May 2023 to 31 July 2023 - Extension of time to allow for lease negotiations.</p> <p>19 Jul 2023 Target date changed by Roberts, Kellie from 31 July 2023 to 30 September 2023 - Still waiting on response from BAI regarding lease offer. Additional time required</p> <p>08 Sep 2023 Target date changed by Roberts, Kellie from 30 September 2023 to 30 November 2023 - Still waiting on responses from tenant</p> <p>03 Nov 2023 Target date changed by Roberts, Kellie from 30 November 2023 to 31 January 2024 - Lease negotiations</p> <p>26 Mar 2024 Target date changed by Roberts, Kellie from 31 January 2024 to 30 June 2024 - Difficulties contacting tenant.</p> <p>11 Jun 2024 Target date changed by Roberts, Kellie from 30 June 2024 to 30 September 2024 - Waiting on response from tenant</p> <p>25 Sep 2024 Target date changed by Roberts, Kellie from 30 September 2024 to 31 October 2024 - Have just received lease review back from BAI, need to review changes again.</p> <p>21 Oct 2024 Roberts, Kellie Waiting for a response from BAI Communications</p> <p>04 Nov 2024 Target date changed by Roberts, Kellie from 31 October 2024 to 31 December 2024 - Target Date extended - lease renewal under negotiation.</p>
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THAT:

1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld), Council approve the renewal of the Lease to BAI Communications Pty Ltd A.C.N 086 048 562 for the premises located at part of 10 Pilbeam Drive, Mt Archer (Lot 10 on RP617127); and
2. Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to negotiate the terms and conditions of the lease in preparation for execution by the delegated Officer.

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

11/12/2023	Proposed NRMA Electric Vehicle Fast Charging Station on Council Land - 180-186 Alma Street (carpark)	COUNCIL RESOLUTION	Roberts, Kellie	31/05/2025	<p>05 Jan 2024 Target date changed by Roberts, Kellie from 25 December 2023 to 29 February 2024 - Timeframe for negotiation of Licence Agreement</p> <p>26 Mar 2024 Target date changed by Roberts, Kellie from 29 February 2024 to 30 June 2024 - Delay due to resource constraints</p> <p>11 Jun 2024 Target date changed by Roberts, Kellie from 30 June 2024 to 30 September 2024 - NRMA is waiting on Ergon to finalise electricity connection plans.</p> <p>25 Sep 2024 Target date changed by Roberts, Kellie from 30 September 2024 to 30 November 2024 - Licence Terms should be finalised by November, however NRMA can't commence works on site until Ergon have completed an upgrade in the area which won't occur until early 2025.</p> <p>21 Oct 2024 Target date changed by Roberts, Kellie from 30 November 2024 to 31 May 2025 - NRMA can't enter into the Licence & proceed with the installation until Ergon works are complete - due early 2025.</p>
23/07/2024	Telecommunications Policy Review	COUNCIL RESOLUTION	Roberts, Kellie	28/02/2025	<p>24 Jul 2024 Action reassigned to Roberts, Kellie</p> <p>09 Aug 2024 Target date changed by Roberts, Kellie from 06 August 2024 to 30 September 2024 - Allow time to review policy and consult with stakeholders prior to presenting to Council Briefing.</p> <p>29 Aug 2024 Target date changed by Roberts, Kellie from 30 September 2024 to 20 December 2024 - Allowance of time to develop policy review</p> <p>29 Nov 2024 Target date changed by Roberts, Kellie from 20 December 2024 to 28 February 2025 - Extended timeframe due to resourcing.</p>

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

13/08/2024	Proposed Sale of 34 Wood Street & 402 Denison Street by Closed Tender to adjoining neighbours	COUNCIL RESOLUTION THAT pursuant to Section 236(1)(c)(iv) of the <i>Local Government Regulation 2012 (Qld)</i> , the Chief Executive Officer (Coordinator Property and Insurance) be authorised to proceed with Option 1 as outlined within the report.	Mills, Michelle	31/03/2025	29 Aug 2024 Target date changed by George, Michelle from 27 August 2024 to 31 March 2025 - Preparing documentation to call Tenders. Additional time allowed for settlement of contract after tender is awarded. 29 Aug 2024 Action reassigned to Mills, Michelle - Michelle George no longer acting in the role
10/09/2024	Rockhampton Events Planning	COUNCIL RESOLUTION THAT: (a) Pursuant to s235(b) of the <i>Local Government Regulation 2012</i> , 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.	Garven, Zac	24/09/2024	
09/10/2024	Assignment of Lease - 132 Elphinstone Street, Berserker	COUNCIL RESOLUTION THAT Council: 1. provides consent to the Assignment of Lease No. 720085876 and Lease No. 720085877 from Elfin House Community Child Care Centre Inc. (In Liquidation) to the Board of Trustees of the Rockhampton Grammar School for the premises at 132 Elphinstone Street, Berserker (Lease B on SP316505 and Lot 16 on Crown Plan R26291; and 2. authorises the Chief Executive Officer (Coordinator Property & Insurance) to negotiation the terms and conditions of the Deed of Assignment of Lease in preparation for the execution by the delegated officer, subject to the following conditions:	Roberts, Kellie	30/01/2025	21 Oct 2024 Target date changed by Roberts, Kellie from 23 October 2024 to 30 November 2024 - New Tenant is providing further information to support request for 20 year term. 29 Nov 2024 Target date changed by Roberts, Kellie from 30 November 2024 to 30 January 2025 - To allow for contract to be finalised.

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

		<p>a) The lease to expire in 2030 and to investigate freeholding of the reserve;</p> <p>b) Rent will remain the same, increased by CPI;</p> <p>c) Consent for Rockhampton Grammar School to carry out renovations as per the plan attached to the report (subject to relevant building approval at their cost);</p> <p>d) Maintenance responsibilities change to that Council is responsible for the structural integrity only; and</p> <p>e) All associated costs (including titles registration fees) will be the responsibility of the Board of Trustees of the Rockhampton Grammar School.</p> <p>3. request a report on the option to freehold the site for consideration of sale.</p>			
09/10/2024	Tender 16020 - Sale of Land	<p>COUNCIL RESOLUTION</p> <p>THAT the Chief Executive Officer (Coordinator Property & Insurance) be authorised to proceed with Option 1 as outlined in the report.</p>	Roberts, Kellie	14/02/2025	<p>21 Oct 2024 Target date changed by Roberts, Kellie from 23 October 2024 to 31 January 2025 - Contract executed. Extended target date to allow for settlement to occur.</p> <p>04 Nov 2024 Target date changed by Roberts, Kellie from 31 January 2025 to 14 February 2025 - Settlement due on 31 January 2025.</p>
29/10/2024	Petition Requesting parking to be made available for CBD workers in William and Derby Streets Rockhampton City	<p>COUNCIL RESOLUTION</p> <p>THAT the petition requesting parking to be made available for CBD workers in William and Derby Streets be received and a further report come back to the table.</p>	Kofod, Peter	12/11/2024	<p>30 Oct 2024 Action reassigned to Kofod, Peter as requested by Acting CEO</p>
29/10/2024	Rockhampton Regional Tennis Centre - Court Re-surfacing	<p>COUNCIL RESOLUTION</p> <p>THAT Council approves Option 1 as outlined in the report, authorising the resurfacing of 10 to 15 priority courts, with a total funding allocation of \$1.6 million from the forward capital budget.</p>	Bulwinkel, Justin	12/11/2024	

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

29/10/2024	Future Commitment to Rockhampton's Buoyed Rowing Course	COUNCIL RESOLUTION THAT the matter lay on the table pending consultation with local rowing communities.	Bulwinkel, Justin	12/11/2024	
29/10/2024	Lease Renewal to Indara Corporation Pty Ltd - Mt Morgan Telecommunications Tower (Lot 203 on RN1556)	THAT: 1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld), Council approve the trustee lease renewal to Indara Corporation Pty Ltd A.C.N 643 875 165 over Lot B on SP181231 (53m2), Mount Morgan (Lot 203 on RN1556) for a term of 20 years; and 2. Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to negotiate the terms and conditions of the lease, as outlined in the report, in preparation for execution by the delegated officer.	Roberts, Kellie	28/02/2025	04 Nov 2024 Target date changed by Roberts, Kellie from 12 November 2024 to 28 February 2025 - Target date extended to allow for the lease renewal to be negotiated.
29/10/2024	Lease Renewal to Benevolent Society - 32 Thompson Ave, Mount Morgan	COUNCIL RESOLUTION THAT: 1. Pursuant to Section 236(1)(c)(iii) of the <i>Local Government Regulation 2012 (Qld)</i> , Council approve the lease renewal to The Benevolent Society A.C.N 084 695 045 over 32 Thompson Avenue, Mount Morgan (Lot 2 on SP100506) for a term of 18 months with 3 x 1 year option to renew; and 2. Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to negotiate the terms and conditions of the lease, as outlined in the report, in preparation for execution by the delegated officer.	Roberts, Kellie	31/12/2024	04 Nov 2024 Target date changed by Roberts, Kellie from 12 November 2024 to 31 December 2024 - Extended timeframe to allow for the lease renewal to be completed.

BUSINESS OUTSTANDING TABLE – ORDINARY COUNCIL – NOVEMBER 2024

29/10/2024	Dedicate Council owned Freehold land as road reserve - Part 394 Alexandra St, Parkhurst	<p>COUNCIL RESOLUTION</p> <p>THAT pursuant to section 236(1)(b)(i) of the Local Government Regulation 2012, Council authorises the Chief Executive Officer (Property and Resumptions Officer) to dispose of part of Council owned Freehold land situated at 394 Alexandra Street, Parkhurst described as Lot 12 on SP290198 (approximately 0.883Ha) to be dedicated as road reserve for construction of Alexandra Street extended.</p>	Roberts, Kellie	31/12/2024	<p>04 Nov 2024 Target date changed by Roberts, Kellie from 12 November 2024 to 31 December 2024 - Target date extended to allow for survey plan to be completed and titles registration to occur.</p>
12/11/2024	Lease of 132 Elphinstone Street - Lease Extension Request	<p>COUNCIL RESOLUTION</p> <p>THAT:</p> <p>a) Pursuant to Section 236(1)(b)(ii) of the <i>Local Government Regulation 2012 (Qld)</i>, Council approves the further lease to the Board of Trustees of the Rockhampton Grammar School for the premises at 132 Elphinstone Street, Berserker (Lease B on SP316505 and Lot 16 on Crown Plan R26291), subject to:</p> <p>(i) on 31 March 2030, the Rent is to be determined by an independent market rent valuation report; and</p> <p>(ii) lease of the premises is to expire on 30 March 2045.</p> <p>b) Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to settle the terms and conditions of the lease to reflect the terms of the assigned lease, in preparation for execution by the delegated Officer.</p>	Roberts, Kellie	30/01/2025	<p>29 Nov 2024 Target date changed by Roberts, Kellie from 26 November 2024 to 30 January 2025 - To allow for contract to be finalised.</p>

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 21 NOVEMBER 2024

RECOMMENDATION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 21 November 2024 as circulated, be received and that the recommendations contained within these minutes be adopted.

(**Note:** The complete minutes are contained in the separate Minutes document)

Recommendation of the Audit and Business Improvement Committee, 21 November 2024

9.1.1 QAO BRIEFING PAPER

File No: 9509
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

A Briefing Paper from the Queensland Audit Office is provided for Committee review.

COMMITTEE RECOMMENDATION

THAT the Queensland Audit Office Briefing Paper be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.2 AUDITED FINANCIAL STATEMENTS INCLUDING INDEPENDENT AUDITOR'S REPORT**

File No: 8151
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The certified Financial Statements for the period ended 30 June 2024 are presented.

COMMITTEE RECOMMENDATION

THAT the certified Financial Statements for the period ended 30 June 2024 be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.3 FINAL MANAGEMENT REPORT FOR ROCKHAMPTON REGIONAL COUNCIL 2024**

File No: 8151
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Following the certification of the Financial Statements for the period ended 30 June 2024, the Final Management Report was received from the Queensland Audit Office (signed by HLB Mann Judd as delegate).

COMMITTEE RECOMMENDATION

THAT the Final Management Report for the 2023/2024 financial audit of Rockhampton Regional Council be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.4 FINANCE SECTION UPDATE**

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

SUMMARY

Chief Financial Officer providing a Finance Section Update on matters to date for the 2024/2025 Financial Year.

COMMITTEE RECOMMENDATION

THAT the Finance Section Update be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.5 CAPITALISATION OF CAPITAL WORKS IN PROGRESS**

File No: 5960
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer providing an update regarding the capitalisation of capital works in progress.

COMMITTEE RECOMMENDATION

THAT the Capitalisation of Capital Works in Progress report be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.6 ASSET MANAGEMENT**

File No: 139000
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Martin Crow - Acting General Manager Regional Services

SUMMARY

Manager Infrastructure Planning presenting an update on Asset Management matters.

COMMITTEE RECOMMENDATION

THAT the update on Asset Management matters be 'received'

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.7 ASSET REVALUATION 2024/25**

File No: 5960
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The purpose of this report is to inform the Audit and Business Improvement Committee regarding the Asset Revaluations for the 2024/25 reporting year.

Key items are the status of the Roads (stage one) revaluation, and the status of the indices assessments for 2024/25.

Procurement processes have been completed in relation to service providers to support the development of road infrastructure unit rates and associated useful lives, and the interim assessments of indices for application to asset classes not due for comprehensive revaluation in 2024/25.

COMMITTEE RECOMMENDATION

THAT the members of the Audit and Business Improvement Committee note the contents of this report.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.8 CEO UPDATE**

File No: 13900
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer providing an update on matters of importance.

COMMITTEE RECOMMENDATION

THAT the Acting Chief Executive Officer's update be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.9 INTERNAL AUDIT PROGRESS REPORT**

File No: 5207
Attachments: 1. Internal Audit Progress Report November 2024
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

The attached report provides an update for the Audit and Business Improvement Committee on the progress of the internal audit function.

COMMITTEE RECOMMENDATION

THAT the Internal Audit Progress Report be received.

THAT the draft scopes for the following reviews be received and feedback from the Committee be considered in their finalisation.

- End to End Revenue Assurance
- Water Management Practices including Scada Security
- Fraud Risk and Ethical Conduct

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.10 ACTION PROGRESS REPORT**

File No: 5207
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Presenting the twice-yearly summary progress report from the internal audits conducted, outlining the status of the recommendations/actions to be implemented by the local government, as per the Local Government Regulation 2012 sections 207 and 211.

COMMITTEE RECOMMENDATION

THAT the Action Progress Report, as at 13 September 2024, be received.

THAT an improvement process be implemented and be reported back to the Audit and Business Improvement Committee.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.11 INFORMATION SYSTEMS - CYBER SECURITY UPDATE**

File No: 12177
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

The purpose of this report is to provide the committee with an overview of the current state of cyber security within Rockhampton Regional Council.

COMMITTEE RECOMMENDATION

THAT the Information Systems - Cyber Security Update report be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.12 LOSS / THEFT ITEMS - JULY TO OCTOBER 2024**

File No: 3911
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

This report presents details of the Loss/Theft Items for the period July to October 2024.

COMMITTEE RECOMMENDATION

THAT the Committee receives the Loss/Theft Items – July to October 2024 report.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.13 COUNCIL'S INSURANCE COVER**

File No: 1902, 1903
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

This report provides a summary of Council's insurance portfolio for the 2024/25 Financial Year.

COMMITTEE RECOMMENDATION

THAT the committee receives the Council's Insurance Cover report.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.14 WORK HEALTH AND SAFETY UPDATE**

File No: 4868
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Damon Morrison - Manager Workforce and Governance

SUMMARY

Manager Workforce and Governance presenting an update on work health and safety matters for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the Work, Health and Safety update be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.15 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

File No: 1830
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Author: Travis Pegrem - Coordinator People and Capability

SUMMARY

Coordinator People and Capability presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.

COMMITTEE RECOMMENDATION

THAT the update of Investigation and Legal Matters Progress report be received.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.16 RISK REGISTERS' QUARTERLY UPDATE AS AT 20 SEPTEMBER 2024**

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

SUMMARY

Submission of the quarterly risk register updates, as at 20 September 2024, for the Committee's consideration and adoption by Council.

COMMITTEE RECOMMENDATION

THAT the Committee recommends Council adopts the quarterly risk registers as attached to the report, as at 20 September 2024, as updated by management.

Recommendation of the Audit and Business Improvement Committee, 21 November 2024**9.1.17 STRATEGIC FINANCE REPORT**

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

SUMMARY

A presentation in relation to the 10 Year Financial Forecast and the 2024 QAO Closing Report is provided to the Committee.

COMMITTEE RECOMMENDATION

THAT the presentation on the 10 Year Financial Forecast and 2024 Closing Report be received.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 D/88-2024 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR TWO DWELLING HOUSE BUILDING ENVELOPES AND RECONFIGURING A LOT FOR A BOUNDARY REALIGNMENT (TWO LOTS INTO TWO LOTS)

File No: D/88-2024

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)

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

Author: Sophie Muggeridge - Planning Officer

SUMMARY

SUMMARY

Development Application Number: D/88-2024

Applicant: W G Harricks and D R Kandel

Real Property Address: Lot 20 and 22 on RP602448

Common Property Address: Lot 20 Glen Gordon Street, Mount Morgan

Area of Site: 12,866 square metres

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

Planning Scheme Zone: Community Facilities Zone

Planning Scheme Overlays: Biodiversity Overlay;
Flood Hazard Overlay;
Steep Land Overlay.

Existing Development: Nil – vacant lot

Approval Sought: Development Permit for a Material Change of Use for two Dwelling House Building Envelopes and Reconfiguring a Lot for a Boundary Realignment (two lots into two lots)

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)

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for two Dwelling House Building Envelopes and Reconfiguring a Lot for a Boundary Realignment (two lots into two lots), made by W Harricks and D Kandel, located at Lot 20

Glen Gordon Street, Mount Morgan, described as Lot 20 and 22 on RP602448, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for two Dwelling House Building Envelopes and Reconfiguring a Lot for a Boundary Realignment (two lots into two lots)	
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; • Community Facilities Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Filling and Excavation Code; • Reconfiguring a Lot Code; • Steep Land Overlay Code; • Biodiversity 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 and Community Facilities Zone Code	<p>3.3.8 Element – Urban and New Urban (25)</p> <p>Community Facilities Zone Purpose and Performance Outcome 19 (PO 19)</p> <p>The proposed development does not comply with the urban and new urban element of the strategic framework, specifically outcome 3.3.8.1 (25) along with the purpose (b) and (c) and overall outcomes (a) and (c) and PO 19 of the Community Facilities Zone Code.</p>

	<p>Despite this, the proposed development does not compromise the intended use of the zone because:</p> <ul style="list-style-type: none"> • The development sites zoning is based on the historical use of the site, with no community related uses established within the site; • The proposed realignment allows for both lots to have access to the local road network and is of a suitable size for development; and • The lots are connected to relevant infrastructure, with sufficient space for onsite sewerage treatment to be provided. <p>In the instance any conflicts are identified with both the elements of the strategic framework and the zone code, regard to relevant matters are considered to outweigh those conflicts.</p>
Relevant Matters	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • Mount Morgan has been identified in Rockhampton Regional Council's Local Housing Action Plan as an area to encourage affordable residential development; and • The subject site was historically used for the Mount Morgan Mine rail branch however was decommissioned and sold as freehold land, with the community facilities intention of the land being no longer required. 	
Matters raised in submissions	
<p>The proposal was the subject of public notification between 14th October 20254 and 6th November 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); and • Central Queensland Regional Plan 2013; • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Material Change of Use for Two Dwelling House Building Envelopes and Reconfiguring a Lot for a Boundary Realignment (two lots into two lots), made by W Harricks and D Kandel, located at Lot 20 Glen Gordon Street, Mount Morgan, described as Lot 20 and 22 on RP602448, Council resolves to Approve the application subject to the following conditions:

Reconfiguring a Lot Conditions:

1.0 ADMINISTRATION

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

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

1.3 All conditions, works, or requirements of this development approval must be undertaken and 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 issue of the Compliance Certificate for the Survey Plan, 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 issue of the Compliance Certificate for the Survey Plan, 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 Works;
 - (iii) Water Works; and
 - (iv) Site Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Reconfiguration Plan	Capricorn Survey Group	19 September 2024	9355-01-ROL	B

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- ## 3.0 ACCESS WORKS
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.
- 3.2 All access 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 works).
- 3.3 Internal access must be constructed on each lot up to the Building Envelope Plan. All internal access and vehicle manoeuvring area must be concrete paved.
- 3.4 Any application for a Development Permit for Operational Works (access works)

must be accompanied by an access works details that as a minimum includes:

- 3.4.1 The Glen Gordon Street must be extended up to the development site boundary including full road reserve width (eastern and western side boundaries);
- 3.4.2 Rigid pavement surface (concrete) with 175 millimetre minimum concrete thickness in accorded with *Capricorn Municipal Development Guidelines requirements*; and
- 3.4.3 Subbase and base thickness must be in accordance with *Capricorn Municipal Development Guidelines requirements*.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the development site.
- 4.2 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, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 4.3 All lots within the development must be connected to Council's reticulated water supply network. Each lot must be provided with its own separate water connection point, located wholly within its respective property boundary.
- 4.4 A 100 millimetre diameter non-trunk water main located within the Glen Gordon Street must be extended along Glen Gordon Street up to the southern boundary of the development site. A fire hydrant must be provided at the termination point.

Note: If the existing hydrant located within Glen Gordon Street is useable, it can be relocated to the new termination point.

- 4.5 A new water connection point must be provided to each proposed lot from the water infrastructure to be constructed in accordance with condition 4.4.

5.0 ALLOTMENT DRAINAGE WORKS

- 5.1 All allotment runoff from the development (each proposed Lot) must be discharged such that it must not impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by Site Evaluation Report in accordance with the *Queensland Plumbing and Wastewater Code* to demonstrate the location of the On-site Sewerage. The report is to be undertaken by a qualified person in accordance with the *Queensland Plumbing and Wastewater Code*.
- 6.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 6.3.1 the location of cut and/or fill;
 - 6.3.2 the type of fill to be used and the manner in which it is to be compacted;
 - 6.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 6.3.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 6.3.5 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.

-
- 6.4 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 6.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 6.6 Any retaining structures above one (1) metre in height must require a building approval. Structural engineering plans are to be prepared and endorsed by a *Registered Professional Engineer of Queensland (Structural Engineer)* for all structural components of the retaining wall.

7.0 ELECTRICITY

- 7.1 Underground electricity services must be provided to each lot in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.
- 7.2 A *Certificate of Electricity Supply* from the relevant service provider must be provided to Council, prior to the issue of the Survey Plan Approval Certificate.

Note: The applicant can enter into 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*.

8.0 TELECOMMUNICATIONS

- 8.1 Telecommunications services must be provided to each lot in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits, pipes and conduits that provide a connection to the telecommunications network.

Note: The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

- 8.2 Evidence of acceptance of the works from the relevant service provider must be provided to Council, prior to the issue of the Survey Plan Approval Certificate.

Note: This will be a letter from either:

NBN a *'Certificate of Practical Completion'*;

Telstra a *"Telecommunications Agreement/Provisioning Letter"*; or

A Licenced Carrier under the Telecommunications Act 1997 - *signed documentation from a Registered Professional Engineer of Queensland - electrical engineer*.

9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 9.2 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 pavement markings that may have been removed or damaged.
- 9.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be

provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the *Manual for Submission of Digital As Constructed Information*.

10.0 ENVIRONMENTAL

10.1 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.

10.2 The 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, International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:

10.2.1 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

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

11.0 OPERATING PROCEDURES

11.1 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 Glen Gordon Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Material Change of Use 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 and completed:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,unless otherwise stated.
 - 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
 - 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Plumbing and Drainage Works; and
 - 1.5.2 Building Works.
 - 1.6 Development Permits for 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 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>
Reconfiguration Plan	CSG	19 September 2024	9355-01-ROL	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 PLUMBING AND DRAINAGE WORKS

3.1 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.

3.2 The development must be connected to Council's reticulated water network.

3.3 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.

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

3.5 The proposed On-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

4.1 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.

4.2 All roof and allotment runoff from the development (each proposed Lot) must be discharged such that it must not impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

5.0 SITE WORKS

5.1 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".

5.2 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.

5.3 Any retaining structures above one (1) metre in height must require a building approval. Structural engineering plans are to be prepared and endorsed by a *Registered Professional Engineer of Queensland (Structural Engineer)* for all structural components of the retaining wall.

6.0 BUILDING WORKS

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

6.2 Any dwelling located within proposed Lot 22 must have a finished floor level of 500 millimetre freeboard above the one (1) per cent Annual Exceedance Probability

- (AEP) flood level within the site.
- 6.3 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 7.0 ELECTRICITY
- 7.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 8.0 TELECOMMUNICATIONS
- 8.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.0 ASSET MANAGEMENT
- 9.1 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.
- 9.2 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.
- 10.0 ENVIRONMENTAL
- 10.1 The 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*, *International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:
- 10.1.1 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
- 10.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 11.0 OPERATING PROCEDURES
- 11.1 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 Glen Gordon Street.

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.

BACKGROUND

SITE AND LOCALITY

The site is located at Lot 20 Glen Gordon Street, Mount Morgan, formally described as Lot 20 and 22 on RP602448, consisting of irregular shaped lots with a total site area of 12,866m². The sites are unimproved vacant lots.

The subject site is immediately bound by:

- North – Mount Morgan Mine (Limited Development (constrained land))
- East – Vacant lot (Community Facilities)
- South – Dwelling Houses (Low Density Residential Zone) and Glen Gordon Street (Urban Access Street)
- West – Mount Morgan Mine (Limited Development (constrained land))

The wider area is characterised by the town of Mount Morgan and adjoins the Mount Morgan Mine.

PROPOSAL

The Applicant seeks a Development Permit for a Material Change of Use for Two Dwelling House Building Envelopes and Reconfiguring a Lot for a Boundary Realignment (two lots into two lots) over the subject sites.

Reconfiguring a Lot

The proposed boundary realignment is to realign the common property boundary to allow for both lots to have a legal point of access as Lot 20 is currently land locked. The realignment allows for both lots to be of a reasonable configuration and size to develop with Dwelling Houses. The realignment results in the following lot sizes which are consistent with the minimum size of the zoning.

TABLE 1 – EXISTING AND PROPOSED LOT SIZES

CURRENT RPD	AREA (m ²)	PROPOSED LOT	PROPOSED AREA (m ²)
Lot 20 on RP602088	9,105m ²	Lot 20	5,371m ²
Lot 22 on RP602448	3,761m ²	Lot 22	7,489m ²

No changes to services are proposed as part of the realignment.

Material Change of Use

The proposed Material Change of Use is for the establishment of two building envelopes on each lot. Each building envelope has a dimension of 30 metres x 25 metres to allow for each lot to be developed as intended for Dwelling Houses.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

TOWN PLANNING COMMENTS

State Planning Policy 2017

Section 2.1 of Rockhampton Region Planning Scheme 2015 noted the State Planning Policy 2017 is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the Rockhampton Region Planning Scheme 2015.

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

Rockhampton Region Planning Scheme 2015

Strategic framework

The subject site is situated within the Urban Area and Rural Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the Rockhampton Region Planning Scheme 2015 are applicable:

- Settlement Pattern
- Natural Environment and Hazards
- Community Identity diversity
- Access and Mobility
- Infrastructure and Services
- Natural Resources and Economic Development

Although the subject site is located within split settlement pattern, for the purpose of this assessment, the Building Envelopes are located outside of the rural area designation, therefore no assessment is required against this designation.

An assessment of the proposal identifies that the development presents conflicts with the element – Urban and New Urban of the Strategic Framework. An assessment against the outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

Community Facilities Zone

The subject site is situated within the Community Facilities Zone under the Rockhampton Region Planning Scheme 2015. The purpose of the Community Facilities Zone identifies that: -

- 1) *The purpose of the community facilities zone code is to:*

- a) *provide for priority development areas regulated by planning instruments other than the planning scheme including the Central Queensland University (CQU) Rockhampton development scheme;*
 - b) *provide for a range of community activities, equally distributed throughout urban and rural areas that are easily accessible by all members of the community;***
 - c) *facilitate collocation of community and recreation uses to strengthen their community focus;***
 - d) *integrate community related activities with the amenity and characteristics of the surrounding area.*
- 2) *The purpose of the zone will be achieved through the following outcomes:*
- a) *development in the zone includes predominantly community related uses;***
 - b) *a limited range of recreation uses, club, food and drink outlet, market and residential uses occur where they:*
 - i) *are small in scale;*
 - ii) *are ancillary to a community related activity on the site;*
 - iii) *are compatible with and support the development of the zone for community related activities; and*
 - iv) *do not undermine the role and function of centres;*
 - c) *development ensures that community related activities remain the dominant use and continue to effectively meet the community needs;***
 - d) *the built form and site layout integrates with the surrounding areas unless separation is required for operational or safety requirements;*
 - e) *development minimises the impacts of noise, odour, lighting, overlooking and traffic on nearby sensitive land use(s);*
 - f) *development is located and designed to respond to local heritage features, natural landscape features and environmental constraints;*
 - g) *development is easily accessible to residents (including older, less mobile people and people with disabilities) served by the facility and is well located in relation to public and active transport networks;*
 - h) *development is serviced by infrastructure that is commensurate with the needs of the use; and*
 - i) *the establishment of one (1) precinct within the zone where particular requirements are identified:*
 - i) *Rockhampton health services precinct.*

This application presents conflicts with the purpose of the zone. It is acknowledged that the proposed building envelopes are for residential land uses which are not a preferred land use. However, the development site's zoning is based on the historical use of the site, with no community related uses established within the site. The proposed realignment allows for both lots to have access to the local road network and be of a suitable size for development. An assessment of the Purpose and Performance Outcomes is contained within the statement of reasons in **Recommendation A** of this report.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Community Facilities Zone Code;
- Flood Hazard Overlay Code;

- Access, Parking And Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Filling and Excavation Code;
- Steep Land Overlay Code;
- Biodiversity Overlay Code; and
- Reconfiguring a Lot Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 applies to the application, however Council resolves not to issue an Infrastructure Charges Notice for this development because the charges arising from the development are less than or equal to the credits applicable for the development.

CONSULTATION

The proposal was the subject of public notification between 14th October 2024 and 6th November 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.

REFERRALS

The application was referred to the Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) as a Concurrence Agency. The Department assessed the application and provided a referral agency response on 16 August 2024.

CONCLUSION

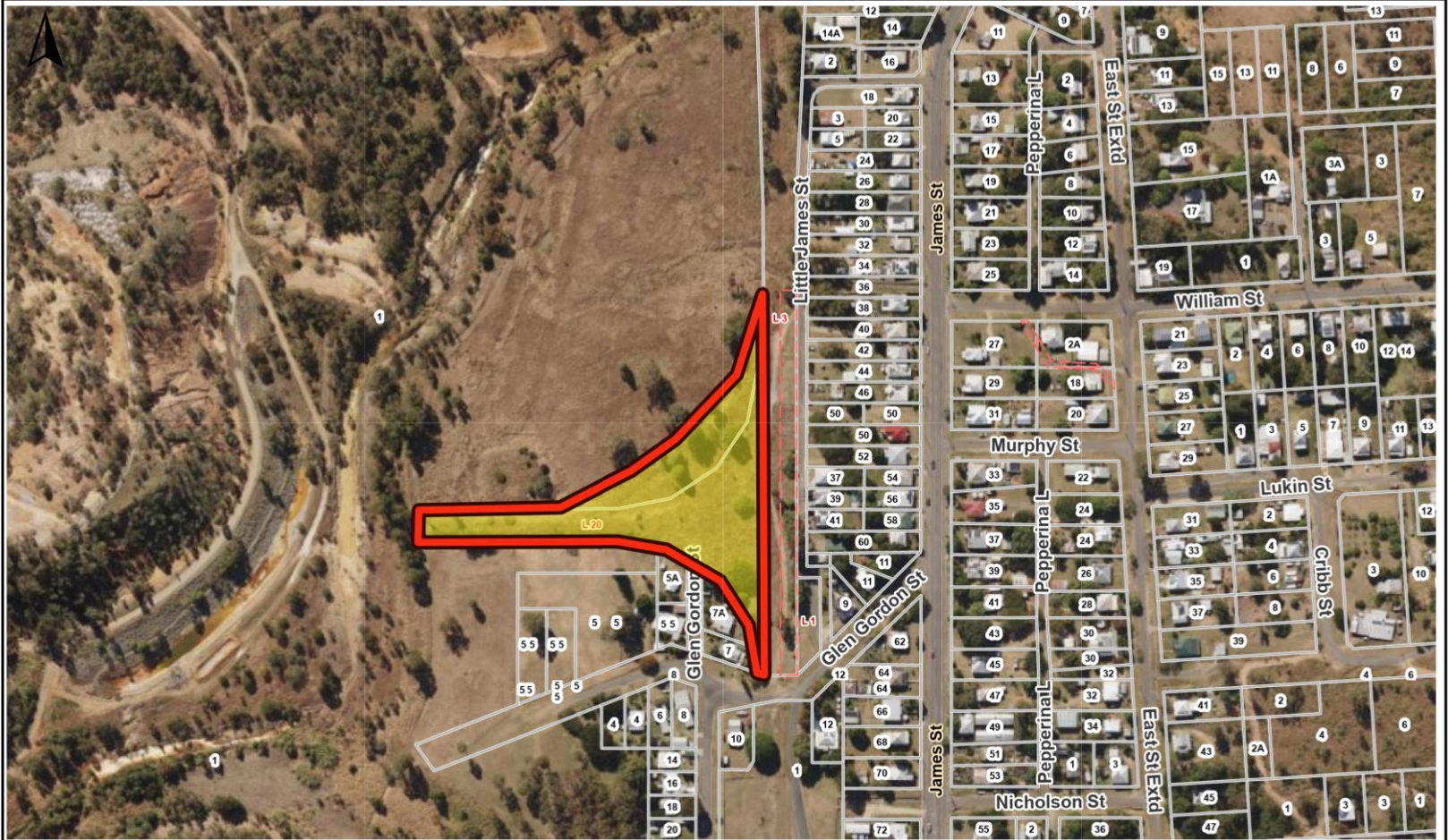
THAT despite the conflicts that are identified with the elements of the strategic framework and zone code, regard to relevant matters are considered to outweigh these conflicts. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/88-2024 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR TWO
DWELLING HOUSE BUILDING
ENVELOPES AND RECONFIGURING A
LOT FOR A BOUNDARY
REALIGNMENT (TWO LOTS INTO TWO
LOTS)**

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1



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**D/88-2024 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR TWO
DWELLING HOUSE BUILDING
ENVELOPES AND RECONFIGURING A
LOT FOR A BOUNDARY
REALIGNMENT (TWO LOTS INTO TWO
LOTS)**

Site Plan

Meeting Date: 10 December 2024

Attachment No: 2



IMPORTANT NOTE

This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client

W. Harricks

project

**Lots 20 & 22
Glen Gordon Street,
The Mine**

plan of

**Reconfiguration Plan
2 Lot into 2 Lots Realignment
(With QLD Globe Underlay)**

rp/

**Lot 20 on RP602088 &
Lot 22 on RP602448**

lga
Rockhampton Regional Council

issue	date	details	authorised
1	22/07/2024	initial issue	1/007



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1 of 1

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9355-01-ROL-A

plan no.
9355-01-ROL

issue
A

Document set ID: 40899804
Version: 1, Version Date: 16/07/2024

11.2 D/98-2024 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A COMMUNITY USE (CHILDRENS EDUCATIONAL PLAYGROUP)

File No: D/98-2024

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)

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

Author: Sophie Muggeridge - Planning Officer

SUMMARY

Development Application Number: D/98-2024

Applicant: Playgroup Queensland Ltd

Real Property Address: Lot 2 on RP852133

Common Property Address: 405 Yaamba Road, Park Avenue

Area of Site: 1,674 square metres

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

Planning Scheme Zone: Specialised Centre Zone

Planning Scheme Precinct: Yaamba Road Precinct

Planning Scheme Overlays: Airport Environs Overlay

Existing Development: Showroom / Shop

Approval Sought: Development Permit for a Material Change of Use for Community Use (Children's Educational Playgroup)

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)

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Community Use (Children's Educational Playgroup), made by Playgroup Queensland Ltd, located at 405 Yaamba Road, Park Avenue, described as Lot 2 on RP852133, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change of Use for a Community Use (Children's Educational Playgroup)

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; • Specialised Centre Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer 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
Specialised Centre Zone	<p>Specialised Centre Zone Purpose</p> <p>The proposed development does not comply with the purpose of the Specialised Centre Zone, specifically overall outcomes 2 (a) and (b) and 3 (a). Despite this, the proposed development does not compromise the intended use of the Specialised Centre Zone because:</p> <ul style="list-style-type: none"> • The proposed use is small scale and does not propose an increase to the gross floor area of the site; • The proposed development provides an accessible community use that services the surrounding community; and • The proposed development compliments the surrounding land uses, providing opportunities for it to service existing customers within the precinct; and • No changes to the existing access and parking points are proposed, with the function of Yaamba Road being retained. <p>Therefore, the proposed development is taken to comply with the purpose of the Specialised Centre Zone Code.</p>
	<p>PO21</p> <p>The proposed development does not comply with Performance Outcome (PO) 21 because the proposed development is for a Community Use, where PO21 requires development to not</p>

	<p>compromise the intended role of the centre.</p> <p>Despite this, the proposed development does not compromise the intended use of the Specialised Centre Zone because:</p> <ul style="list-style-type: none"> • The proposed Community Use is small scale and located within an existing building; and • The intended use services the local catchment by providing a service to the community. <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 21.</p>
	<p>PO28</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 28.1 because no landscaping or shade sails are proposed within hardstand areas, where AO28.1 requires hard surface areas to be interspersed with vegetation or covered sails.</p> <p>Despite this, the proposed development does avoid the creation of 'heat islands' because:</p> <ul style="list-style-type: none"> • The existing landscaping is retained along the full frontage of the site and along the rear of the building to break up the built form of the site; and • The proposed development does not increase the impervious area or gross floor area on the site, with the existing concrete areas being left unchanged. <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 28.</p>
<p>Landscape Code</p>	<p>PO11</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 11.1 because shade trees are not proposed as part of the development, where AO11.1 requires shade trees to be provided within car parking areas.</p> <p>Despite this, the proposed development ensures landscaping on site reduces the appearance of car parking areas because:</p> <ul style="list-style-type: none"> • The existing landscaping is retained along the full frontage of the site and along the rear of the building to break up the built form of the site; and • The proposed development does not increase the impervious area on the site with no room for shade trees to be located within the impervious area. <p>Therefore, the proposed development is taken to comply with Performance Outcome (PO) 11.</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 September 2024 and 22 October 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.</p>	
<p>Matters prescribed by regulation</p>	

- The Rockhampton Region Planning Scheme 2015 (version 4.4); and
- Central Queensland Regional Plan 2013;
- 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 a Community Use (Children's Educational Playgroup), made by Playgroup Queensland Ltd, located at 405 Yaamba Road, Park Avenue, described as Lot 2 on RP852133, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor, or invitee is responsible for ensuring compliance with the conditions of his development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power, or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
- 1.3.1 to Council's satisfaction.
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.5 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.6 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 were 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>
Site Plan	Capricorn Survey Group	26/07/2024	9364-01-MCU	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 PARKING WORKS

- 3.1 A minimum of six (6) parking space must be retained on site. This includes minimum one (1) universal access parking space.

-
- 3.2 Parking spaces must be line-marked as shown in the site plan (refer to condition 2.1) and in accordance with *Capricorn Municipal Development Guidelines and Australian Standard AS2890 "Parking facilities"*.
- 3.3 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities – off- street parking for people with disabilities"*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 The development must remain connected to council's reticulated sewerage and water networks.
- 4.2 Alteration, disconnection or modification or relocation of internal plumbing and sanitary drainage works associated with the existing building(s) must be in accordance with regulated work under the *Plumbing and Drainage Act 2016* and Council's Plumbing and Drainage Policies.
- 4.3 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair, or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 6.0 LANDSCAPING WORKS
- 6.1 Landscaping must be retained along the road frontage and in all areas shown on the approved plans (refer to condition 2.1).
- 6.2 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 6.2.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
- 6.2.2 adversely affect any road lighting or public space lighting; or
- 6.2.3 adversely affect any Council infrastructure, or public utility plant.
- 6.3 The landscaped areas must be subject to:
- 6.3.1 a watering and maintenance plan during the establishment moment; and
- 6.3.2 an ongoing maintenance and replanting programme.
- 6.4 A minimum 1.8 metre high screen fence must be erected between the subject development site and adjacent residential properties west of the development.
- 7.0 ASSET MANAGEMENT
- 7.1 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.
- 7.2 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.
- 8.0 OPERATING PROCEDURES
- 8.1 All waste storage areas must be:
- 8.1.1 Kept in a clean and tidy condition; and
- 8.1.2 Maintained in accordance with *Environmental Protection Regulation 2019*.
-

- 8.2 Noise emitted from the activity must not cause an environmental nuisance.
- 8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site or Yaamba Service Road. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Yaamba Road.
- 8.4 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"*.

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. Building Works

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

NOTE 5. 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 6. 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.

BACKGROUND

SITE AND LOCALITY

The site is located at 405 Yaamba Road, Park Avenue, formally described as Lot 2 on RP852133, is an irregular shaped lot and has a total site area of 1,674 square metres. The site is improved by the existing shop building.

The subject site is immediately bound by:

- North – Retail Warehouses (Specialised Centre Zone – Yaamba Road precinct)
- East – Yaamba Road Service Road / Yaamba Road (Highway)
- South – Indoor Sport and recreation (Specialised Centre Zone – Yaamba Road precinct)
- West – Dwelling Houses (Low Density Residential Zone)

The wider area is characterised by the mixed use suburb of Park Avenue.

PROPOSAL

The Applicant seeks a Development Permit for a Material Change of Use for a Community Use (Children's Educational Playgroup) over the subject site, located within southern tenancy onsite.

Specifically, the proposal is to formalise the existing Community Use for a children's educational playground on site. The development utilises the existing building on site, with indoor play areas, offices and staff amenities located within the existing building. The proposed development has a gross floor area (GFA) of 270 square metres, with no changes to the GFA proposed. The building is located within the rear portion of the site with vehicle access and parking located within the front portion.

The use utilises six (6) of the fourteen (14) vehicle parking spaces located within the site including one person with disability (PWD) parking space. Informal staff parking is proposed within the existing building. Vehicle entry is achieved via the existing crossover located within the eastern corner of the site, and vehicle egress is achieved in the northern corner of the site.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

TOWN PLANNING COMMENTS

State Planning Policy 2017

Section 2.1 of Rockhampton Region Planning Scheme 2015 noted the State Planning Policy 2017 is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the Rockhampton Region Planning Scheme 2015.

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

Rockhampton Region Planning Scheme 2015

Strategic framework

The subject site is situated within the Specialised Centre designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the Rockhampton Region Planning Scheme 2015 are applicable:

- Settlement Pattern
- Natural Environment and Hazards

- Community Identity diversity
- Access and Mobility
- Infrastructure and Services
- Natural Resources and Economic Development

An assessment of the proposal demonstrates that the development will not compromise the Rockhampton Region Planning Scheme 2015 strategic outcomes.

The proposed development is consistent with the specific outcomes of the specialised centre settlement pattern of the strategic framework. The proposed Community Use is small scale and services the surrounding community. The development does not increase the gross floor area or impervious area and maintains all existing access and parking arrangements that sufficiently service the site.

Specialised Centre Zone

The subject site is situated within the Special Purpose Zone and Yaamba Road Precinct under the Rockhampton Region Planning Scheme 2015. The purpose of the Specialised Centre Zone identifies that: -

1. *The purpose of the specialised centre zone code provides for one (or more) specialised uses:*
 - (a) *enable the specialised centres to strengthen and maintain their role within the network of centres in the region, providing services and facilities appropriate to their respective function and catchment; and*
 - (b) *facilitate the development of specialised centres which are readily accessible, integrated and well designed, form vibrant focal points for the community, promote the efficient provision of services and contribute to the quality of life, character and identity of communities.*
2. *The purpose of the zone will be achieved through the following overall outcomes:*
 - (a) ***the specialised centres primarily accommodate retail functions being showrooms or outdoor sales with food and drink outlets that are either highway focussed or small-scale and serving visitors to the centre;***
 - (b) ***specialised centres are not to accommodate department stores, discount department stores or large-scale shopping centres unless stated otherwise in a precinct or sub-precinct. Only a convenience level of shopping is provided, serving the immediate neighbourhood and local customers (convenience function being similar to a neighbourhood centre);***
 - (c) *development does not undermine the viability, role or function of other centres;*
 - (d) *stand-alone, purpose built office buildings which exceed a 200 square metre gross floor area threshold are not to be established. This includes large-scale offices of the government and the private sector;*
 - (e) *development is consolidated within the defined zone boundaries;*
 - (f) *development is designed for the local climate, and includes sustainable practices for maximising energy efficiency, water conservation and public/active transport use;*
 - (g) *development does not impact on the existing level of amenity of the surrounding residential areas and does not encourage additional traffic through nearby urban access streets and urban access places;*

- (h) the height and scale of buildings create an attractive, pedestrian-friendly environment at street level with awnings that are orientated towards the primary street frontage;*
 - (i) building design includes a combination of materials, recesses and variations in horizontal and vertical planes to create visual interest;*
 - (j) primary pedestrian areas are activated by shop fronts, doorways, awnings, interesting external wall treatments, street trees and kerbside activities;*
 - (k) development is landscaped to assist with the greening of the city and the creation of shady, safe and well connected pedestrian and public places;*
 - (l) the provision of infrastructure services, car parking and access is commensurate with the type and scale of development;*
 - (m) development includes uses that operate at different times of the day to ensure specialised centres have vitality and reduce the potential for crime through activation and passive surveillance;*
 - (n) development involving a significant increase in gross floor area (greater than 3,000 square metres) is accompanied by a master plan that demonstrates how the expansion integrates with the balance of the centre and with the surrounding urban areas; and*
 - (o) the establishment of three (3) precincts and four (4) sub-precincts within the zone where particular requirements are identified:*
 - 1. Gladstone Road and George Street precinct*
 - 1. outdoor sales and services sub-precinct; and*
 - 2. residential and food services sub-precinct;*
 - 2. Musgrave Street precinct*
 - 1. mixed use sub-precinct; and*
 - 2. outdoor sales and services sub-precinct; and*
 - 3. Yaamba Road precinct.*
3. *The following overall outcomes of the Yaamba Road precinct are additional to those of the specialised centre zone and take precedence in the event of a conflict:*
- (a) the precinct is reinforced as a destination for ‘homemaker’ and other bulky goods, warehousing and showroom outlets;***
 - (b) this precinct does not accommodate large scale shops such as discount department stores, supermarkets or shopping centres;*
 - (c) ancillary uses which provide for customers in the precinct, including cafes and passive recreation uses are supported;*
 - (d) short-term accommodation such as a motel is supported where fronting onto Yaamba Road;*
 - (e) development does not compromise the role and function of Yaamba Road as the major thoroughfare through the precinct; and*
 - (f) office activities exceeding 200 square metres in gross floor area will not occur.*

This application presents conflicts with the purpose of the Zone. It is acknowledged that the proposed use is not a preferred land uses for the zone or precinct. However, the use is small scale and does not increase the gross floor area of the site. The proposed development provides a Community Use that services the surrounding community and existing customers of the precinct.

The following codes are applicable to this application:

- Specialised Centre Zone Code;
- Access, Parking And Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 applies to the application, however Council resolves not to issue an Infrastructure Charges Notice for this development because the charges arising from the development are less than or equal to the credits applicable for the development.

CONSULTATION

The proposal was the subject of public notification between 26 September 2024 and 22 October 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules and no submissions were received.

REFERRALS

The application was referred to the Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department) as a Concurrence. The Department assessed the application and provided a referral agency response on 23 September 2024.

CONCLUSION

THAT the proposed development is not anticipated to compromise the Strategic Framework of Rockhampton Region Planning Scheme 2015. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/98-2024 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR A COMMUNITY
USE (CHILDRENS EDUCATIONAL
PLAYGROUP)**

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1



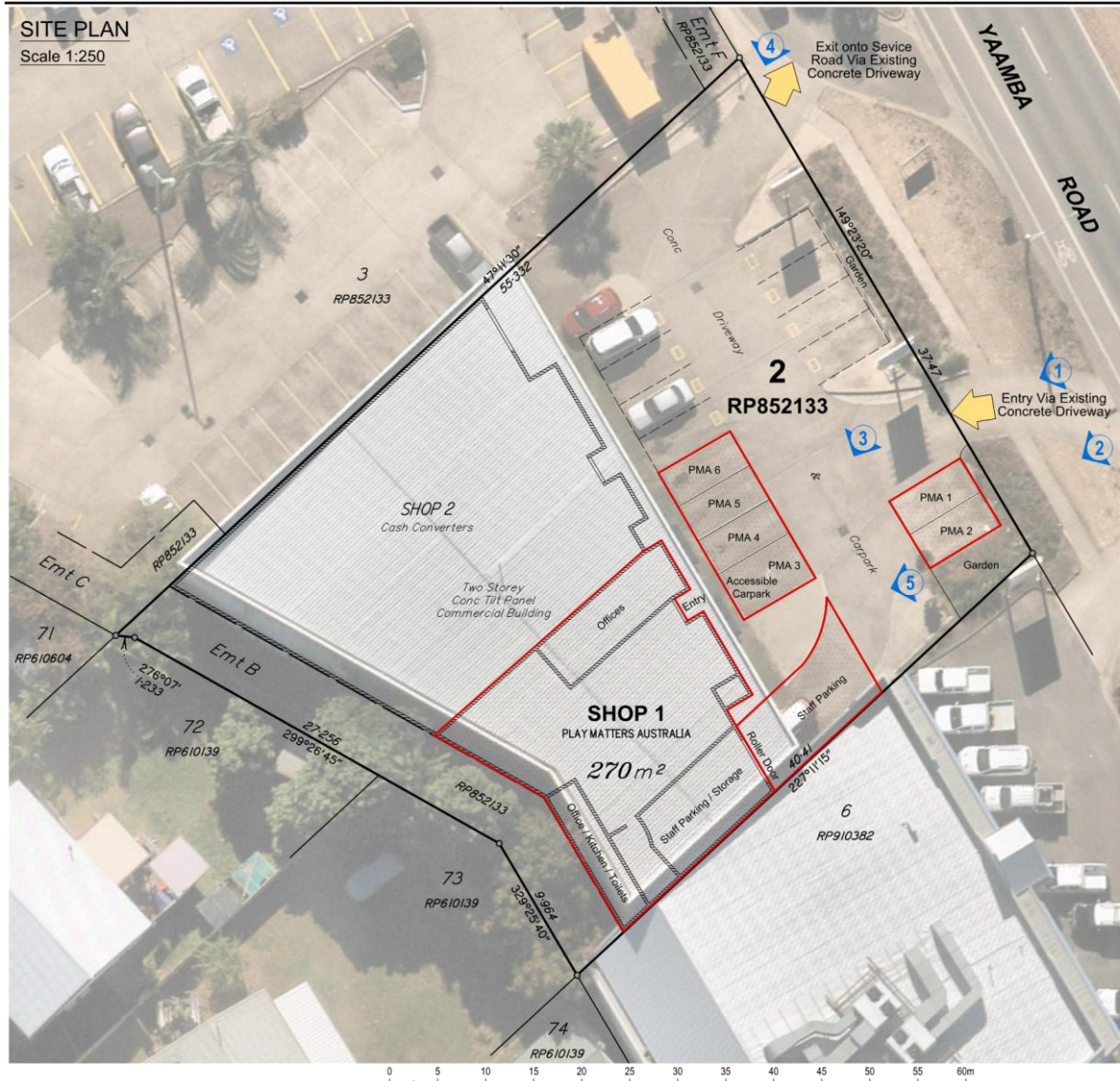
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**D/98-2024 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR A COMMUNITY
USE (CHILDRENS EDUCATIONAL
PLAYGROUP)**

Site Plan

Meeting Date: 10 December 2024

Attachment No: 2



SITE PLAN
Scale 1:250



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IMPORTANT NOTE
This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.
The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.
In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.
This note is an integral part of this plan.

client
Play Matters Australia

project
1/405 Yaamba Road, Park Avenue

plan of
**Material Change of Use Plan
"Community Use"
(With Nearam Underlay)**

pid
Lot 2 on RP852133

lga
Rockhampton Regional Council

issue	date	details	authorised
1	26-07-2024	Issue	1/22

SITE STATISTICS
Site Area : 1674m²
Building Area (Total) : 720m² (Under Roof)
Building Area (Shop 1) : 271m² (Under Roof)
Site Coverage (Total) : 43%
Stores : 2
Max Building Height : 8.0m

Note: Site Access is directly from Yaamba Road:
Entry Only via existing conc driveway (southern driveway)
Exit Only via existing conc driveway (northern driveway)
onto existing service / slip road

created
capricornsurveygroup
SURVEYING & PLANNING SOLUTIONS
131 Victoria Parade, Rockhampton QLD 4700

scale : 1:400 @ A3
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1 of 1
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11.3 D/96-2024 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR INTENSIVE ANIMAL INDUSTRY (EXPANSION TO POULTRY EGG LAYER FARM)

File No: D/96-2024

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Floor Plan](#)
4. [Elevations Plan](#)

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

Author: Aidan Murray - Senior Planning Officer

SUMMARY

Development Application Number: D/96-2024

Applicant: Peacefield ATF The Peacefield Trust Pty Ltd

Real Property Address: Lot 1 on MPH12210, Lot 2 on MPH14362, Lot 1 on MPH11307 and Lot 1 on MPH12220

Common Property Address: 6 Smalls Road, Hamilton Creek

Area of Site: 143,240 square metres (approx. 14.3 hectares)

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

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Areas Overlay;
Bushfire Hazard Overlay;
Flood Hazard Overlay; and
Steep Land Overlay.

Existing Development: Intensive Animal Industry (Poultry)

Approval Sought: Development Permit for a Material Change of Use for Intensive Animal Industry (expansion to poultry egg layer farm)

Category of Assessment: Assessable subject to Impact assessment

Submissions: Two (2) submissions

Referral Agency: Nil

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for Intensive Animal Industry (expansion to poultry egg layer farm), made by Peacefield ATF The Peacefield Trust Pty Ltd, located at 6 Smalls Road, Hamilton Creek, described as Lot 1

on MPH12210, Lot 2 on MPH14362, Lot 1 on MPH11307 and Lot 1 on MPH12220, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for Intensive Animal Industry (expansion to poultry egg layer farm)	
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; • Rural Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; and • Steep Land 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
Biodiversity Overlay Code PO4 and PO5	<p>Performance Outcome 4 (PO 4) prescribes that unimpeded movement of terrestrial and aquatic fauna are associated with or are likely to use the biodiversity corridor as part of their normal life cycle by:</p> <p>(a) ensuring development, including roads, pedestrian access and in-stream structures, do not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors;</p> <p>(b) providing effective wildlife movement infrastructure in accordance with best practice and directing fauna to locations where wildlife</p>

	<p>movement infrastructure has been provided to enable fauna to safely negotiate a development area; and</p> <p>(c) separating fauna from potential hazards through the use of appropriate fencing.</p> <p>Furthermore, Acceptable Outcome (AO) 5.1 prescribes that Development retains and protects native fauna feeding areas, nesting, breeding and roosting sites within the identified wildlife habitats.</p> <p>The site is located within a wide biodiversity corridor running generally east–west across the site. The proposed development is located within and immediately adjacent to the existing farm buildings and as such minimises impacts on stands of native vegetation, riparian corridors and watercourses. Nine (9) trees in the immediate area of the existing farm are proposed to be removed. The relevant part of the site is not mapped as an area of State or Local environmental significance and the trees are surrounded by on-site infrastructure, internal access roads and operational areas. Accordingly, the clearing is not expected to result in any significant environmental impacts and will not lessen the function of the wider biodiversity corridor.</p> <p>Therefore, the proposed development is taken to comply with Performance Outcome 4 and 5.</p>
<p>Access, Parking and Transport Code PO2</p>	<p>The proposed development does not comply with Acceptable Outcome (AO) 2.1 as it requires the removal of three (3) existing trees within the road reserve to achieve the required sight distances at the northern access driveway. This is supported by a sight lines analysis prepared by PSA Consulting. There are no other significant obstructions noted within the field of view from both the site access and required positions along Smalls Road. Overall, the access driveways and removal of three (3) trees do not disrupt existing road or footpath infrastructure but will require Council approval (as it is located in Council road reserve). Therefore, the proposed development is taken to comply with Performance Outcome (PO) 2</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 9 September 2024 and 30 September 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two (2) submissions were received.</p>	
<p>Construction works have commenced</p>	<p>Submission/s raised concerns and questioned why works have already commenced.</p> <p>The replacement of the existing Layer Shed 1, demolition of the three (3) pullet / rearing sheds and the upgrade of the cold storage area do not increase the gross floor area or result in an increase to the scale and intensity of the pre-existing land use activity on the site. Therefore, these works do constitute a Material Change of Use and have been commenced under a Building Works Approval. Accordingly, a Building Works Approval was obtained for these works and construction has commenced in accordance with the Building Works permit (Council Reference: B/113-2024-PC).</p> <p>In addition, an Operational Works approval has been obtained for earthworks associated with shed 4.</p>
<p>Construction noise</p>	<p>Submission/s raised concerns about increased noise levels from heavy machinery starting early in the morning to late afternoon seven days a week.</p>

	<p>Construction of the replacement shed on site commenced in accordance with the above mentioned Building Works approval.</p> <p>Earthworks also commenced in accordance with an Operational Works approval which includes a condition to ensure impacts from construction works are minimised:</p> <p>“All Construction works and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the <i>Environmental Protection Act</i> and <i>Environmental Protection Regulations</i> must be observed at all times, unless otherwise approved by Council in writing.”</p>
<p>Operational noise</p>	<p>Submission/s raised concerns regarding noise emissions from machinery running all night, such as automatic feeders as well as increased noise levels from the additional birds.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Environmental emissions, including noise, are managed by the existing EA approval number 1360000014 administered by the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>Once development is completed, most activities on the site, such as farm management, feed deliveries, egg collection and the like will occur during daylight hours (6am – 6pm) and are expected to be consistent with the current operations. Limited operations outside of these hours may occasionally include the delivery and collection of birds to and from the farm at the beginning and end of each operational cycle. Potential noise emissions are mitigated through the following existing and proposed measures:</p> <ul style="list-style-type: none"> • Automatic feeders do not run between 08:00pm and 4:00am where the birds are expected to sleep, and the lights in the sheds will be switched off. • The replacement sheds will be climate-controlled and constructed with insulated panel walls. Reducing the noise from birds is not audible outside the sheds. No roosters will be housed on site. Modern equipment including ventilation fans, conveyors, feed delivery systems and egg collection systems, will be installed in the new sheds and will be designed to minimise noise emissions. • On-site staff will be responsible for monitoring, maintaining and replacing faulty or noisy equipment. Staff and contractors (e.g. drivers) will also be required to undertake operations in a responsible manner to minimise noise emissions, including: <ul style="list-style-type: none"> ○ Avoidance the use of unnecessary or noisy equipment. ○ Entering and existing the site in a calm manner. ○ Maintaining a low-speed environment for vehicles moving around the site. ○ Maintaining the gravel running surfaces to ensure any pot holes are filled.
<p>Odour</p>	<p>Submission/s raised concerns regarding an increase in odour emissions from the property due to the increase in bird numbers.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry</p>

	<p>farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Environmental emissions, including odour, are better managed by the existing EA approval number 1360000014 administered by the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The existing farm contains seven (7) poultry sheds housing up to 148,000 birds. As part of the proposed development, five (5) of these sheds will be demolished and replaced by two (2) new egg layer sheds. With the changed shed design, the potential odour and dust emissions from the farm is not expected to result in any additional impact compared to historic operations on the site. The proposed replacement sheds are expected to improve environmental performance as:</p> <ul style="list-style-type: none"> • The older sheds with open curtain sides and dirt floors will be replaced by modern, climate-controlled sheds with concrete floors which reduces the amount of dust generated by bird activity within the sheds. • The proposed shed designs will incorporate improved climate control and litter management. • The incorporation of manure extraction belts allows for regular collection of manure from within the sheds (weekly) to reduce ammonia build up, enhance air quality, improve animal welfare and reduce the risk of odour emissions compared to the old sheds. • The modern aviary systems, nest boxes, and food and water systems allow manure to quickly dry out within the sheds, reduce the risk of ammonia build up (associated with wet floors) and minimise the risk of odour production. • The retained sheds are located centrally on the farm site, with the ventilation fans at the rear of the sheds, providing greater setbacks to the nearest rural dwellings. <p>In response to the submissions, the applicant has proposed to install a vegetated environmental buffer at the rear of the sheds as shown in the approved plans. The proposed vegetative buffer is expected to further reduce the potential for odour impacts, compared to the modelled outcomes.</p>
<p>Hours of operation</p>	<p>Submission/s noted an increase to the hours of operation from 6am to 6pm seven days a week compared to the previous owners only working 7:30am to 3:30pm weekdays.</p> <p>As a livestock operation with animals permanently accommodated on the site, the farm will need to operate 24 hours a day, 7 days a week. However, a majority of daily activity on site will be carried out between 6.00am and 6.00pm. Therefore, most activities on the site will occur during daylight hours and the proposed hours are not unexpected or unusual for agricultural activity (e.g. truck movements and farm operations) in a rural area. Staff shifts are as follows:</p> <ul style="list-style-type: none"> • Two (2) staff are employed seven days a week, 7am - 3.30pm with two (2) additional ground keeping and maintenance staff employed three (3) days per week (Monday, Wednesday and Friday) from 7am - 2pm. In addition, there is an onsite manager. • The applicant advised that previously staff number were nine (9) persons per day as the previous operator graded (washed and packaged) on-site. Only packing is undertaken as part of the current operation. <p>The operations outside of daylight hours are not regular and may include the</p>

	<p>delivery and collection of birds to and from the farm at the beginning and end of each laying cycle. The applicant advised the purpose of this is to ensure bird transportation occurs in accordance with the <i>CSIRO Model Code of Practice for the Welfare of Animals: Land Transport of Poultry</i> with transportation only occurring during periods when the temperature is cooler to reduce stress on the birds.</p>
<p>Lifestyle impacts</p>	<p>Submission/s raised concerns that the increased hours of operation will impact on nearby residents' lifestyle.</p> <p>The proposed development involves expansion of an existing intensive animal industry and aligns with the purpose of the Rural Zone. As part of the expansion, the applicant seeks to modernise the existing infrastructure, transition from cage-laid to barn-laid egg production systems, improve operations and reduce the potential environmental impacts at the site.</p> <p>The Smalls Road Poultry Farm has operated on the site in some capacity since 1959 and is an established existing lawful land use in the context of the locality. The poultry farm is the only commercial scale egg layer farm in the Central Queensland region. The ongoing operation of the farm is crucial to secure the long-term supply of locally sourced barn-laid eggs in the region in the midst of a well-documented national egg shortage.</p> <p>Subject to reasonable and relevant conditions on the subject development approval and existing environmental approval, the development can be undertaken in a manner that mitigates potential impacts beyond the site and ensures environmental values on the site and surrounding areas are protected. Accordingly, the proposed development is considered to consistent with the purposes of the Rural Zone without impacting on the lifestyle of local residents.</p>
<p>Potential health impacts</p>	<p>Submission/s raised concerns about potential health risks associated with the increase in bird numbers to surrounding residents' health, particularly in relation to a bird flu outbreak. Confirmation was sought regarding the precautions in place to prevent such incidents.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Environmental emissions, including health risks, are managed by the existing EA approval number 1360000014 administered by the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The proposed operations is not expected to increase risks associated with avian influenza. The new modernised and enclosed sheds will prevent contact with wild fowl which may carry the vector. The operation of a layer farm is required to follow strict national and state level biosecurity requirements. In accordance with these standards, the applicant proposes to adopt a range of biosecurity control measures to minimise the risk of disease outbreaks including:</p> <ul style="list-style-type: none"> • The application of strict controls regarding site access to prevent unauthorised visitors to the farm that may bring disease or other risks to the property. • Sanitation Procedures (shower in / shower out) for staff entering and exiting the farm, and sanitation procedures (foot baths, handwashing etc) for staff entry to individual sheds. • Cleaning and sanitation of sheds between batches. • Minimisation of wild bird attractants including regular slashing of the surrounding paddocks, appropriate selection of landscaping species, secure storage of feed, immediate cleaning of any spillage.

	<ul style="list-style-type: none"> • Containment of the layer birds within the sheds. • Regular shed inspections by managers to identify deceased birds or any signs of illness in the flock. <p>In the unlikely event an emergency animal disease (EAD) outbreak at the farm is detected, the operators will immediately implement quarantine procedures, contact the Department of Agriculture and Fisheries who will take control of the site and provide further instructions.</p> <p>Due to the strict bio-security procedures in place, the risks to residents off site from the operations is minimal.</p>
Consultation	<p>Submission/s raised concerns about a lack of consultation with neighbouring residents regarding future plans for the business.</p> <p>Public notification was undertaken in accordance with the requirements under the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and <i>Development Assessment Rules</i>. Further to this matter, the applicant proposed that the farm manager would meet with surrounding residents to inform them of the proposed project and address concerns.</p>
Traffic safety concerns	<p>Submission/s raised concerns that the access to the property is causing a safety risk to traffic travelling along Smalls Road, particularly due to the lack of visibility on the crest of the hill.</p> <p>With the current operation, the majority of trucks and staff vehicles entering and exiting the site occurs at the southern end of the property via an informal driveway. Staff parking has also historically occurred on the verge, within the road reserve. As part of this application and the conditions imposed, site access to the farm for trucks and staff vehicles is to be achieved via two (2) formalised driveways connecting to Smalls Road. These driveways are intended to be upgraded and formalised as part of this development application. The southern driveway will be used for trucks entering the farm while the northern driveway will be used for trucks exiting farm.</p> <p>A sight lines analysis has been prepared by traffic engineers from PSA Consulting which demonstrates that the driveway location in the northern part of the site achieves the required sight distances, with no major obstructions noted within the field of view from both the site access and required positions along Smalls Road. Removal of three (3) trees within the road reserve is required which can be undertaken with Council's consent. The existing driveway at the southern end of the farm is located on the crest of the hill where a vehicle will be visible for traffic in both directions.</p> <p>In response to the submissions, the applicant has provided a formal on-site parking area located off the southern driveway to provide for staff car parking. This parking area will remove the informal parking which has historically occurred within the road reserve and is potentially not visible to north bound traffic due to the crest on Smalls Road. Conditions have also been imposed to ensure that parking associated with the land use occurs on the site rather than within the road reserve.</p>
Vermin	<p>Submission/s raised concern that there will be an increase in vermin because of the expanded operation.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Vermin management is addressed by the regulators of the existing EA approval number 1360000014, that being the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The operation of an egg layer farm is required to follow strict national and state guidelines, which contain several mitigation and management</p>

	<p>measures for pest and vermin management. These management measures can be overseen by the on-site manager and include, but are not limited to:</p> <ul style="list-style-type: none"> • Best practice management of sheds to prevent odour emissions which may attract pests. • Diversion of water around sheds to minimise pooling or wet spots in proximity to the farms. • Regular removal of manure from the sheds to reduce emissions. • Adoption of good sanitation and housekeeping practices including immediate cleaning up spilt feed, regular removal of mortalities from the sheds. • Minimisation of wild bird attractants including regular slashing of the surrounding paddocks, appropriate selection of landscaping species, secure storage of feed, immediate cleaning of any spillage. • Selective use of insecticides if required. • Maintaining a rodent baiting program. • Implementation of climate-controlled sheds with minimal entrance points for rodents.
<p>Increased runoff and flooding</p>	<p>Submission/s raised concerns regarding water run-off, especially during heavy rainfall, entering not only the northern gulleys, but also overflowing into the southern creeks as well. This resulted in concerns that run off from the table drains and culverts will cause flooding of residents' access road.</p> <p>With respect to stormwater quantity, the modelling undertaken by Storm Water Consulting Pty Ltd, shows that peak flows are marginally increased due to the proposed works. Mitigation of peak flows is proposed to ensure there is no worsening of downstream impacts. A detention basin is proposed, which is located within the overland flow path and formed by constructing an earth embankment. Pipes are proposed at the base of the earth embankment to control the flows rates discharging from the detention basin. The modelled stormwater results indicate that the proposed detention basin ensures that there is no material worsening of flows in all Annual Exceedance Probability (AEP) events (up to and including the one per cent (1%) AEP event), compared to the existing flow rate. The proposed works are therefore not considered to result in a material worsening on downstream properties.</p>
<p>Internal lighting</p>	<p>Submission/s sought confirmation that internal lighting will not impact upon neighbouring properties at night.</p> <p>The applicant proposes that internal lighting will not protrude outside the property boundary and will be directed inwards or suitably shielded from external view. It is a requirement and assessment benchmark of the planning scheme that any outdoor lighting be designed, installed and maintained in accordance with the parameters and requirements of the <i>Australian Standard AS 4282 — "Control of the obtrusive effects of outdoor lighting"</i>. A condition to this effect has been applied as part of this Development Permit.</p>
<p>Disposal of dead birds</p>	<p>Submission/s raised concerns regarding the disposal of dead birds on the property and sought clarification on the measures to prevent wild animals from removing them from the property. It was also asked if the disposal area can be fenced to prevent access from wild dogs and feral cats.</p> <p>The land use is also an Environmentally Relevant Activity (ERA 4 – Poultry farming) and is subject to Environmental Authority approval under the <i>Environmental Protection Act 1994</i>. Disposal of dead birds is managed by</p>

	<p>the regulators of the existing EA approval number 13600000014, that being the Department of Agriculture and Fisheries rather than Council development approval. However, the following information is relevant in response to the submitter/s concerns.</p> <p>The applicant advised that historically, dead birds (mortalities) have been buried on the farm, but the new operators are currently in the process of implementing a composting regime on the site to improve mortality management.</p> <p>Over the course of a layer cycle, up to five per cent (5%) of the flock may be lost as mortalities. The sheds will be checked by the on-site manger daily and any deceased birds will be promptly removed from the sheds and transferred to the composting area. The collected mortalities are placed in the designated compost area and covered with a small amount of organic material (e.g. straw or woodchips), poultry manure and soil. A small amount of water is added to ensure water content levels remain between 40-60 per cent and periodically turned (aerated) which aids in the breakdown of organic matter into compost.</p> <p>The compost shed will be constructed within an existing shed on the site and will include a roof to protect from rain and maintain moisture levels, a concrete floor, block work wall and will be covered and fenced to keep out scavenging animals. There is currently a temporary composting arrangement on site that is enclosed and fenced so no scavenging animals and wild birds can enter.</p> <p>The composting process converts dead birds into a useful, inoffensive, stable end product (compost) that can be safely used as a crop fertiliser and/or soil improvement material. The principles of composting are relatively simple in that the micro-organisms are used to break down the mortalities are provided with a suitable environment conducive to their growth with appropriate food source, moisture levels and oxygen.</p> <p>The process of composting mortalities is regularly adopted by poultry operations throughout Australia. Well managed, small scale composting processes generally do not produce significant odours.</p>
Property values	<p>Submission/s raised concerns that proposed farm expansion will devalue their properties.</p> <p>Property value is not a matter Council can have regard to under the Planning Act 2016 when assessing and deciding a development application.</p>
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 4.4); and • Central Queensland Regional Plan 2013; • 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 an Intensive Animal Industry (expansion to poultry egg layer farm), made by Peacefield ATF The Peacefield Trust Pty Ltd, located at 6 Smalls Road, Hamilton Creek, described as Lot 1 on MPH12210, Lot 2 on MPH14362, Lot 1 on MPH11307 and Lot 1 on MPH12220, Council resolves to Approve the application subject to the following conditions:

1.0 **ADMINISTRATION**

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- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
 - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions, works, or requirements of this development must be undertaken, completed, and be accompanied by a 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 issue of the Certificate of Classification for the Building Works 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 issue of the Certificate of Classification for the Building Works, 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 Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage Works;
 - 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 (RPEQ).
 - 1.9 Lot 1 MPH12210, Lot 2 MPH14362, Lot 1 MPH11307 and Lot 1 MPH12220 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.
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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>
Farm Layout	3Daro	Received 22 October 2024	A101	Rev. 1
Single Shed Layout	Santrev	19 January 2024	A102	A
Shed Elevations	Santrev	19 January 2024	A200	A
Cover Sheet, Locality Plan & Drawing Schedule	Premise	27 June 2024	C001	A
Safety in Design Report	Premise	27 June 2024	C002	A
General Notes	Premise	27 June 2024	C003	A
Roadworks & Stormwater Drainage Plan	Premise	27 June 2024	C210	A
Site-based Stormwater Management Plan	Storm Water Consulting	20 June 2024	J10721	1.0
Sight Distance Assessment	PSA Consulting	22 July 2024	-	-

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

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.
- 3.2 All access 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 works).
- 3.3 All 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 works).
- 3.4 The existing accesses from Smalls Road to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 All vehicles must ingress and egress the development in a forward gear.

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- 3.6 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"*. Any tree clearing to facilitate compliant sight distances must be carried out by the Applicant subject to consent from Council where located on Council land or road reserve.
- 3.7 All parking, loading and manoeuvring facilities for visitors and employees must be located on-site to meet the demand generated by the development to avoid parking of vehicles associated with the intensive animal industry within the road reserve of Smalls Road.
- 3.8 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 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.
- 4.2 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.
- 4.3 The existing 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 a hydraulic engineer or other suitably qualified person.
- 4.5 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.
- 5.0 STORMWATER WORKS
- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS
-

-
- 6.1 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.
- 6.2 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).
- 6.3 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.
- 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.
- 7.0 BUILDING WORKS
- 7.1 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.
- 7.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 7.3 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 8.0 LANDSCAPING WORKS AND VEGETATION BUFFER
- 8.1 A densely planted vegetation buffer must be established in accordance with the approved plans (refer to condition 2.1) to screen the development.
- 8.2 Vegetation within the nominated buffer, or any part thereof, upon reaching full maturity, must not:
- 8.2.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 8.2.2 adversely affect any road lighting or public space lighting; or
 - 8.2.3 adversely affect any Council infrastructure, or public utility plant.
- 8.3 The vegetation within the nominated buffer must be subject to:
- 8.3.1 a watering and maintenance plan during the establishment moment; and
 - 8.3.2 an ongoing maintenance and replanting programme.
- 9.0 GEOTECHNICAL
- 9.1 Slope stability must be managed as follows:
- 9.1.1 all engineering drawings/specifications and designs must be in accordance with the requirements of relevant *Australian Standards* and must be approved by a Registered Professional Engineer of Queensland;
 - 9.1.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 9.1.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 10.0 ASSET MANAGEMENT
-

- 10.1 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.
- 10.2 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.
- 11.0 ENVIRONMENTAL
- 11.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the Capricorn Municipal Design Guidelines, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 12.0 OPERATING PROCEDURES
- 12.1 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 Smalls Road.
- 12.2 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"*.
- 12.3 The hours of operations for the development site are 24 hours a day, 7 days a week. However, activities that have the potential to cause a noise nuisance should be limited to the hours of 6am to 6pm unless otherwise required by relevant legislation or a statutory instrument (e.g. Environmental Authority permit).
- 12.4 All surface treatments must be operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 12.5 Commercial waste bins must be provided on-site and be collected by a private contractor. No kerbside collection or collection within the road reserve is permitted.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

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. 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. Clearing within Road Reserve

Council approval must be obtained at Operational Works stage (access works) prior to the removal of or interference with street trees located on Council land or within Council road reserve. This applies to the proposed removal of three (3) street trees located near the northern access driveway, as proposed in the Sight Distance Assessment prepared by PSA Consulting (refer to Condition 2.1).

SITE AND LOCALITY

The site is located at 6 Smalls Road, Hamilton Creek, formally described as Lot 1 on MPH12210, Lot 2 on MPH14362, Lot 1 on MPH11307 and Lot 1 on MPH12220. The subject lots create an irregular shape and have a total site area of 143,240 square metres or approximately 14.3 hectares.

The Smalls Road Poultry Farm currently contains a poultry (egg layer farm) including the following buildings and structures:

- Four (4) layer sheds with a capacity of 115,000 birds and a total gross floor area (GFA) of 5,850 square metres.
- Two (2) pullet sheds with a capacity of 26,400 birds and a total GFA of 1,090 square metres.
- One (1) brooding shed with a capacity of 6,600 birds and a total GFA of 100 square metres.
- Grading floor and egg belt.
- Ancillary feed mill.

- Storage building.
- Dwelling House / Mangers Residence.

The site is located within the Hamilton Creek locality approximately 2.5 kilometres south of the commercial centre of Mount Morgan. The immediate surrounding area is characterised by small rural house lots with Rural Residential zoning located further to the north of Hamilton Avenue and the Burnett Highway. The nearest dwelling is located on the eastern side of Smalls Road (Lot 1 on RP616890) approximately 70 metres from the existing farm buildings. The nearest dwellings to the proposed new Shed 4 are located approximately 200 metres to the northeast (on Smalls Road) and 350 metres to the northwest (on Keimar Road).

PROPOSAL

The Applicant seeks a Development Permit for Material Change of Use for an Intensive Animal Industry (expansion to poultry egg layer farm) over the subject site with the bulk of the works and development to occur on the lot which contains the existing farm buildings, that being Lot 1 on MPH12210. Specifically, the application involves the following notable components:

- The proposed construction of “Shed 4” which will have a footprint of 3,000 square metres (120 metres x 25 metres) and accommodate up to a maximum of 50,000 birds.
- Upgrade of existing driveways and internal vehicle movements areas to improve access and circulation around the site.

Demolition and replacement of the southernmost layer (Proposed Shed 1), demolition of 3 pullet and rearing sheds, and upgrade of the cold storage area to enable eggs to be safely stored prior to distribution are also being progressed via Building Works Approvals.

The overall proposed development and operational changes are detailed in **Table 1** below.

TABLE 1: SUMMARY OF PROPOSED CHANGES

	EXISTING	PROPOSED
Bird Numbers	148,000 birds	165,000 birds
Gross Floor Area	7,040 square metres	9,430 square metres
ERA Approval	0 – 200,000 birds	0 – 200,000 birds
Staff Numbers	Six (6) full time and six (6) part time employees	Six (6) full time and six (6) part time employees
Traffic	Approximately two (2) trucks per day and five (5) staff cars per day	Approximately two (2) trucks per and five (5) staff cars per day

Hours of Operation

As a livestock operation with animals permanently accommodated on the site, the farm will operate 24 hours a day, 7 days a week. However, a majority of daily activity on site will be carried out between 6.00am and 6.00pm. The operations outside of these hours may include

the delivery and collection of birds to and from the farm at the beginning and end of each operational cycle.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

TOWN PLANNING COMMENTS

State Planning Policy 2017

Section 2.1 of Rockhampton Region Planning Scheme 2015 noted the State Planning Policy 2017 is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the Rockhampton Region Planning Scheme 2015.

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

Rockhampton Region Planning Scheme 2015

Strategic framework

The subject site is situated within the Rural designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the Rockhampton Region Planning Scheme 2015 (version 4.4) are applicable:

- Settlement Pattern
- Natural Environment and Hazards
- Community Identity diversity
- Access and Mobility
- Infrastructure and Services
- Natural Resources and Economic Development

An assessment of the proposal demonstrates that the development will not compromise the Rockhampton Region Planning Scheme 2015 strategic outcomes.

Rural Zone

The subject site is situated within the Rural Zone under the Rockhampton Region Planning Scheme 2015. The intent and relevant provisions covered by the purpose and overall outcomes of the Rural Zone have been identified and highlighted as the following:

(1) *The purposes of the rural zone code is to:*

- (a) ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area;*
- (b) recognise that different types of rural land are suited to specific uses such as animal industries, horticulture, cropping, intensive animal industries, intensive grazing and extractive industries;*
- (c) prevent the establishment of development which may limit the productive capacity of the land;*
- (d) provide for diversification of rural industries where impacts can be managed; and*
- (e) maintain the environmental values of all rural land.*

(2) *The purpose of the zone will be achieved through the following outcomes:*

- (a) development in the zone accommodates predominantly rural uses;*
- (b) development:*
 - (i) does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;*
 - (ii) is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;*
 - (iii) has legal and practical access to the road hierarchy;*
 - (iv) is serviced by infrastructure that is commensurate with the needs of the use; and*
 - (v) maximises energy efficiency and water conservation;*

[...]

- (e) development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development;*

[...]

- (g) animal keeping (being kennels and catteries), intensive animal industries, intensive horticulture, aquaculture and rural industries establish where they:*
 - (i) are located on sites that are large enough to accommodate appropriate buffering to sensitive land use(s), residential, township and emerging community zones. Intensive animal industries are preferred in proximity to the lower Fitzroy River, west of Ridgeland;*
 - (ii) do not cause adverse impacts on sensitive land use(s) in relation to traffic, noise and air quality;*
 - (iii) do not cause a negative impact on water quality;*
 - (iv) protect natural, scenic and environmental values;*
 - (v) do not diminish the productive capacity of other land nearby;*

(vi) gain access from roads which are constructed to accommodate the traffic generated by the use; and

(vii) are not located in areas identified on the agricultural land classification (ALC) overlay maps (except for intensive horticulture);

[...]

(j) sensitive land use(s) are adequately separated from animal keeping (being kennels and catteries), intensive animal industry, aquaculture, rural industry, and industrial zoned areas (including the Gracemere industrial area, Stanwell power station, Bajool explosives reserve and Bouldercombe brickworks);

The proposed development is for the expansion of an existing Intensive Animal industry (described as the Smalls Road Poultry Layer Farm). Overall, this application is generally consistent with the purpose and overall outcomes of the Rural Zone.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Rural Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code; and
- Steep Land Overlay Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

As at the date of the Decision, it is determined the charge for intensive animal industry under the Charges Resolution, when automatic indexation is applied in accordance with section 3.1, exceeds the prescribed amount (maximum charge) under Schedule 16 of the Planning Regulation 2017 (the Planning Regulation). Therefore, the maximum charge under Schedule 16 of the Planning Regulation is reflected herein –

Charges Resolution (No. 1) of 2022 for **non-residential development** applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$231,506.50 for Gross Floor Area being 9,430 square metres (poultry egg layer sheds including proposed shed 1, existing shed 2, existing shed 3 and proposed shed 4); and

- (b) An Infrastructure Credit of \$172,832.00 being 7,040 square metres applicable for the (existing poultry shed structures including those sheds being demolished).

The calculations are reflected in the below table:

Column 1 Use Schedule	Column 1A Use	Column 2 Adopted Infrastructure Charge for non-residential development (\$)		Column 3 Calculated Charge
		(a) per m ² of Gross Floor Area (GFA)	(b) per m ² Impervious to Stormwater	
High Impact Rural	Intensive Animal Industry	24.55	Nil	\$231,506.50
Total Base Charge				\$231,506.50
Total Base Credit				\$172,832.00
TOTAL CHARGE				\$58,674.50

Therefore, a total charge of **\$58,674.50** is payable for the development.

CONSULTATION

The proposal was the subject of public notification between 9 September 2024 and 30 September 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and Two (2) properly made submissions were received. The issues raised and how they were considered and addressed is outlined in the Statement of Reasons in **Recommendation A** of this Report.

REFERRAL

There are no Concurrence Agency Triggers applicable to the site or proposed development. The Farm operates under the existing *Environmental Authority* (EA) approval 13600000014 for poultry farming – ERA 4 (1,000 to 200,000 birds). Given that the inclusion of proposed Shed 4 will allow for a maximum capacity of 165,000 birds, no change to the existing EA is required. As the maximum number of birds to be accommodated on the site does not exceed 200,000 birds, the development application did not require a Concurrence ERA and did not trigger referral to State as a Concurrence Agency.

CONCLUSION

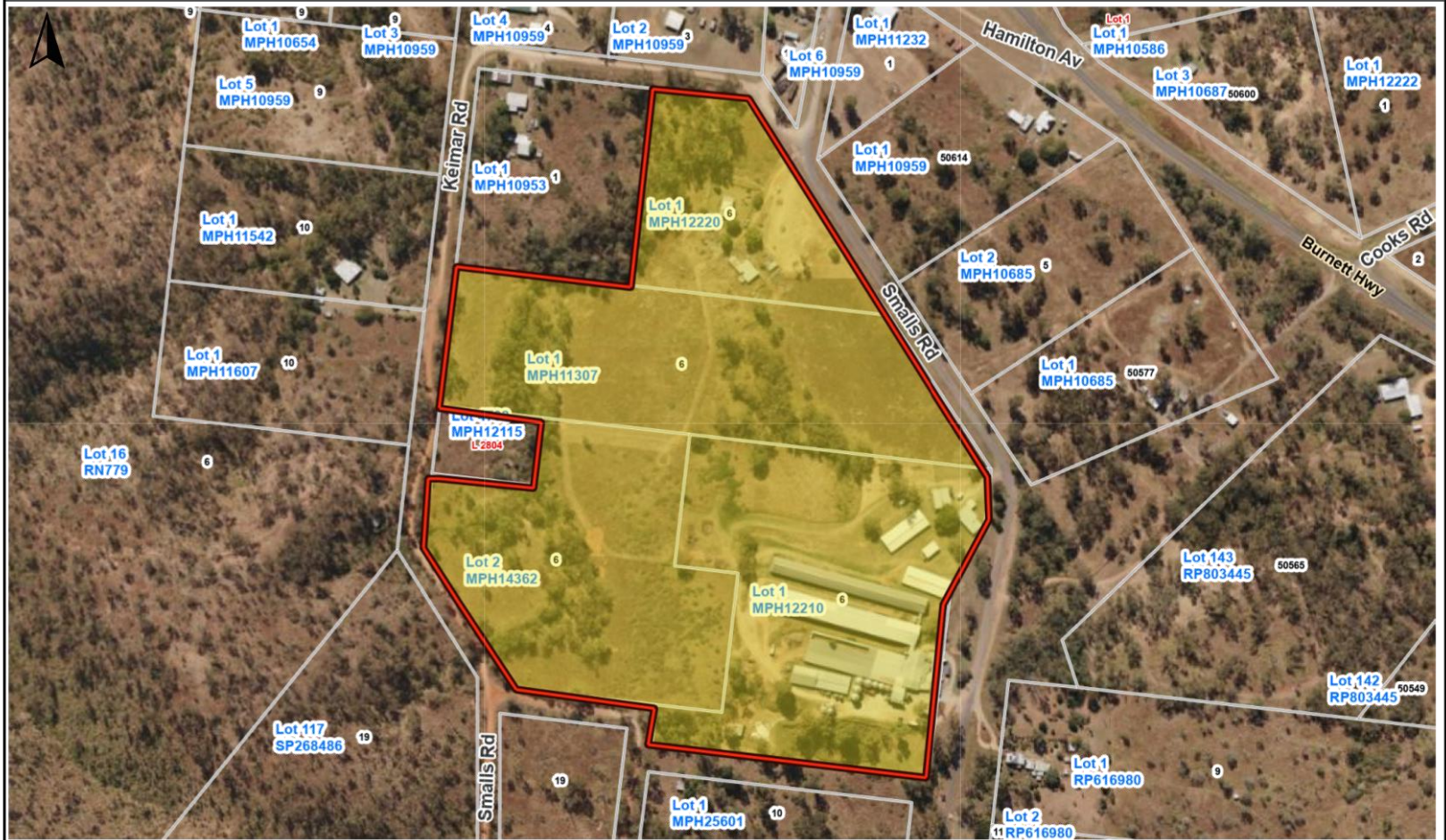
THAT the proposed development is not anticipated to compromise the Strategic Framework of Rockhampton Region Planning Scheme 2015. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/96-2024 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR INTENSIVE
ANIMAL INDUSTRY (EXPANSION TO
POULTRY EGG LAYER FARM)**

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1



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**D/96-2024 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR INTENSIVE
ANIMAL INDUSTRY (EXPANSION TO
POULTRY EGG LAYER FARM)**

Site Plan

Meeting Date: 10 December 2024

Attachment No: 2



Site Key Layout
Scale 1:5000

Site Layout
Scale 1:1000

3Daro
DESIGN & DRAFTING

ABN 19 679 429 531
 Website www.3daro.com
 Email admin@3daro.com
 Phone 07 3535 1285

Client: **PeaceField Egg Farms**

Discipline: **Building Design**

Status: **Preliminary**

Revisions	Date	Drawn/Check
Rev	Description	Date
1	Revision 1	

Project: **Peacefield Rockhampton**

Address: **6 Smalls Road
Hamilton Creek
QLD 4714**

Title: **Farm Layout**

Drawn: **DRK** Design: **DRK** Check:

Project Number: **3D24006** Scale at A3: **As Indicated**

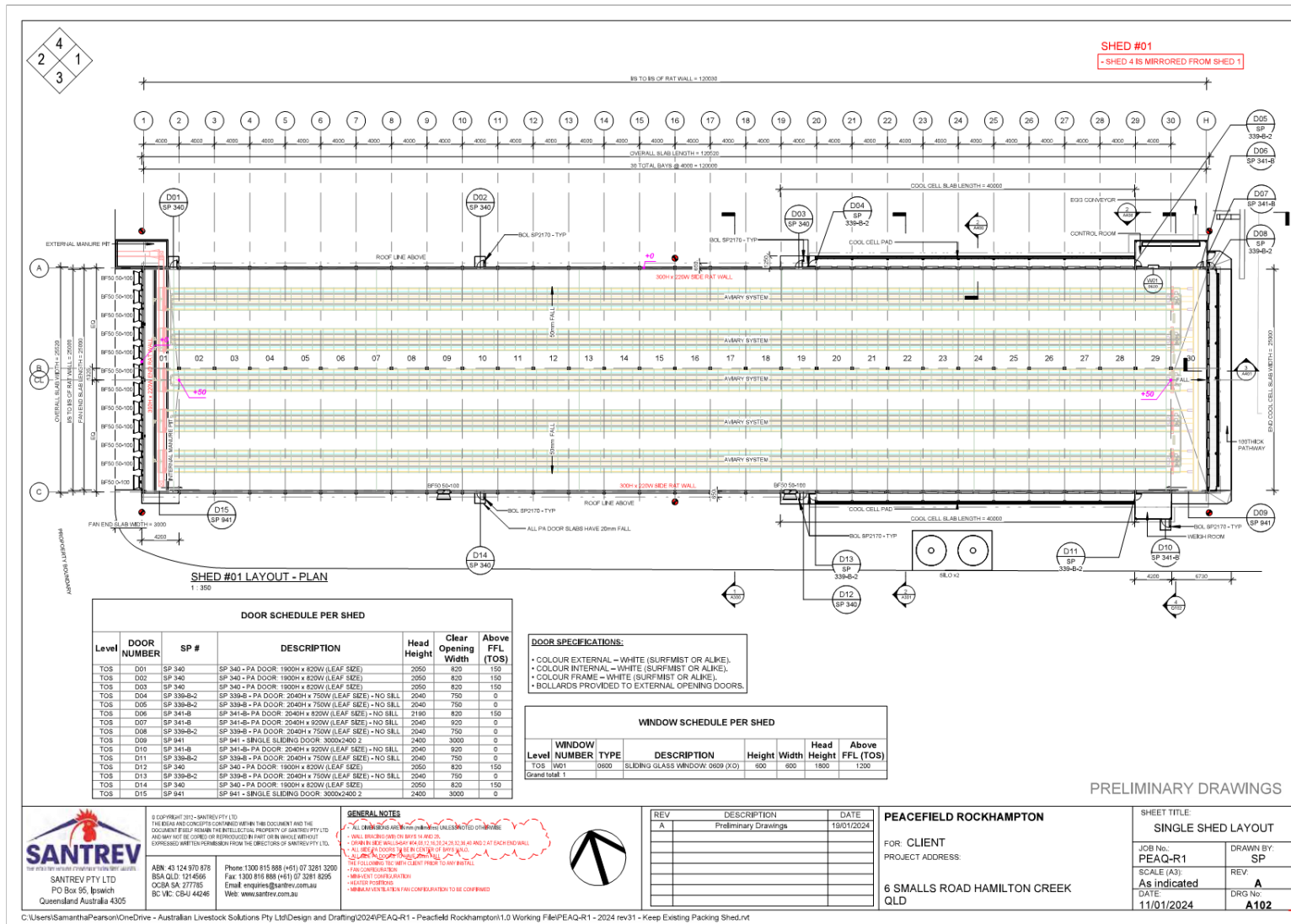
Drawing Number: **A101** Revision: **1**

**D/96-2024 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR INTENSIVE
ANIMAL INDUSTRY (EXPANSION TO
POULTRY EGG LAYER FARM)**

Floor Plan

Meeting Date: 10 December 2024

Attachment No: 3



SANTREV PTY LTD
PO Box 95, Ipswich
Queensland Australia 4305

ABN: 43 124 970 878
BSA QLD: 1214566
OCQA SA: 277765
RC-VC: C58144246

Phone: 1300 815 888 (+61) 07 3281 3200
Fax: 1300 815 888 (+61) 07 3281 8205
Email: enquiries@santrev.com.au
Web: www.santrev.com.au

GENERAL NOTES:

- ALL DIMENSIONS ARE IN METERS UNLESS NOTED OTHERWISE.
- WALL BRICKS AND ON BATH 14 AND 20.
- TO OPEN BY SWING OR SLIDING ACTION TO BE INDICATED ON ALL DOORS AND AT EACH END WALL.
- ALL PA DOORS TO BE IN CONTROL OF BAYS AND.
- ALL PA DOORS TO BE IN CONTROL OF BAYS AND.
- THE FOLLOWING TO BE MET CLIENT PRIOR TO ANY INSTALL.
- IMMEDIATE CONSULTATION.
- REFER TO DRAWING.
- IMMEDIATELY AFTER CONSULTATION TO BE CONFIRMED.

REV	DESCRIPTION	DATE
A	Preliminary Drawings	19/01/2024

PEACEFIELD ROCKHAMPTON

FOR CLIENT
PROJECT ADDRESS:
6 SMALLS ROAD HAMILTON CREEK
QLD

SHEET TITLE	
SINGLE SHED LAYOUT	
JOB No: PEAQ-R1	DRAWN BY: SP
SCALE (A3): As Indicated	REV: A
DATE: 11/01/2024	DRG No: A102

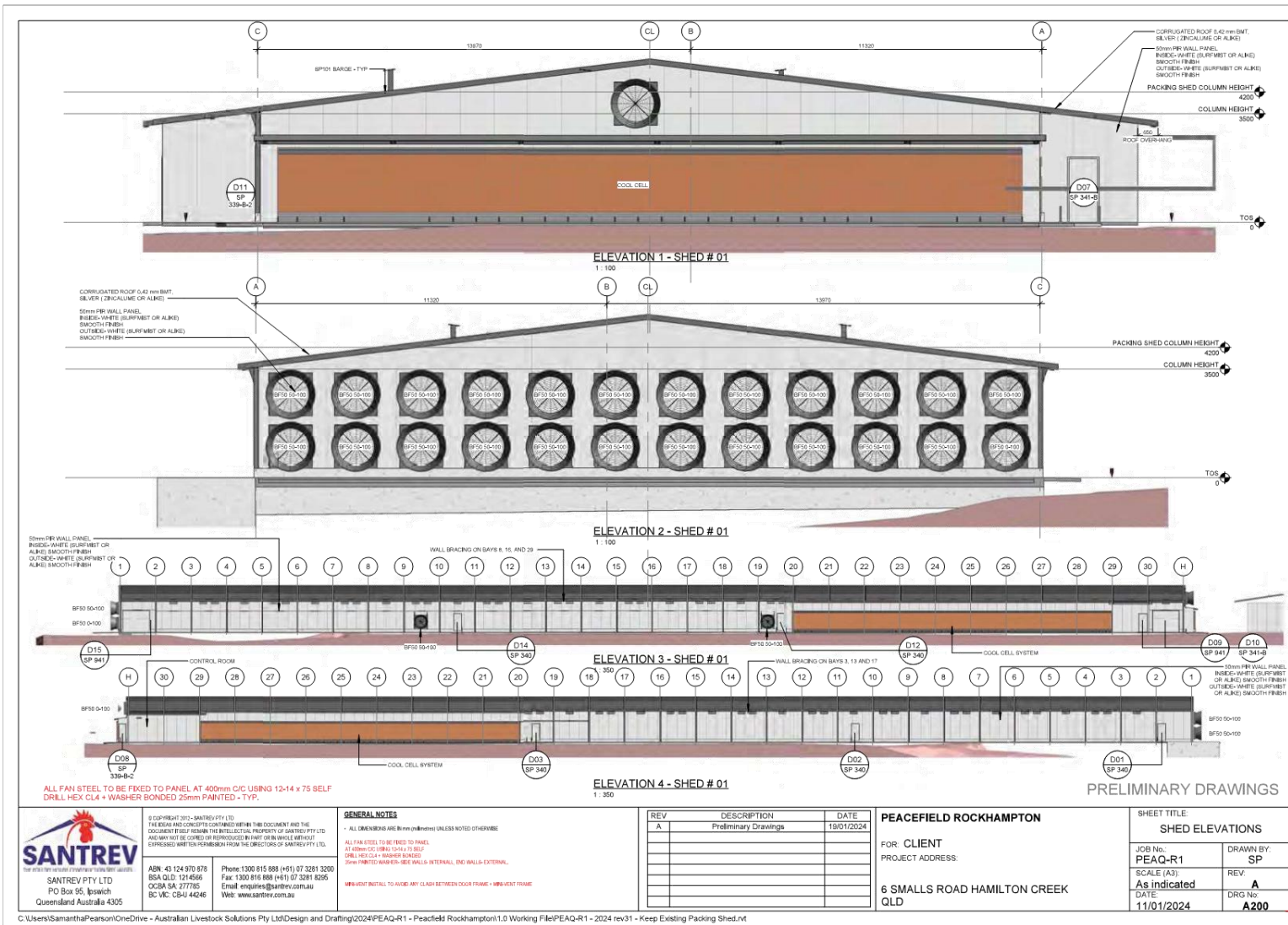
C:\Users\SamanthaPearson\OneDrive - Australian Livestock Solutions Pty Ltd\Design and Drafting\2024\PEAQ-R1 - Peacfield Rockhampton\1.0 Working File\PEAQ-R1 - 2024 rev31 - Keep Existing Packing Shed.rvt

**D/96-2024 - DEVELOPMENT
APPLICATION FOR MATERIAL
CHANGE OF USE FOR INTENSIVE
ANIMAL INDUSTRY (EXPANSION TO
POULTRY EGG LAYER FARM)**

Elevations Plan

Meeting Date: 10 December 2024

Attachment No: 4



11.4 D/59-2024 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR AN UNDEFINED USE (BATTERY STORAGE FACILITY) AND RECONFIGURING A LOT FOR A LEASE (22 YEARS)

File No: D/59-2024

Attachments:

1. [Locality Plan](#)
2. [Site Plans and Elevations](#)

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

Author: Kathy McDonald - Principal Planning Officer

SUMMARY

Development Application Number: D/59-2024

Applicant: Spiire Australia Pty Ltd on behalf of Energy Storage Project No 12 Pty Ltd

Real Property Address: Lot 1 on RP860060

Common Property Address: Lot 1 Burnett Highway, Bouldercombe

Area of Site: 302.7 hectares

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

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Overlay;
Bushfire Hazard Overlay;
Flood Hazard Overlay; and
Steep Land Overlay.

Existing Development: Nil

Approval Sought: Development Permit for a Material Change of Use for an Undefined Use (Battery Storage Facility) and Reconfiguring a Lot for a Lease (22 Years)

Category of Assessment: Assessable subject to Impact assessment

Submissions: 377 submissions

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

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Undefined Use (Battery Storage Facility) and Reconfiguring a Lot for a Lease (22 Years), made by Spiire Australia Pty Ltd on behalf of Energy Storage Project No 12 Pty Ltd,

located at Lot 1 Burnett Highway, Bouldercombe, described as Lot 1 on RP860060, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for an Undefined Use (Battery Storage Facility) and Reconfiguring a Lot for a Lease (22 Years)	
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; • Rural Zone Code; • Special Purpose Zone Code; • Telecommunications Facilities and Utilities Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Reconfiguring a Lot Code; • Biodiversity Overlay Code; • Flood Hazard Overlay Code; and • Bushfire 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	3.8 Natural Resources and Economic Development 3.8.4 Element – Rural Land 3.8.4.1 Specific Outcome (1)

	<p>The proposed development does not comply with Specific Outcome (1) of 3.8.4 Element – Rural Land because the development area is located on land identified on the Agricultural Land Classification (ALC) overlay maps, where Specific Outcome (1) requires Land with productive capacity and land suitable for intensive horticulture or any emerging productive rural use is protected.</p> <p>Whilst the development may result in a loss of 10 hectares of Class B agricultural land, the subject site’s remaining 15 hectares of Class B land and 240 hectares of Class C land can continue to be utilised for suitable rural uses.</p> <p><i>A further response to the developments conflict with the Agricultural Land Classification (ALC) overlay is provided under the Rural Zone Code, Performance Outcome 14.</i></p> <p>The proposed development does comply with the remaining of the Strategic Outcomes of the Natural Resources and Economic Development theme as the proposed development is considered to strengthen the regions capacity to provide an alternative energy solution and provides the community with a diverse and new employment opportunity; and</p> <p>Complies with the remaining Strategic Framework themes:</p> <ul style="list-style-type: none"> - Settlement pattern; - Natural environment and hazards; - Community identity and diversity; - Access and mobility; and - Infrastructure and services <p>Therefore, on balance the proposed development is not anticipated to compromise the Strategic Framework of the <i>Rockhampton Region Planning Scheme 2015</i>.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 14</p> <p>The proposed development conflicts with PO 14 and no Acceptable Outcome (AO) are nominated. PO 14 states Development that does not involve rural uses:</p> <p>(a) is located on the least productive parts of a site and not on land identified on the agricultural land classification (ALC) overlay maps;</p> <p>(b) does not restrict the ongoing safe and efficient use of nearby rural uses; and</p> <p>(c) is adequately separated or buffered where it is likely to be sensitive to the operational characteristics associated with rural uses, rural industries or extractive industries.</p> <p>The developments footprint, excluding the access area is located within the Agricultural Land Overlay resulting in the conflict with outcome (a) above.</p> <p>An Agricultural Land Assessment report was provided and indicated that, of the 302.7 hectares (overall size of lot), approximately 25.87 hectares is mapped as suitable agricultural land being Class B (limited crop land). Of the</p>

	<p>25.87 hectares, approximately 10 hectares is proposed for the development’s footprint.</p> <p>The report also indicated that the unique mapping areas (UMAs) of the site also included approximately 240.57 hectares of Class C (pastureland) and approximately 36.06 hectares of Class D (non-agricultural land).</p> <p>Whilst the development may result in a loss of 10 hectares of Class B agricultural land, the subject site’s remaining 15 hectares of Class B land and 240 hectares of Class C land can continue to be utilised for suitable rural uses.</p> <p>Therefore, the development is not considered to limit the ability or productive capacity of the land for a rural use and is seen to comply with the overall purpose of the Rural Zone Code (s6.7.4.2) which states, under (1), (c) THAT, <i>“prevent the establishment of development which may limit the productive capacity of the land”</i>.</p> <p>The proposed development is furthermore considered to comply with the remaining outcomes (b) and (c) of PO14 because:</p> <ul style="list-style-type: none"> - The development does not restrict the ongoing safe and efficient use of nearby rural uses as the lease area will be fully fenced with a 1.8-metre-high security fence; and - is adequately buffered by a four (4) metre wide landscaping strip (two (2) rows of tree plantings) along the north, east and west boundaries and an eight (8) metre wide landscaping strip (4 rows of tree plantings) along the south boundary. <p>Therefore, on balance the proposed development complies with the remainder of PO14 and overall outcome (c) of the Rural Zone Code’s purpose.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 15</p> <p>The proposed development may present conflicts with PO 15 and no Acceptable Outcome (AO) is nominated. PO 15 states that uses that require isolation from urban areas are accommodated only where:</p> <ul style="list-style-type: none"> (a) they cannot be more appropriately located in an industrial or other relevant zone; (b) they can be adequately separated from sensitive land use(s) (whether or not in the rural zone); and (c) potential impacts can be appropriately managed. <p><u>In response to (a) above</u>, the purpose of the Rural Zone Code (s6.7.4.2) states under (2), (k) THAT, <i>“renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment”</i>.</p> <p>This being considered, the Rural Zone Code contemplates renewable energy facilities (including BESS facilities) within the rural area along with the Strategic Framework under s3.3.6.1 Rural - Specific outcome (16) that states <i>“Renewable energy technology uses will be supported where</i></p>

	<p>there are no adverse impacts on adjoining and nearby uses, including impacts associated with noise, light, emissions, infrastructure requirements or transport movements on transport networks”.</p> <p>Reflective of this, a BESS facility is not considered an industrial use under the <i>Rockhampton Region Planning Scheme 2015</i> and would not be more appropriately located within an industrial or other relevant zone. Commercial scale renewable energy uses including BESS facilities require large land holdings generally found within rural areas.</p> <p><u>In response to (b) above</u>, the development site comprises 302.7 hectares (overall size of lot) with the proposed development area being 10 hectares and located in the far northwest corner of the site, approximately 617 metres from the nearest residence on Childs Avenue. This separation allows for any amenity impacts to be appropriately mitigated.</p> <p><i>A further response to effective separation distances to sensitive land uses is provided as part of Performance Outcome (PO) 30.</i></p> <p>In response to (c) above, ‘the Central BESS facility’ has been designed to operate effectively to protect the safety of the public, avoid environmental harm and nuisance and mitigate amenity values.</p> <p><i>A further response to how the potential impacts can be appropriately managed is provided as part of Performance Outcomes (PO) 16, 31 and 33.</i></p> <p>To the extent any conflicts are identified with the assessment benchmark, regard to relevant matters is considered to outweigh those conflicts.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 16</p> <p>The proposed development may present conflicts with PO 16 and no Acceptable Outcome (AO) is nominated. PO 16 states, Ecological values, habitat corridors and soil and water quality are protected, having regard to:</p> <ul style="list-style-type: none"> (a) maximisation of vegetation retention and protection of vegetation from the impacts of development; (b) avoidance of potential for erosion and minimisation of earthworks; (c) retention and protection of natural drainage lines and hydrological regimes; and (d) avoidance of leeching by nutrients, pesticides or other contaminants, or potential for salinity. <p>The specific lease area for the development on the subject site is <u>not</u> affected by the Biodiversity Overlay including corridors and wildlife habitats, waterways or wetlands. Notwithstanding, there is biodiversity located on the overall subject site, east of the development lease area and an Ecological Assessment Report and Stormwater Management Report were provided.</p> <p><u>In response to (a) above</u>, the Ecological Assessment Report identified the ecological values associated with the site, the</p>

	<p>potential presence of threatened species listed under Local, State and Commonwealth legislation, fauna and flora habitat and landscape connectivity values. The report also assessed potential impacts associated with the proposed development and where required, provided mitigation measures to ensure that the proposed development complies with relevant environmental legislation.</p> <p>Specific key factors to note:</p> <ul style="list-style-type: none"> - The specific lease area for the development on the subject site is predominantly characterised by pastoral grassland and avoids areas of significant vegetation within the broader site, therefore maximising vegetation retention. No vegetation further to the lease area on the subject site is required to be removed; and - Prior to any clearing of the subject site and during construction an appropriately experienced and suitably qualified fauna spotter catcher will conduct a pre-clearing fauna survey to identify any wildlife habitats and breeding places within the construction area. If identified the wildlife will be removed and relocated. (Only a designated and trained person (fauna spotter catcher) can handle and remove fauna under the <i>Nature Conservation Act</i>). <p>The fauna spotter catcher will be present during all vegetation clearing to supervise, including clearing of grasslands.</p> <p><u>In response to (b), (c) and (d) above</u>, the Stormwater Management Report identified that water quality analysis for the proposed development was undertaken in accordance with the requirements of State Planning Policy.</p> <p>On-site detention is proposed to effectively reduce the peak flow discharges from the developed site. All internal site runoff is to be collected via pits and pipes and directed to the on-site detention basin.</p> <p>The bioretention basin with a minimum filter media area of 350 square metres will effectively treat the runoff from the BESS facility and ensure retention within the lease area of the site from any potential contaminants entering waterways. Furthermore, each battery component is contained within a fully sealed container that is separately bunded to prevent the run-off of contaminating materials into surrounding land.</p> <p>Therefore, the proposed development is considered to effectively protect the ecological values, habitat corridors and soil and water quality of the overall site and complies with PO 16.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 30</p> <p>The proposed development may present conflicts with PO 30 and no Acceptable Outcome (AO) is nominated. PO 30 states, effective separation distances are provided to minimise conflicts with sensitive land use(s).</p> <p>A 617 metre separation distance is achieved to the nearest Dwelling House. This is considered an adequate buffer from the existing sensitive land use(s) on Childs Avenue and will</p>

	<p>minimise any potential adverse impacts in regard to amenity, noise, air quality and light.</p> <ul style="list-style-type: none"> - An eight (8) metre wide landscaping strip (four (4) rows of tree plantings) along the south boundary will effectively provide a visual buffer. <i>A further response to how the potential amenity impacts can be appropriately mitigated is provided as part of Performance Outcome (PO) 31.</i> - The development has been conditioned to comply with the requirements of the Noise Impact Assessment to ensure the BESS facility has an acoustic level that is below the criteria set out in the <i>Environmental Protection (Noise) Policy 2019 (EPP)</i> and is considered reasonable and acceptable at a sensitive receptor. Conditions have been imposed for noise monitoring to investigate any genuine complaint of nuisance caused by noise. <i>A further response to the potential noise impacts is provided as part of Performance Outcome (PO) 15 of the Telecommunications Facilities and Utilities Code.</i> - Each battery systems containerised design and in-built fire suppression system will provide effective mitigation for any adverse air quality concerns. <i>A further response to the potential air quality impacts is provided as part of Performance Outcome (PO) 33.</i> - The proposal will include a pole mounted, focused lighting system with lighting only projecting within the development site. No lighting will be used at night unless there is an emergency or maintenance requirement, and no coloured lighting will be used. These mitigation measures will minimise light pollution for nearby residence. <p>Therefore, the proposed developments design and mitigation measures are considered to minimise any conflicts or adverse impacts on existing or future residential premises and the development’s location is effectively separated from sensitive land use(s) and complies with PO 30.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 31</p> <p>The proposed development may present conflicts with PO 31 and no Acceptable Outcome (AO) is nominated. PO 31 states that development does not unduly impact on the existing amenity and character of the locality having regard to:</p> <ul style="list-style-type: none"> (a) the scale, siting and design of buildings and structures. (b) visibility of buildings and structures when viewed from roads and other public view points; and (c) any heritage places. <p>Where possible, BESS facilities are co-located with or near a transmission network connection point (such as a substation) to reduce infrastructure requirements and visually integrate the cumulative distribution of multiple facilities.</p> <p>The subject site is located on the transmission network, 100 metres from an existing BESS facility and the Bouldercombe Substation. The development can achieve a direct connection to the Bouldercombe Substation underground the</p>

	<p>Burnett Highway therefore no additional overhead infrastructure is required.</p> <p>The height of the buildings and structures on the subject site is not considered obtrusive:</p> <ul style="list-style-type: none"> - Each battery container and medium voltage power stations (MVPS) container is 6.1 metres long, 2.5 metres wide and three (3) metres tall. - The main office building is 12 metres long, seven (7) metres wide and three (3) metres tall; and - Typical connection asset is four (4) metres tall. <p>It is acknowledged that the BESS facility with a proposed land area size of 10 hectares will be visually prominent.</p> <p>To mitigate the appearance, the following will be provided:</p> <ul style="list-style-type: none"> - The BESS containers will be significantly setback from the road, located approximately 43 metres from the Burnett Highway (15 metre road reserve, plus four (4) metre landscape buffers, plus 24 metre setback from the boundary); and - A four (4) metre wide landscaping strip (two (2) rows of tree plantings is proposed along the north, east and west boundaries to mitigate the appearance to travellers along the Burnett Highway, and an eight (8) metre wide landscaping strip (four (4) rows of tree plantings) is proposed along the south boundary to mitigate the appearance to sensitive land use(s) located on Childs Avenue. <p>The extent of planting proposed is significant and will provide an adequate visual screen of the development. A revised plant palette that promotes faster screening (growth) is proposed and is expected to be fully established within five (5) years of planting. The plantings will incorporate a more diverse mix of species to enhance resilience and aligns with Rockhampton Regional Council's Native Plant Program. Furthermore, conditions have been imposed to ensure the landscape buffer is maintained throughout the operational life of the facility and will ensure the development does not unduly impact on the existing amenity and character of the rural locality.</p> <p>To the extent any conflicts are identified with the assessment benchmark, regard to relevant matters is considered to outweigh those conflicts.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 33</p> <p>The proposed development may present conflicts with PO 33 and no Acceptable Outcome (AO) is nominated. PO 33 states that development is designed and managed so that it provides appropriate protection for community safety and health and avoids unacceptable risk to life and property.</p> <p><i>Unacceptable risk</i></p> <p><i>A situation where people or property are exposed to a predictable hazard event that may result in serious injury, loss of life, failure of community infrastructure, or property</i></p>

	<p><i>damage that would make a dwelling unfit for habitation.</i></p> <p>The development proposes to use Lithium-iron phosphate (LFP) batteries which are considered to be the safest in the industry. The thermal rise of these batteries is significantly lower than other lithium ion battery chemistries, and are therefore largely unaltered by thermal runaway (the heating reaction of batteries under adverse external conditions).</p> <p>Each container will be equipped with a Battery Management System (BMS), a combustible gas detector, smoke detector and temperature detector. If an abnormality is detected, the internal fire extinguishing process will be triggered, and the aerosol fire suppression system will effectively extinguish a fire within the container.</p> <p>The BMS will monitor the state of the battery in real time via feedback loops. This allows for constant monitoring, diagnosis, and protection of the battery's cell thermal temperature, voltage, current, and residual life cycle forecast. This enables early detection of micro-abnormalities within the battery, allowing for early remediation to rectify any issues before a fire event would be triggered. The structure of the unit also creates an environment adverse to fire, explosion, or thermal runaway conditions by essentially suffocating any potential fire from escalating. The structure also contains an 'explosion-proof fan' which contains any gas release and disperses it at sequential stages, lowering any combustible gases to below the Lower Flammable Limit (LFL) and will not result in air emissions at levels that will impact on human health.</p> <p>In addition, the facility will operate 24/7 and will host up to five (5) permanent on-site staff members during business hours who can act promptly if any abnormalities are detected. The site will be monitored 24/7 in case of an emergency outside of business hours, in which staff members will react and return to site if required along with first responders if necessary.</p> <p>The BESS containers are appropriately separated within the site to avoid the risk of a fire spreading between units and appropriately separated from vegetation outside the lease area to avoid an external fire hazard along with the provision of a 576 kilolitre water tank for firefighting purposes on surrounding land.</p> <p>Furthermore, an Emergency Management Plan prepared by a suitably qualified person and in consultation with local fire authorities will be prepared prior to the commencement of the development. The plan will be specific to the property and include strategies for hazard management of a Battery Storage Facility.</p> <p>Therefore, the development is considered to be designed and managed so that it provides appropriate protection for community safety and minimises the risks to life and property and complies with PO 33.</p>
<p>Telecommunications Facilities and Utilities Code</p>	<p>Performance Outcome (PO) 13</p> <p>The proposed development may present conflicts with PO 13</p>

	<p>and no Acceptable Outcome (AO) is nominated. PO 13 states that development is designed to be visually unobtrusive and blend with the character of the locality by:</p> <ul style="list-style-type: none"> (a) ensuring the bulk, height and scale of the facility is consistent with surrounding development; (b) extensive landscaping and building colours which blend with the landscape; and (c) ensuring transformers are not visible from the property boundary or public place. <p>Please refer to the response to the development's conflicts with amenity under the <i>Rural Zone Code, Performance Outcome 30</i>.</p> <p>To the extent any conflicts are identified with the assessment benchmark, regard to relevant matters is considered to outweigh those conflicts.</p>
<p>Telecommunications Facilities and Utilities Code</p>	<p>Performance Outcome (PO) 15</p> <p>The proposed development may present conflicts with Acceptable Outcome (AO) 15.1 (a) which states noise levels measured as the adjusted maximum sound pressure level L_{Amax, adj.T} at a sensitive land use do not exceed:</p> <ul style="list-style-type: none"> (i) background noise level plus 5dB(A) between the hours of 07:00 and 22:00; and (ii) background noise level plus 3dB(A) between the hours of 22:00 and 07:00. <p>The developments actual predicted noise levels, taking into account the plus levels above are:</p> <p>daytime is 26dB(A) and the criteria is 37dB(A); and</p> <p>nighttime is 26dB(A) and the criteria is 26dB(A).</p> <p>Whilst the development can achieve the acceptable outcomes when undertaken in accordance with the recommendations in the Noise Impact Assessment, which ensures the BESS facility has an acoustic level that is below the criteria set out in the Environmental Protection (Noise) Policy 2019 (EPP).</p> <p>It is acknowledged that BESS facilities do produce a constant hum. The primary cause of noise from a BESS facility is the constant hum of electricity coupled with the intermittent internal cooling systems (fans) for each container.</p> <p>To mitigate the noise nuisance for the sensitive land use(s) to the south of the development the following will be provided:</p> <ul style="list-style-type: none"> - Two (2) x four (4) metre high acoustic barriers at the southern end of the proposed batteries, and a six (6) metre high acoustic barrier around the connection asset. These acoustic barriers will reduce noise emitted from the BESS facility and assist in mitigating the nuisance. - The batteries will only charge for two (2) hours once per day, typically during the middle of the day, and discharge

	<p>for two (2) hours once per day, typically during peak electrical usage when fans, air conditioning, televisions and other noise sources are being used.</p> <ul style="list-style-type: none"> - Following the commissioning of the project, noise monitoring and testing will be conducted in two (2) locations being one (1) in the proximity to the BESS equipment and two (2) in proximity to the residential receptors. This is to occur: <ul style="list-style-type: none"> o in its initial state to ensure the development achieves an acceptable acoustic outcome; and o recurring every twelve (12) months to verify that the required acoustic performance is maintained. <p>The overall PO states: Development prevents or mitigates the generation of unreasonable noise impacts to:</p> <ul style="list-style-type: none"> (a) prevent noise nuisance; and (b) ensure ambient noise levels are consistent with the prevailing character of the area. <p>It is considered that the development’s design, operational outcomes, the recommendations set out in Noise Impact Assessment Report and noise monitoring and testing schedule are preventative measures to ensure ambient noise levels do not cause nuisance to nearby sensitive receptors.</p> <p>Therefore, the development is considered to comply with PO 15.</p>
<p>Telecommunications Facilities and Utilities Code</p>	<p>Performance Outcome (PO) 16</p> <p>The proposed development may present conflicts with PO 16 and no Acceptable Outcome (AO) is nominated. PO 16 states that: Development does not negatively impact on the natural environment, having regard to:</p> <ul style="list-style-type: none"> (a) sensitive habitat; (b) remnant vegetation; (c) soil erosion; and (d) waterways. <p>Please refer to the response to the development’s conflicts with Biodiversity under the <i>Rural Zone Code, Performance Outcome 16</i>.</p>
<p>Relevant Matters</p>	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • The purpose of the project is to provide dispatchable energy to the Queensland electricity grid and contribute towards the goals of the Queensland Governments ‘Queensland Electricity Infrastructure Roadmap’ and Queensland Energy and Jobs Plan. • ‘The Central BESS project’ will assist in supporting the achievement of the Queensland Government’s renewable energy target; and • ‘The Central BESS Project’ will have a 500 Mega Watt (MW) capacity and will enable the efficient storage of surplus solar and wind energy and aid the 	

displacement of coal and other emissions-intensive generation sources. This is in line with the *Future Made in Australia* agenda which enables the Australian Renewable Energy Agency (ARENA) to support the research, development, demonstration, commercialisation, manufacturing, and deployment of renewable energy technologies that are critical to the net zero transformation.

Matters raised in submissions

The proposal was the subject of public notification between 16 September 2024 and 4 October 2024 in accordance with the requirements of the *Planning Act 2016* and the *Development Assessment Rules*, and 327 properly made submissions and 50 not properly made submissions were received.

Submitter Concerns	Response
<p>Noise Impacts</p> <p>Submitters have concerns with noise impacts on nearby residences and wildlife in the area. Of most concern was the lack of noise monitoring once the BESS facility is operational and a compliance plan to ensure that noise levels at surrounding residences are at or below the project criteria with clear pathways for residents to access data and resolve noise issues if exceeded.</p>	<p>Noise measurements and assessment criteria set out in the Noise Impact Assessment report were undertaken in accordance with the requirements of the <i>Environmental Protection (Noise) Policy 2019</i> (EPP) and Australian Standard <i>AS1055-2018 'Acoustics – Description and measurement of environmental noise'</i>.</p> <p>The predicted noise levels and the project criteria within the report have considered the cumulative impacts of existing noise in the area, including the nearby Bouldercombe Substation and Genex BESS facility.</p> <p>The predicted noise levels are conservative and are based on 'worst case' meteorological conditions and the batteries operating at full capacity (e.g. charging and discharging while cooling). Actual operating conditions are expected to achieve much lower noise levels as the batteries will only charge for two (2) hours once per day, typically during the middle of the day, and discharge for two (2) hours once per day, typically during peak electrical usage when fans, air conditioning, televisions and other noise sources are being used.</p> <p>The facility is not unmanned and will host up to five (5) permanent on-site staff members during business hours and mitigation measures are proposed for noise nuisance, <i>refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 30 and Telecommunications Facilities and Utilities Code assessment Performance Outcome (PO) 15</i>.</p> <p>It is considered that the development's design, operational outcomes, the recommendations set out in Noise Impact Assessment Report and noise monitoring and testing schedule are preventative measures to ensure ambient noise levels do not cause nuisance to nearby sensitive receptors; and</p> <p>Noise impacts on wildlife will occur primarily during construction of the facility. Any noise would be during allowed construction. The noise from the construction and operation of the facility is unlikely to have any significant impact to native wildlife.</p>
<p>Rural Character and Visual Amenity</p>	<p>It is acknowledged that the BESS facility will be visually prominent. However, the design, the colour of the facility and</p>

<p>Impacts</p> <p>Submitters have concerns the development will result in the appearance of the surrounding area being altered from one of rural landscape to that of an industrial estate and is uncharacteristic in the area.</p>	<p>acoustic barrier (muted green) and the extensive perimeter landscaping proposed will assist the development to integrate with the rural landscape.</p> <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 31.</i></p> <p>As a land use, battery storage facilities are comparable to the energy storage infrastructure of existing substations and utility installations. The development's location in proximity to the Bouldercombe Substation does not make it uncharacteristic within the locality.</p> <p>A BESS facility is not considered an industrial use under the <i>Rockhampton Region Planning Scheme</i> and would not be more appropriately located within an industrial or other relevant zone. Commercial scale renewable energy uses including BESS facilities require large land holdings generally found within rural areas.</p> <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 15.</i></p>
<p>Potential for project expansion</p> <p>Submitters raised concerns that the application relates to the entire site of 302.7 hectares and will not prevent an intensification in the future.</p>	<p>The <i>Planning Act</i> section 73 states that while a development approval is in effect, the approval attaches to the premises, even if a later development (including reconfiguring a lot) is approved for the premises; or the premises is reconfigured; and binds the owner, the owner's successors in title, and any occupier of the premises.</p> <p>The development will relate to the overall lot and plan on which the application was lodged. However, in this case the development has a specific use area over the premise (lease area) and can only be undertaken within the lease area.</p> <p>If a future proposal for the development involved a material increase in the intensity or scale of the existing use of the premises, then a change application must be made. The requirements for change applicants are set out in the <i>Planning Act</i> and are equitably assessed.</p>
<p>Potential to set a precedence</p> <p>Submitters raised concerns the development will set a precedence and result in the collation of more BESS facilities in the future to compliment the electrical distribution network.</p>	<p>Developers and connections team work closely with network providers to identify suitable areas to connect and develop. These areas are based on the demand for energy in an area, as well the capacity of the local infrastructure. On top of the capacity and demand requirements which determine a suitable BESS site, there are a number of environmental, economic and policy factors which determine where these projects can be located.</p> <p>Where possible, BESS facilities are co-located with or near a transmission network connection point (such as a substation) to reduce infrastructure requirements. Due to the Bouldercombe Substation and the area surrounding being predominately large vacant rural land, there is a possibility that other BESS facilities may be required depending on demand supplies.</p> <p>Any future applications will be subject to Council's standard assessment process to ensure the development is assessed equitably.</p>
<p>Environmental</p>	<p>An Ecological Assessment Report was prepared by Green</p>

<p>Impacts</p> <p>Submitters raised concerns regarding the environmental impacts that BESS facilities may produce eg. forever chemicals contained in lithium-ion batteries, groundwater contamination, natural drainage impacts, destruction to farm land, fauna and flora.</p>	<p>Tape Solutions and confirms the project will not adversely impact on ecological values or threatened species. The development site is located in an area that is predominantly characterised by pastoral grassland and avoids areas of significant vegetation within the broader site. Specific mitigation measures were recommended as part of this report to ensure impacts are avoided, including:</p> <ul style="list-style-type: none"> - Preparation and implementation of a high-risk species management program to address potential impact to threatened species potentially occurring on and adjacent to the site. - Engage a fauna spotter catcher to be present before and during clearing activities. - Restrict clearing to the limits of the development. <p>Further Ecological Advice was prepared by Green Tape Solutions to address concerns raised as part of the submissions. This advice confirms:</p> <ul style="list-style-type: none"> - Due to the cleared nature of the proposed development area and its ongoing use for agriculture the proposed site does not contain the necessary habitat required for denning, foraging or dispersal for the northern quoll. - While the Brolga and Emu may traverse or use the proposed project area for foraging, the quantity of suitable habitat within the project area to be impacted by the proposed BESS represents a marginal percentage of that available within the broader landscape. <p>Consequently, the impact from the development on native fauna is assessed to be minor and a significant impact under <i>the Environmental Protection and Biodiversity Conservation Act</i> to the norther quoll is considered unlikely.</p> <p>Any potential impacts to the Brolga and Emu regulated through the <i>Nature Conservation Act</i> can be managed through the Species Management Program.</p> <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 16 for groundwater contamination and natural drainage impacts.</i></p>
<p>Traffic Impacts</p> <p>Submitters raised concerns the development will increase traffic volumes and safety concerns regarding the site access</p>	<p>A Traffic Impact Assessment was undertaken by Pekol Traffic & Transport (PTT) who are Registered Professional Engineers of Queensland and confirms the traffic generated during the construction and operational phases is not expected to have an adverse impact on surrounding road network operations, including the safety of the Burnett Highway.</p> <p>The Burnett Highway is a State controlled road and the Traffic Impact Assessment was assessed by the Department of Transport and Main Roads and a decision has been issued by State confirming approval of the application, subject to conditions.</p>
<p>Inconsistent with the Rural Zone</p> <p>Submitters raised</p>	<p>The proposed development (BESS) is located within the Rural Zone under the <i>Rockhampton Region Planning Scheme (v4.4)</i> and within the Rural designation under the Strategic Framework. The following is stated for renewable</p>

<p>concerns the proposed development is not consistent with the Rural Zone due to their industrial nature and would be more suited to zones designated for industrial activities rather than rural or agricultural areas.</p>	<p>energy uses under the Rural designation:</p> <p>s3.3.6.1 Rural - Specific outcome</p> <p>(16) Renewable energy technology uses will be supported where there are no adverse impacts on adjoining and nearby uses, including impacts associated with noise, light, emissions, infrastructure requirements or transport movements on transport networks.</p> <p>Furthermore, the following is stated for renewable energy uses under the purpose of the Rural Zone Code:</p> <p>s6.7.4.2 Purpose</p> <p>(2), (c) non-rural uses may be appropriate where they do not detract from the productivity or residential amenity of rural areas and can demonstrate:</p> <p>(iii) a need to be remote from urban uses as a result of their impacts.</p> <p>and</p> <p>(2), (k) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment.</p> <p>In this regard, a BESS facility is contemplated within the Rural Zone and Rural designation under the strategic intent of the <i>Rockhampton Region Planning Scheme 2015 (v4.4)</i>.</p> <p>The underlying Rural Zone will not change as a result of this development and the development will not limit the rural capacity of the subject site nor will it prohibit the establishment of new rural uses within the area.</p>
<p>Loss of Agricultural Land</p> <p>Submitters raised concerns regarding the development's location on agricultural land</p>	<p>Whilst the development may result in a loss of 10 hectares of Class B agricultural land, the subject sites remaining 15 hectares of Class B land and 240 hectares of Class C land can continue to be utilised for suitable rural uses. Therefore, the development is not considered to limit the ability or productive capacity of the land for a rural use.</p> <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 14</i></p>
<p>The BESS facility poses a risk of creating a fire hazard.</p> <p>Submitters raised concerns the fire prevention measures for lithium-ion phosphate batteries (LFP) were inadequate and the local rural fire brigade was not equipped to control a fire outbreak at a BESS facility.</p>	<p>Each battery container has a liquid cooling system to prevent overheating. The containers also have multiple built-in fire protection devices that work collaboratively, including flammable gas, smoke and thermal sensors, pressure relief system and aerosol fire extinguishing system. Therefore, a container will automatically suppress an internal fire in the first instance.</p> <p>The Bushfire Risk Assessment identified that an Emergency Management Plan would be required and will include chapters on emergency prevention, preparedness, mitigation and response.</p> <p>As a response to the submissions and to further address the community's concerns regarding the local rural fire brigade's lack of training in handling BESS fires, ACenergy plans to:</p> <ul style="list-style-type: none"> - Prepare the Emergency Management Plan in consultation

	<p>with the local fire authority.</p> <ul style="list-style-type: none"> - Organise specialised fire response training for the local fire brigade prior to construction, in collaboration with the battery manufacturer and fire safety consultants. - Conduct site visits and simulations to familiarise fire brigade members with the design and safety features of the LFP BESS system both before and during project construction. - Maintain ongoing communications with the local fire brigade and collaborate with them regarding the ongoing management of the established Emergency Management Plan. <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 33.</i></p>
<p>The BESS facility is in risk of bushfires and the potential impacts.</p> <p>Submitters raised concerns of the facility's risk of bushfires within the rural area and the potential impacts.</p>	<p>The Bushfire Risk Assessment submitted was prepared by the office of Spiire Australia (Brisbane). As a result of the assessment, and utilising the mitigation strategies listed in the report, the Central BESS facility is described as having a moderate risk from bushfire and will also not contribute to an increased risk of bushfire in the area.</p> <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 33.</i></p> <p>In the event of a bushfire approaching the development site, several protective measures as outlined in the Bushfire Risk Assessment will be implemented to safeguard the facilities from the fire hazards, including:</p> <ul style="list-style-type: none"> - Adequate setbacks will be maintained in all directions to protect the site from fires originating in external vegetation. - For buildings not requiring formal building certification, such as battery containers, ember-proof mesh will be installed over any gaps larger than two (2) millimetres to prevent fire intrusion; and - Provision of a 576 killolitre water tank for firefighting purposes on surrounding land.
<p>Appropriate separation</p> <p>Submitters raised concerns regarding the location of the BESS facility in relation to sensitive land uses (Dwelling Houses).</p>	<p>The proposed development's design and mitigation measures are considered to minimise any conflicts or adverse impacts on existing or future residential premises.</p> <p><i>Refer to response as part of Rural Zone Code assessment Performance Outcome (PO) 30.</i></p>
<p>Waste Management</p> <p>Submitters raised concerns regarding the effective waste management plan and the decommissioning of lithium-ion batteries.</p>	<p>The applicant has investigated current battery recycling options and those proposed under new State-wide frameworks. Battery recycling is an emerging industry in Australia, and current policy seeks to ensure recycling infrastructure is established to support renewable energy developments.</p> <p>It is noted that each battery has a 20-year guarantee, and it is expected that adequate recycling infrastructure will be</p>

	<p>available within this timeframe. Any faults in the batteries within this timeframe will require their return to the manufacturer for testing and assessment under the warranty period, and therefore will not be disposed of.</p> <p>The applicant has committed to a decommissioning bond to ensure sufficient capital is available at the end of the project to reinstate and 'Make Good' the land used for the project. The 'Make Good' period is 12 months following the termination of the contract.</p> <p>Prior to cessation of the use, a condition has been imposed for the applicant to submit and have endorsed by Council, six (6) months prior to the "Make Good Period" and termination of the (22 year lease) contract, a Rehabilitation and Decommission Plan prepared by a suitably qualified person.</p> <p>Once the site has been decommissioned and rehabilitated, the decommissioning expert will supply a certificate of decommissioning completion, once all parties are satisfied.</p>
<p>Network Capacity (need)</p> <p>Submitters stated there is no evidence to support that the BESS facility will increase the network capacity and why an additional BESS facility is required.</p>	<p>Council, as the assessment manager, being the Local Government within the locality of the proposed development is not assessing the viability of the technology. It is Council's responsibility to regulate the land use for new and existing developments within in our locality. This includes deciding which developments need assessment, and what the assessment requirements are via the local categorising instrument (<i>Rockhampton Region Planning Scheme 2015</i>).</p> <p>The facility is required because a Battery Storage Facility is designed to store energy from the grid during times of low demand and distribute energy back into the grid during times of peak demand. This will help to stabilise the grid and minimise the risk of power outages, improving the overall reliability of the transmission network.</p> <p>The operating principle of 'The Central BESS Project' is to store renewable energy during times of excess solar and wind generation and discharge within times of high demand when renewable sources may lack capacity to meet demand. By positioning the BESS close to renewable generation sources and the demand centres, it is possible to maximise the utilisation of existing transmission infrastructure, providing the greatest benefit to consumers.</p> <p>By connecting to the Bouldercombe Substation, the Central BESS is positioned near the electricity demand centres of Gladstone and Rockhampton as well as close to the large-scale renewable energy projects (solar and wind) being installed along the transmission lines between Nebo and Bouldercombe at Clarke Creek.</p>
<p>Validity of reports submitted</p> <p>Submitters have concerns with the reports submitted stating the developer conducted the studies meaning that the</p>	<p>An assessment was undertaken by Council Officers who confirm that none of the specialist reports submitted were completed <u>by</u> the developer Acenergy Pty Ltd and only prepared for the proposed development.</p> <p>It is the responsibility of the developer (Acenergy Pty Ltd) to provide Council with the necessary documents to support a development application. This may be in the form of risk assessments reports, or reports that offer alternative</p>

<p>findings were favourable to the development and every single report author indemnified themselves, so no one will be held accountable for any damages.</p>	<p>solutions to site specific issues or non-compliances identified in the Planning Scheme.</p> <p>The developer is obligated to engage with specialists and provide their expert assessment. All reports generally come with a disclaimer that removes the author or company from liability as this sits solely with the applicant of the application and or if a development permit is approved sits solely with the owner/occupier of the land.</p> <p>The following reports were submitted:</p> <ul style="list-style-type: none"> - Noise Impact Assessment prepared by Assured Environmental and an Environmental Consultant Engineering Graduate. - Bushfire Risk Assessment prepared by a Bushfire Planning and Design (BPAD) Level 2 Accredited Bushfire Practitioner #51797. - Agricultural Land Assessment prepared by Gilbert & Sutherland by an Environmental Scientist and Environmental Technician. - Ecological Assessment Report prepared by Green Tape Solutions by a Certified Environmental Practitioner (CEnvP). - Traffic Impact Assessment prepared by Pekol Traffic & Transport (PTT) Traffic by a Registered Professional Engineer of Queensland (RPEQ: 22233). - Stormwater Management Report prepared by Hartecs Group by a Registered Professional Engineer of Queensland (RPEQ: 28946). <p>Furthermore, a development permit attaches to the land, meaning that the rights to use the land for that purpose transfer to new owners, provided the use rights have not been abandoned. It also means that the conditions of an approval remain with the land until that use ceases or changes, meaning that the conditions must continue to be fulfilled.</p> <p>Council has a development compliance process in place and if a complaint is received an investigation can commence. If it is determined after an initial investigation that a development offence has occurred, Council may decide to issue the landowner and the occupier with a show cause notice and further to that an enforcement notice.</p>
<p>Assessment Process</p> <p>Submitters raised concerns the current planning scheme lacks appropriate benchmarks for the assessment of a BESS facility or their impacts.</p> <p>Queensland and</p>	<p>The use is defined as 'Battery Storage Facility' under the <i>Planning Regulations 2017</i>. A 'Battery Storage Facility' means the use of premises for the operation of one (1) or more battery storage devices.</p> <p>The Rockhampton Region Planning Scheme (v4.4) has not yet adopted this use definition therefore the developments use is classified as undefined.</p> <p>It is envisioned that the land use definition 'Battery Storage Facility' will be adopted including clarity of assessment benchmarks as part of the <i>Rockhampton Region Planning Scheme 2015 10 year review</i>.</p>

<p>Rockhampton Regional Council policies and plans have not yet caught up to the industry and comprehensive reviews are essential to ensure they are in keeping with current and emerging technologies.</p>	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> - Local Government Infrastructure Plan; - Strategic Framework; - Rural Zone Code; - Special Purpose Zone Code; - Telecommunications Facilities and Utilities Code; - Access, Parking and Transport Code; - Landscape Code; - Stormwater Management Code; - Waste Management Code; - Water and Sewer Code; - Reconfiguring a Lot Code; - Biodiversity Overlay Code; - Flood Hazard Overlay Code; and - Bushfire Hazard Overlay Code. <p>All non-compliances, including perceived conflicts have been addressed via the above assessment benchmarks to ensure the development achieves the desired outcomes. The codes above are considered to have the relevant performance outcomes required to address the development’s impacts such as noise, amenity, environmental, natural hazards and agriculture.</p> <p>The hierarchy of the above assessment benchmarks is the Strategic Framework which prevails over all other components to the extent of the inconsistency for impact assessment and the proposed development is not anticipated to compromise the Strategic Framework of <i>Rockhampton Region Planning Scheme 2015</i>.</p> <p>Furthermore, the proposed developments design and operational outcomes have relied on best practice examples and assessment standards from other localities and states and will be required to comply with all other relevant laws, standards and regulations including the Electrical Safety Act, Work Health and Safety Act and Fire Services Act.</p>
<p>Poor community engagement and public consultation</p> <p>Submitters raised concerns with the public notification period including the community engagement process and consultation between the applicant, community</p>	<p>An assessment was undertaken by Council Officers who confirm the public notification for the development application was undertaken in accordance with the requirements of the <i>Planning Act 2016</i>, which included notifying adjoining landowners with a common boundary by post, placing a notice in the newspaper circulating in the locality and placing notice signs along all road frontages of the development site. The public notification period was undertaken for 15 business days.</p> <p>There is no requirement for the Applicant or Assessment Manager (Council) to consult with or undertake public notification beyond that required by the <i>Planning Act 2016</i>.</p>

<p>members and Council.</p>	<p>Regardless, the applicant has conducted additional community consultation outside of the formal public notification requirements which included:</p> <ul style="list-style-type: none"> - A project brochure that provided an overview of ACEnergy and the 'Central BESS project'. - Project briefing sessions with key stakeholders (online and in person). - Community briefing sessions held at the Bouldercombe State School library over two (2) days during the public notification period, with each session limited to four (4) participants to ensure a more meaningful engagement experience. In response to community requirements, additional sessions were made available. - An open community briefing session was held at the Bouldercombe Community Hall in response to feedback from the community, with the opportunity for interested stakeholders to ask questions about the project and the development application in an open forum. <p>The level of engagement undertaken is considered appropriate for the scale and nature of the project and has resulted in changes to the development proposal to better reflect the needs of the community, this included:</p> <ul style="list-style-type: none"> - Revised landscaping, amended to include two (2) rows of plantings in the north, east and west and four (4) rows of plantings in the south. The revised plant palette will promote faster screening and includes a greater mix of species to promote resilience and reflects Council's Native Plant Program. - Additional technical information was prepared to address the community's concerns regarding ecological, bushfire, flooding, traffic engineering and battery testing. - Additional acoustic screening to reduce predicted noise levels from 34dB to 26dB. Acoustic barriers will now be painted in a muted green colour; and - Changes in finished colours of the battery containers from white to muted green to further mitigate any visual impacts.
<p>Health Impacts</p> <p>Submitters raised concerns regarding the mental anguish and stress this proposed development has caused in relation to the possible long term health impacts from toxic smoke caused by fire, constant noise, possible water contamination from exposure to chemicals</p>	<p>It is considered that the developments design, operational outcomes, and imposed conditions will ensure the development will:</p> <ul style="list-style-type: none"> - retain and protect environmental values. - reduce the risk of natural hazard impacts. - protect the health and well-being of individuals; and - is sensitive to the amenity and safety of the surrounding community. <p>The developments proposal applies preventative measures to significantly minimise impacts to the surrounding area and nearby sensitive receptors to the greatest extent possible. Risk management procedures will be adopted during the life of the development to ensure any continuing hazards are</p>

caused by leeching.	contained.
Non-Planning matters Submitters raised concerns the proposed development would devalue their properties and increase their home insurance premiums.	Property value is not a matter Council can have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application. In addition, there is no evidence the commercial installation of these facilities has impact upon home insurance policies.
Matters prescribed by regulation	
<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (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 an Undefined Use (Battery Storage Facility) and Reconfiguring a Lot for a Lease (22 Years), made by Spiire Australia Pty Ltd on behalf of Energy Storage Project No 12 Pty Ltd, located at Lot 1 Burnett Highway, Bouldercombe, described as Lot 1 on RP860060, Council resolves to Approve the application subject to the following conditions:

Material Change of Use for an Undefined Use (Battery Storage Facility)

1.0 ADMINISTRATION

1.1 The development must be carried out in accordance with the following use definition:

Battery Storage Facility

“Means the use of a premises for the operation of one (1) or more battery storage devices.”

1.2 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.

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

1.4 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:

1.4.1 to Council’s satisfaction;

1.4.2 at no cost to Council; and

1.4.3 prior to the commencement of the use,
unless otherwise stated.

1.5 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.

1.6 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) Parking Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage; and
 - (iv) 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 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>
Site Plan 1 of 2	Acenergy	15 May 2024	23126	A
Site Plan 2 of 2	Acenergy	15 May 2024	23126	A
Locality Diagram 1 of 2	Acenergy	15 May 2024	23126	A
Locality Diagram 2 of 2	Acenergy	15 May 2024	23126	A
Landscape Concept Plan 1 of 2	Spiire	11 October 2024	321785 LC01	C
Planting Palette 2 of 2	Spiire	11 October 2024	321785 LC01	C
Traffic Impact Assessment	PTT	24 May 2024	24-402	A
Stormwater Management Plan	Hartecs Group	8 May 2024	PRJ-0415	2
Stormwater Management Plan (IR	Spiire	20 June 2024	321785	-

Response)				
Bushfire Risk Assessment	Spiire	9 May 2024	-	3
Noise Impact Assessment	Assured Environmental	15 May 2024	15443	R1
Response to Further Advice Request	Assured Environmental	15 November 2024	15443	RO
Ecological Assessment Report	Green Tape Solutions	22 May 2024	PR23216	C
Ecological Further Advice	Green Tape Solutions	10 October 2024	PR23216_2	-

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

3.4 A minimum of five (5) parking spaces must be provided on-site.

Note: A minimum of twenty-one (21) temporary car parking spaces must be provided for the construction period. These temporary car parking spaces can be of a gravel surface.

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 (access and parking works).

3.7 Any application for a Development Permit for Operational Works (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.

3.8 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"*.

3.9 Signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.

3.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

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- 3.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 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 A 576 kilolitre water storage tank for fire-fighting purposes must be provided in accordance with the recommendations in the approved Bushfire Risk Assessment (refer to condition 2.1). The fire-fighting protection must be certified by hydraulic consultant. The water storage must be easily accessible having regard to pedestrian and vehicular access.
- 4.3 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed within the *Queensland Plumbing and Wastewater Code*.
- 4.5 Arrestor traps must be required on any non-domestic discharges to protect the on-site sewerage facilities.
- 5.0 STORMWATER WORKS
- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 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 1994, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater 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.
- 5.4 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.
- 5.5 The proposed bio-basin(s) must be designed with the pre-treatment device to limit the amount of coarse sediment reaching the filter media. An appropriate pre-treatment method must be implemented i.e. Sediment Forebays.
- 5.6 All field inlets / pits must be fitted with gross pollutant traps and the installation of gross pollutant traps must be in accordance with relevant Australian Standards. All maintenance of the gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 5.7 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
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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.

- 5.8 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.
- 5.9 The detention / bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin and the design must:
- 5.9.1 be suitable to the climate and incorporate predominately native species;
 - 5.9.2 maximise areas suitable for on-site infiltration of stormwater;
 - 5.9.3 incorporate shade trees; and
 - 5.9.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

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

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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.
- 6.2 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).
- 6.3 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 an actionable nuisance or worsening to surrounding land or infrastructure.

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance or worsening to surrounding land or infrastructure.

Note: The one per cent (1%) Annual exceedance probability (AEP) flood extents for the project area should be obtained from Queensland Globe and QSpatial. Where the project area is located within the inundation extents consideration should be given to flood risk for the development and how this risk can be mitigated to an acceptable level for the use proposed.

- 7.4 All retaining structures above one (1) metre in height requires separate building approval and certification by a *Registered Professional Engineer of Queensland*.

8.0 BUILDING WORKS

- 8.1 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.
- 8.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 8.3 A minimum 1.8 metre high security fence must be erected surrounding the lease area of the development.
- 8.4 Each battery container, medium voltage power station (MVPS) and all acoustic barriers must be built out of non-reflective material that is painted muted green.
- 8.5 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:
- 8.5.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.5.2 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;
 - 8.5.3 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;
 - 8.5.4 setback a minimum of two (2) metres from any road frontage; and
 - 8.5.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the on-site sewerage facility via arrestor trap.

Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged to the on-site sewerage facility.

9.0 LANDSCAPING WORKS

- 9.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscaped areas must predominantly contain plant species that have low water dependency.
- 9.2 The landscaped areas must be subject to:
- 9.2.1 a watering and maintenance plan during the establishment moment; and
 - 9.2.2 an ongoing maintenance and replanting programme.

10.0 ELECTRICITY

- 10.1 Underground electricity services must be provided in accordance with the standards and requirements of the relevant service provider.

11.0 TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

- 12.1 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.
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- 12.2 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.
- 13.0 ENVIRONMENTAL
- 13.1 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.
- 13.2 The 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:
- 13.2.1 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
 - 13.2.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 The development must be undertaken in accordance with the recommendations in the approved Bushfire Risk Assessment (refer to condition 2.1).
- 14.2 The development must be undertaken in accordance with the recommendations in the approved Noise Impact Assessment and Response to Further Advice Request (refer to condition 2.1).
- 14.2.1 Noise attenuation measures contained within the recommendations of the report must be implemented and maintained to Council's satisfaction.
- 14.3 The development must be undertaken in accordance with the recommendations in the approved Ecological Assessment Report and Ecological Further Advice (refer to condition 2.1).
- 14.4 Submit to Council an Emergency Management Plan prepared by a suitably qualified person and in consultation with local fire authorities. The plan must be specific to the property and include strategies for hazard management of a Battery Storage Facility. The Plan should include, but not be limited to the following matters:

- 14.4.1 Lithium-ion batteries, particularly relating to thermal runaway;
- 14.4.2 Fire prevention and management including:
 - 14.4.2.1 The credible hazards and risks present for the battery storage facility, including fire scenarios (internal and external initiators);
 - 14.4.2.2 Fire fighting procedures and equipment required on the property to fight bushfires and battery fires;
 - 14.4.2.3 Procedures and information as to how fires will be detected and monitored by the occupier / owner of the property; and
 - 14.4.2.4 Identification of potential fire risk and the fire management measures which will be implemented to address the potential fire risks during construction and operation of the development.
- 14.4.3 Handling, use and hazard precautions;
- 14.4.4 Emergency evacuation and shut down procedures;
- 14.4.5 First aid;
- 14.4.6 Storage precautions;
- 14.4.7 Damaged products;
- 14.4.8 Disposal; and
- 14.4.9 Maintenance.

NOTE: 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 Emergency Management Plan or failing to use the Emergency Management Plan during an event.

- 14.5 It is the responsibility of the owner or occupier of the land from time to time to implement the Emergency Management Plan during an event or if there is a risk of fire near the land.
- 14.6 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, chemicals etcetera.
- 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.
- 15.2 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"*.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.4 All waste storage areas must be:
 - 15.4.1 kept in a clean and tidy condition; and
 - 15.4.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 15.5 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise

measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

16.0 REHABILITATION

16.1 Prior to cessation of the use, submit and have endorsed by Council, six (6) months prior to the “Make Good Period” and termination of the (22 year lease) contract, a Rehabilitation and Decommission Plan prepared by a suitably qualified person that, at a minimum:

16.1.1 Demonstrates the site will be restored to a standard capable of the level of productivity that was available prior to the development occurring;

16.1.2 Clearly establishes the objectives of the Plan;

16.1.3 Show adopted performance criteria for rehabilitation efforts;

16.1.4 Includes an Action Plan, with timing for remedial work such as the removal of structures, removal of import materials, such as gravel and soil;

16.1.5 Outlines a program for monitoring rehabilitation success using appropriate indicators.

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. 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 storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

NOTE 4. General Safety of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

Reconfiguring a Lot for a Lease (22 years)

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
- 1.3.1 to Council’s satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.4 The lease is valid for a maximum period of 22 years from the date of this approval. Lease documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Land Lease Agreement	Acenergy	22 May 2024	LA-1.0_023123	C

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of the Survey Plan for endorsement.

3.0 ASSET MANAGEMENT

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

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

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for an Undefined Use (Battery Storage Facility) and Reconfiguring a Lot for a Lease (22

Years), made by Spiire Australia Pty Ltd on behalf of Energy Storage Project No 12 Pty Ltd, located at Lot 1 Burnett Highway, Bouldercombe, described as Lot 1 on RP860060, Council resolves to issue an Infrastructure Charges Notice for the amount of \$76,477.15.

BACKGROUND

SITE AND LOCALITY

The site is located at Lot 1 Burnett Highway, Bouldercombe, formally described as Lot 1 on RP860060, is a large rectangular L shaped lot with a total site area of 302.7 hectares. The site is an unimproved vacant lot with little to no vegetation in the northwest and southwest portion of site (development area) and dense to sparse vegetation through the middle and eastern portions of the site.

Gavial creek traverses through the middle of the site from north to south with dense vegetation surrounding the creeks formation. This is also where the Steep Land Overlay, Floodplain Investigation Area Overlay and Biodiversity Overlays are noted. The very high Bushfire Hazard Overlay is noted primarily in the far eastern portion of the site where vegetation is full. However, a small portion of dense vegetation is located in the north mid to west portion of the site and is classified as medium Bushfire Hazard Overlay. Electrical infrastructure easements traverse majority of the site from southwest to southeast and encompass approximately 128 hectares of the 302.7 hectare lot.

The subject site is immediately bound by:

- North – unclassified, unformed road reserve for the full length of the site area. Further north is a large rural lot located within the Rural Zone containing a Dwelling House with ancillary structures and an approved stock feed and rural supplements (Low Impact Industry) land use.
- East – large vacant lot located within the Rural Zone.
- South – large vacant lots located within the Rural Zone. An access strip for one of the large lots separates a small rural residential estate along Childs Avenue. The rural residential estate is located within the Rural Residential Zone and has 17 established Dwelling Houses.
- West – Burnett Highway (State controlled road). Further west adjacent the south portion of the site are two (2) large lots located in the Special Purpose Zone and contain the Powerlink Bouldercombe Substation and a small BESS facility established by Genex. Adjacent the north portion of the site is a large vacant lot located in the Rural Zone with an approved (not constructed) Renewable Energy Facility (solar park).

The wider area to the north, east, southeast and west of the site is characterised by the Rural Zone and is largely vacant rural land. The area further to the southwest of the site is characterised by the Rural Residential Zone with established rural residential Dwelling Houses.

PROPOSAL

The Applicant seeks a Development Permit for a Material Change of Use for an Undefined Use (Battery Storage Facility) and Reconfiguring a Lot for a Lease (22 Years) to be located in the northwest corner of the subject site.

Specifically, the proposal is referred to as 'The Central BESS Project' and will comprise of a standalone 500-megawatt Battery Energy Storage System or more commonly referred to as a BESS facility. The facility will operate 24/7 and will host up to five (5) permanent on-site staff members during business hours and monitored 24/7 in case of an emergencies outside of business hours.

Notable components of the proposal include:

- 352 BESS units – each unit/container will be organised in a four (4) x four (4) pattern in an array of 16 containers and will enclose a lithium-iron phosphate (LFP) battery.
 - o BESS containers are 6.1 metres long, 2.5 metres wide and three (3) metres tall.
- 176 Medium Voltage Power Stations (MVPS) – for every 16 BESS containers there will be eight (8) MVPS that include a transformer and an inverter.
 - o MVPS stations are also 6.1 metres long, 2.5 metres wide and three (3) metres tall.
- Each BESS container will be constructed of powder coated steel in a non-reflective muted green colour to further mitigate the visual impact and separated by a three (3) metre perimeter. An additional six (6) metre separation will be provided between a BESS container and an MVPS.
- The main building will be located in the southwest corner of the site and is referred to as the 'Connection Asset'. This area will be 8,000 square metres and include the control rooms (offices, lunchroom and amenities), switch rooms and storage area, enclosure.
 - o Main building is 12 metres long, 7 metres wide and three (3) metres tall.
 - o Outdoor storage and enclosure area for grid connection equipment including switchgear, protection and control equipment, metering and two (2) x 275 megavolt-amperes (MVA) transformers.
- Internal access tracks and an on-site car parking area.
 - o 21 temporary car parking spaces will be required to cater for the expected demand during the peak of construction and five (5) permanent on-site car parking spaces will be provided for the operational phase.
- A 1.8 metre high security fence and CCTV will be provided around the perimeter of the site.
- Access will be located along the Burnett Highway specifically at the middle of the western boundary of the development site.
- Acoustic barriers – three (3) separate acoustic barriers at the following heights and locations will be provided:
 - o Four (4) metre high between the BESS area and main building on site.
 - o Four (4) metre high along the south-eastern side of development area; and
 - o Six (6) metre high surrounding the two (2) x 275 megavolt-amperes (MVA) transformers within the outdoor enclosure area.

Underground 275 kilovolt sub-transmission lines will connect the BESS to the Bouldercombe Substation along with underground power and fibre optic cabling interconnecting the equipment and earthing and lightning protection systems.

The BESS is designed to store energy from the grid during times of low demand and distribute energy back into the grid during times of peak demand. This will help to stabilise the electricity grid and minimise the risk of power outages, improving the overall reliability of the transmission network.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments

Support, subject to conditions.

Public and Environmental Health Comments

Support, subject to conditions.

Strategic Planning Comments

The proposal for a Battery Storage Facility (BESS) is located within the Rural zone under the *Rockhampton Region Planning Scheme* (v4.4) and within the **Rural designation** under the Strategic Framework. Under the Strategic Framework the following is stated for renewable energy uses:

3.3.6.1 Rural - Specific outcomes

(16) Renewable energy technology uses will be supported where there are no adverse impacts on adjoining and nearby uses, including impacts associated with noise, light, emissions, infrastructure requirements or transport movements on transport networks.

Furthermore, the purpose of the Rural Zone Code (s6.7.4.2) states:

(2), (k) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment.

In this regard, Strategic Planning has no objections to the development regarding the strategic intent under the *Rockhampton Region Planning Scheme* (v4.4).

Furthermore, the proposed development is considered to strengthen the regions capacity to provide an alternative energy solution and is considered to be environmentally friendly.

Support, subject to conditions.

TOWN PLANNING COMMENTS

State Planning Policy 2017

Section 2.1 of *Rockhampton Region Planning Scheme 2015* noted the State Planning Policy 2017 is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the *Rockhampton Region Planning Scheme 2015*.

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

Rockhampton Region Planning Scheme 2015

Strategic framework

The subject site is situated within the Rural Area designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

3.3 Settlement Pattern – Complies

3.3.6 Element – Rural

3.3.6.1 Specific Outcome (16) Renewable energy technology uses will be supported where there are no adverse impacts on adjoining and nearby uses, including impacts associated with noise, light, emissions, infrastructure requirements or transport movements on transport networks.

Response: *The development proposed applies preventative measures to significantly minimise impacts to the surrounding area and nearby sensitive receptors.*

3.4 Natural Environment and Hazards – Complies

3.4.1 Strategic Outcome (2) Development does not create unsustainable impacts on:

- (a) the natural functioning of floodplains.
- (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
- (c) the quality of water entering waterways, wetlands and local catchments.

Response: *The specific lease area for the development on the subject site is not affected by any Biodiversity Area Overlay including corridors and wildlife habitats, waterways or wetlands.*

3.5 Community Identity and Diversity – Not applicable

Response: *The Community identity and diversity themes specific outcomes relate to housing diversity, safe design of communities and equitable access, heritage and character, sport and recreation and open space and social, arts and cultural infrastructure which are considered not relevant to this development.*

3.6 Access and Mobility – Complies

3.6.1 Strategic Outcome (4) The safety and efficiency of transport infrastructure, including the Bruce and Capricorn Highways and other state and local roads, rail, airport and seaports, are not compromised by development.

Response: *A Traffic Impact Assessment confirms the traffic generated during the construction and operational phases is not expected to have an adverse impact on surrounding road network operations, including the safety of the Burnett Highway.*

The Burnett Highway is a State controlled road and the Traffic Impact Assessment was assessed by the Department of Transport and Main Roads and a decision has been issued by State confirming approval of the application, subject to conditions.

3.7 Infrastructure and Services – Complies

3.7.2.1 (2) Federal, state and approved private infrastructure networks are delivered in an integrated and coordinated way that support the settlement pattern.

3.7.2.1 (4) Utility installations and infrastructure services and their corridors including bulk water supply and networks, gas pipelines and electricity transmission and distribution lines, are protected from encroachment and impacts of development. The location of these installations will be considerate of the amenity and safety of sensitive land use(s) (as shown on the strategic framework maps SFM-9 to SFM-12).

Response: *The development will support and stabilise the regions electricity grid and minimise the risk of power outages, improving the overall reliability of the transmission network within the region. By connecting to the Bouldercombe Substation, the Central BESS is positioned near the electricity demand centres of Gladstone and Rockhampton as well as close to the large-scale renewable energy*

projects (solar and wind) being installed along the transmission lines between Nebo and Bouldercombe at Clarke Creek. It is considered that the amenity and safety impacts of the development have been addressed as part of this report.

3.8 Natural Resources and Economic Development – Conflict

An assessment of the proposal identifies that the development presents a conflict with aspects of element 3.8 of the Strategic Framework. An assessment against this theme is contained in the Statement of Reasons in **Recommendation A** of this report.

Rural Zone

The subject site is situated within the Rural Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Rural Zone identifies that: -

- (1) *The purposes of the rural zone code is to:*
 - (a) *ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area;*
 - (b) *recognise that different types of rural land are suited to specific uses such as animal industries, horticulture, cropping, intensive animal industries, intensive grazing and extractive industries;*
 - (c) *prevent the establishment of development which may limit the productive capacity of the land;*
 - (d) *provide for diversification of rural industries where impacts can be managed; and*
 - (e) *maintain the environmental values of all rural land.*
- (2) *The purpose of the zone will be achieved through the following outcomes:*
 - (a) *development in the zone accommodates predominantly rural uses;*
 - (b) *development:*
 - (i) *does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;*
 - (ii) *is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;***
 - (iii) *has legal and practical access to the road hierarchy;***
 - (iv) *is serviced by infrastructure that is commensurate with the needs of the use; and*
 - (v) *maximises energy efficiency and water conservation;*
 - (c) *non-rural uses may be appropriate where they do not detract from the productivity or residential amenity of rural areas and can demonstrate:***
 - (i) *a direct relationship with the rural use in the immediate locality; or*
 - (ii) *the potential to make a contribution to primary production or the diversification of rural industries; or***
 - (iii) *a need to be remote from urban uses as a result of their impacts; or***
 - (iv) *they cannot be located in an urban area (for example, due to land area requirements);***
 - (d) *transport and freight uses, which do not meet the definition of a home-based business, are not established in the rural zone;*
 - (e) *development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development;***

Editor's note—Agricultural land classified as Class A or Class B is identified on the agricultural land classification overlay map OM-13.

- (f) ***all rural land is maintained in large land holdings to protect the agricultural production capacity. In this regard, the reconfiguration of land only occurs when lot size is 100 hectares unless otherwise stated in a precinct;***
- (g) *animal keeping (being kennels and catteries), intensive animal industries, intensive horticulture, aquaculture and rural industries establish where they:*
 - (i) *are located on sites that are large enough to accommodate appropriate buffering to sensitive land use(s), residential, township and emerging community zones. Intensive animal industries are preferred in proximity to the lower Fitzroy River, west of Ridgeland;*
 - (ii) *do not cause adverse impacts on sensitive land use(s) in relation to traffic, noise and air quality;*
 - (iii) *do not cause a negative impact on water quality;*
 - (iv) *protect natural, scenic and environmental values;*
 - (v) *do not diminish the productive capacity of other land nearby;*
 - (vi) *gain access from roads which are constructed to accommodate the traffic generated by the use; and*
 - (vii) *are not located in areas identified on the agricultural land classification (ALC) overlay maps (except for intensive horticulture);*
- (h) *Rural workers' accommodation is appropriate where:*
 - (i) *directly associated with the primary rural use undertaken at the site;*
 - (ii) *compatible with the rural character of the zone;*
 - (iii) *not compromising the existing or potential future operation of rural uses on adjoining lots; and*
 - (iv) *not located in areas identified on the agricultural land classification (ALC) overlay maps;*
- (i) *urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone;*
- (j) *sensitive land use(s) are adequately separated from animal keeping (being kennels and catteries), intensive animal industry, aquaculture, rural industry, and industrial zoned areas (including the Gracemere industrial area, Stanwell power station, Bajool explosives reserve and Bouldercombe brickworks);*
- (k) ***renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment;***
- (l) *extractive industries (including Marmor limeworks) on rural land are protected from encroachment by incompatible uses;*
- (m) *extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;*
- (n) *aquaculture activities may be integrated with horticulture operations, where benefits of diversification are evident and there are no adverse impacts on amenity, ecological values and existing fish habitats; and*
- (o) *the establishment of two (2) precincts within the zone where particular requirements are identified:*
 - (i) *Alton Downs precinct; and*

(ii) *Cropping and intensive horticulture precinct.*

An assessment of the proposal identifies that the development presents conflicts with elements of the Rural Zone Code. An assessment against the Rural Zone Code is contained in the Statement of Reasons in **Recommendation A** of this report.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Rural Zone Code;
- Special Purpose Zone Code;
- Telecommunications Facilities and Utilities Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Reconfiguring a Lot Code;
- Biodiversity Overlay Code;
- Flood Hazard Overlay Code; and
- Bushfire Hazard Overlay Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 for non-residential development applies to the application. A Renewable Energy Facility (Undefined Use (Battery Storage Facility)) falls within the ambit of the "Other Uses" category under the Charges Resolution, for which Council has discretion to decide the applicable infrastructure charges at the time of assessment.

Based on an assessment of the use and the infrastructure demand it is likely to generate, officers have determined that a charge of 'Special Industry' should be applied.

Charges Resolution (No. 1) of 2022 for **non-residential development** applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$7,240.80 for Gross Floor Area being \$86.20 x 84 square metres (control room office);
- (b) A charge of \$103,689.00 for Impervious Area being \$12.30 x 8,430 square metres (roof area of battery containers, medium voltage power stations (MVPS) and parking area); and
- (c) An Infrastructure Credit of \$34,452.65 applicable for the existing one allotment.

In accordance with section 3.1 of Charges Resolution (No.1) of 2022, the base charge will be automatically increased using the Producer Price Index (PPI), adjusted according to the three (3) yearly PPI average quarterly percentage change between financial quarters.

As at the date of the Decision, it is determined the charge for 'Special Industry' under the Charges Resolution, when automatic indexation is applied in accordance with section 3.1,

exceeds the prescribed amount (maximum charge) under Schedule 16 of the Planning Regulation 2017 (the Planning Regulation). Therefore, the maximum charge under Schedule 16 of the Planning Regulation is reflected herein –

The calculations are reflected in the below table:

Column 1 Use Schedule	Column 1A Use	Column 2 Adopted Infrastructure Charge for non-residential development (\$)		Column 3 Calculated Charge
		(a) per m ² of Gross Floor Area (GFA)	(b) per m ² Impervious to Stormwater	
Other Uses	Renewable Energy Facility	Decided by Local Government at time of assessment. 'Special Industry'		
		\$86.20		\$7,240.80
			\$12.30	\$103,689.00
			Total Charge	\$110,929.80
			Total Credit	\$34,452.65
			LEVIED CHARGE	\$76,477.15

Therefore, a total charge of **\$76,477.15** is payable for the development.

CONSULTATION

The proposal was the subject of public notification between 16 September 2024 and 4 October 2024, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and the following submissions were received:

- 326 properly made submissions against the development;
- One (1) properly made submission for the development; and
- 50 not properly made submissions were received.

Of the 327 properly made submissions received approximately 44 of those submissions were from outside the Rockhampton Region locality.

The issues raised and how they were considered, and addresses is outlined in the Statement of Reasons in **Recommendation A** of this Report.

REFERRALS

The application was referred to the Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department) as a Concurrence Agency. The Department assessed the application and provided a referral agency response on 16 August 2024.

The application was also referred to Powerlink as an Advice Agency. Powerlink assessed the application and provided advice on 22 August 2024.

CONCLUSION

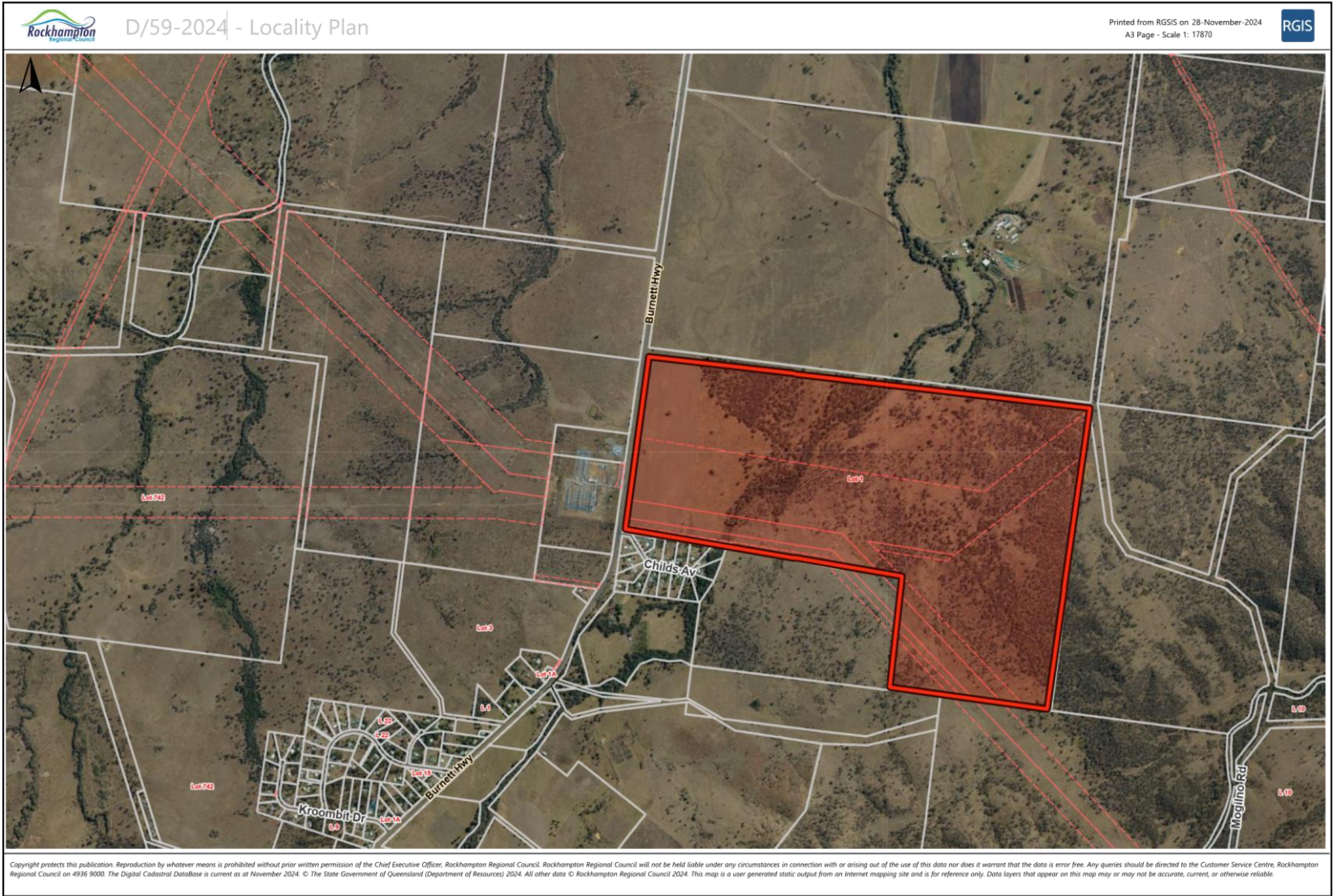
THAT the proposed development is not anticipated to compromise the Strategic Framework of *Rockhampton Region Planning Scheme 2015* and generally complies with the provisions included in the applicable codes. Where conflicts have been identified, regard to relevant matters is considered to outweigh those conflicts. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/59-2024 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN UNDEFINED
USE (BATTERY STORAGE FACILITY)
AND RECONFIGURING A LOT FOR A
LEASE (22 YEARS)**

Locality Plan

Meeting Date: 10 December 2024

Attachment No: 1

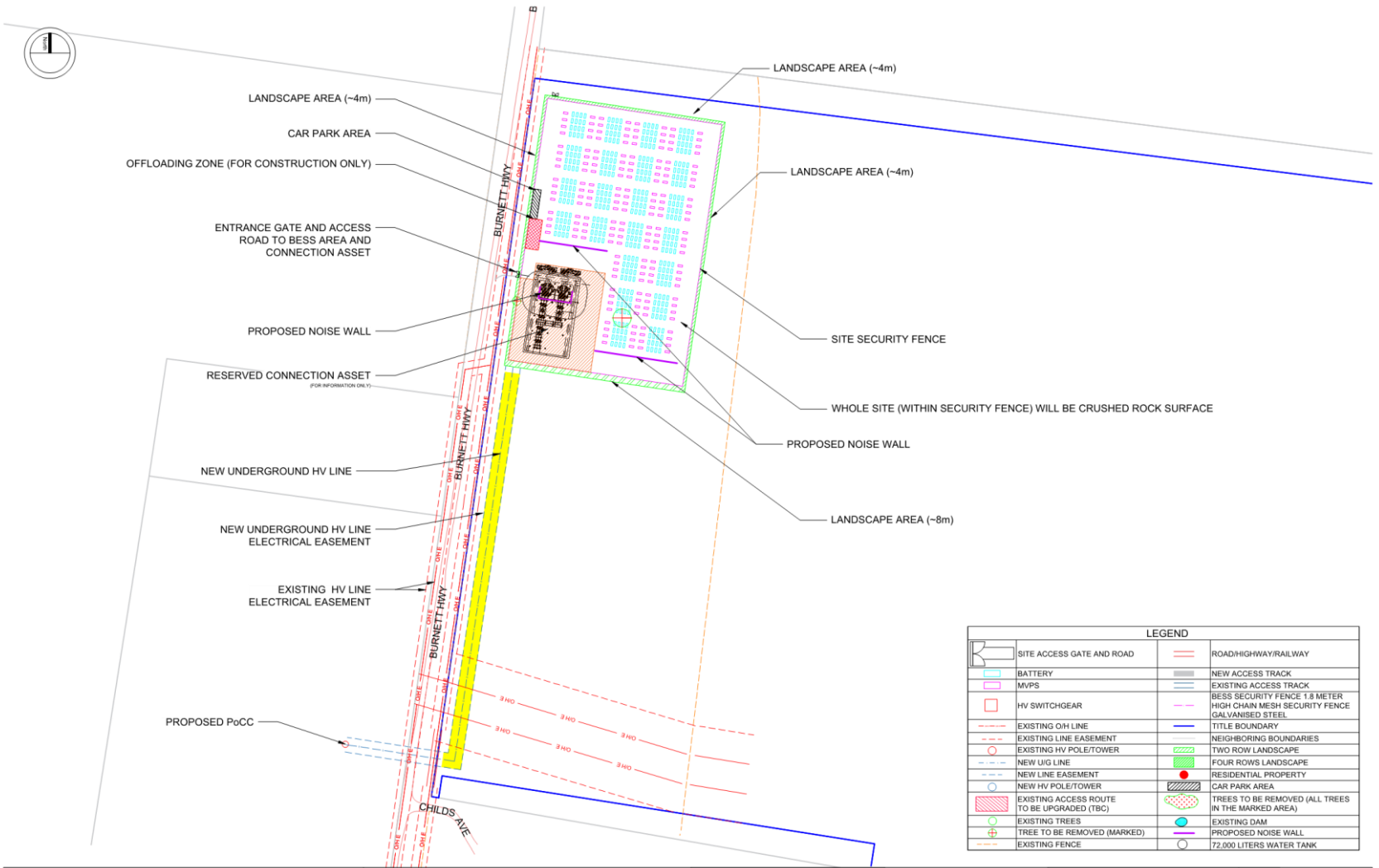


**D/59-2024 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR AN UNDEFINED
USE (BATTERY STORAGE FACILITY)
AND RECONFIGURING A LOT FOR A
LEASE (22 YEARS)**

Site Plans and Elevations

Meeting Date: 10 December 2024

Attachment No: 2




LEGEND			
	SITE ACCESS GATE AND ROAD		ROAD/HIGHWAY/RAILWAY
	BATTERY		NEW ACCESS TRACK
	MVPS		EXISTING ACCESS TRACK
	HV SWITCHGEAR		BESS SECURITY FENCE 1.8 METER HIGH CHAIN MESH SECURITY FENCE GALVANISED STEEL
	EXISTING OH LINE		TITLE BOUNDARY
	EXISTING LINE EASEMENT		NEIGHBORING BOUNDARIES
	EXISTING HV POLE/TOWER		TWO ROW LANDSCAPE
	NEW UG LINE		FOUR ROWS LANDSCAPE
	NEW LINE EASEMENT		RESIDENTIAL PROPERTY
	NEW HV POLE/TOWER		CAR PARK AREA
	EXISTING ACCESS ROUTE TO BE UPGRADED (TBC)		TREES TO BE REMOVED (ALL TREES IN THE MARKED AREA)
	EXISTING TREES		EXISTING DAM
	TREE TO BE REMOVED (MARKED)		PROPOSED NOISE WALL
	EXISTING FENCE		72,000 LITERS WATER TANK

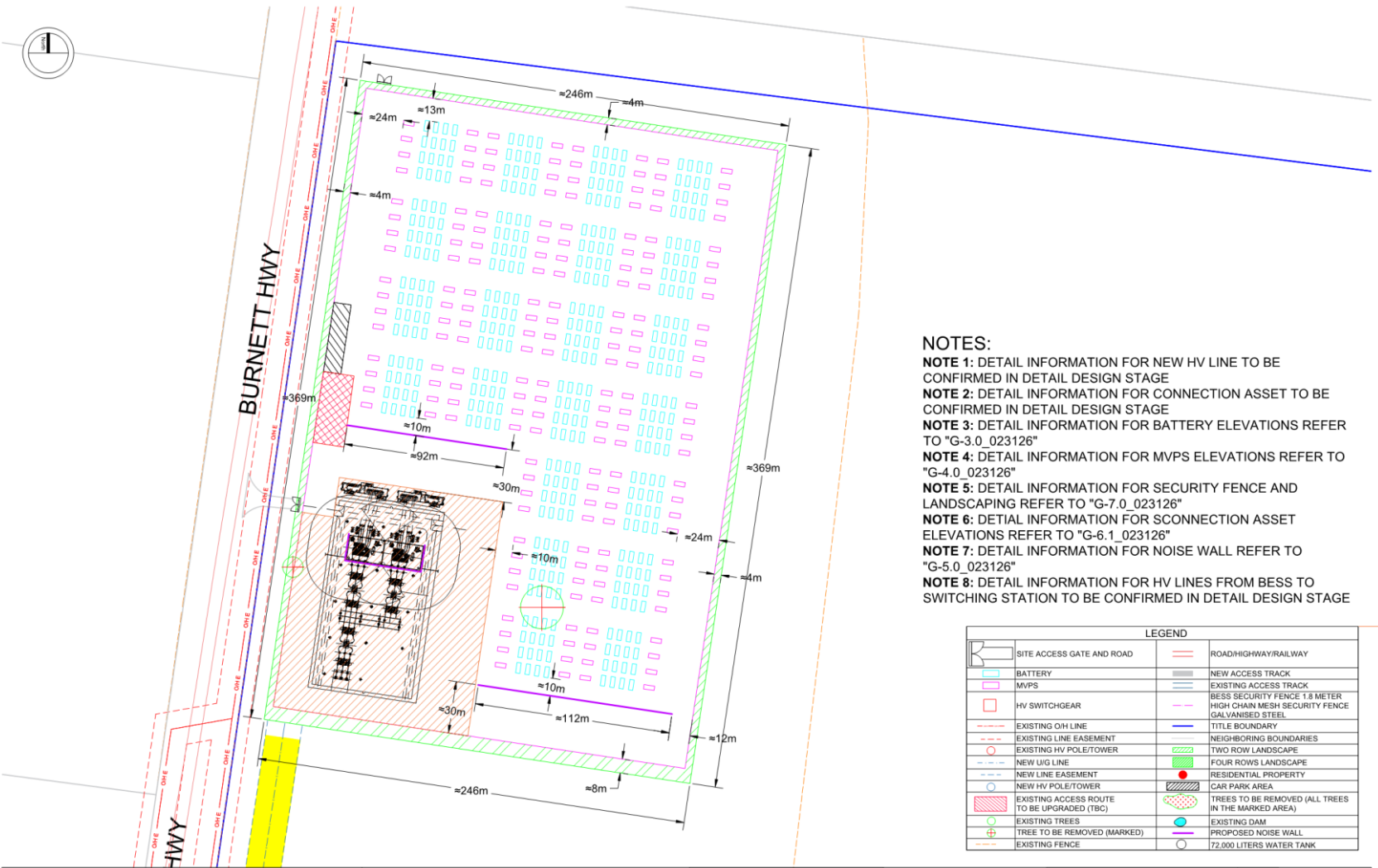
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REV	STATUS	DESCRIPTION	DATE	DSE	CER	DATE	DSE	CER	
A	FA	INITIAL ISSUE	15/05/2024	JC	AJ				

PROJECT DETAILS:		THE CENTRAL BESS	
		3704 BURNETT HWY, BESS, VIC 3207	
		+61 3 5372 4812 / 07 3933, 150-4913061173399	
CLIENT DETAILS:		ACENERGY PTY LTD	
DRAWING TITLE:		SITE PLAN 1 OF 2	

DRAWING NO: G-1.1_023126			
DRAWN BY: JC	APPROVED BY: AJ	PROJECT MGR: LZ	
SCALE: AS INDICATED	ISSUE: FOR APPROVAL	ISSUE DATE: 15/05/2024	
SHEET SIZE: A3	PROJECT NO: 23126	REV. NO: A	

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- NOTES:**
- NOTE 1:** DETAIL INFORMATION FOR NEW HV LINE TO BE CONFIRMED IN DETAIL DESIGN STAGE
 - NOTE 2:** DETAIL INFORMATION FOR CONNECTION ASSET TO BE CONFIRMED IN DETAIL DESIGN STAGE
 - NOTE 3:** DETAIL INFORMATION FOR BATTERY ELEVATIONS REFER TO "G-3.0_023126"
 - NOTE 4:** DETAIL INFORMATION FOR MVPS ELEVATIONS REFER TO "G-4.0_023126"
 - NOTE 5:** DETAIL INFORMATION FOR SECURITY FENCE AND LANDSCAPING REFER TO "G-7.0_023126"
 - NOTE 6:** DETAIL INFORMATION FOR CONNECTION ASSET ELEVATIONS REFER TO "G-6.1_023126"
 - NOTE 7:** DETAIL INFORMATION FOR NOISE WALL REFER TO "G-5.0_023126"
 - NOTE 8:** DETAIL INFORMATION FOR HV LINES FROM BESS TO SWITCHING STATION TO BE CONFIRMED IN DETAIL DESIGN STAGE

LEGEND	
	SITE ACCESS GATE AND ROAD
	BATTERY
	MVPS
	HV SWITCHGEAR
	EXISTING OH LINE
	EXISTING LINE EASEMENT
	EXISTING HV POLE/TOWER
	NEW HV POLE/TOWER
	EXISTING ACCESS ROUTE TO BE UPGRADED (TBC)
	EXISTING TREES
	TREE TO BE REMOVED (MARKED)
	EXISTING FENCE
	ROAD/HIGHWAY/RAILWAY
	NEW ACCESS TRACK
	EXISTING ACCESS TRACK
	BESS SECURITY FENCE 1.8 METER HIGH CHAIN MESH SECURITY FENCE GALVANISED STEEL
	TITLE BOUNDARY
	NEIGHBORING BOUNDARIES
	TWO ROW LANDSCAPE
	FOUR ROWS LANDSCAPE
	RESIDENTIAL PROPERTY
	CAR PARK AREA
	TREES TO BE REMOVED (ALL TREES IN THE MARKED AREA)
	EXISTING DAM
	PROPOSED NOISE WALL
	72,000 LITERS WATER TANK

REV	STATUS	DESCRIPTION	DATE	DES	CHK
A	FA	INITIAL ISSUE	15/05/2024	JC	AJ

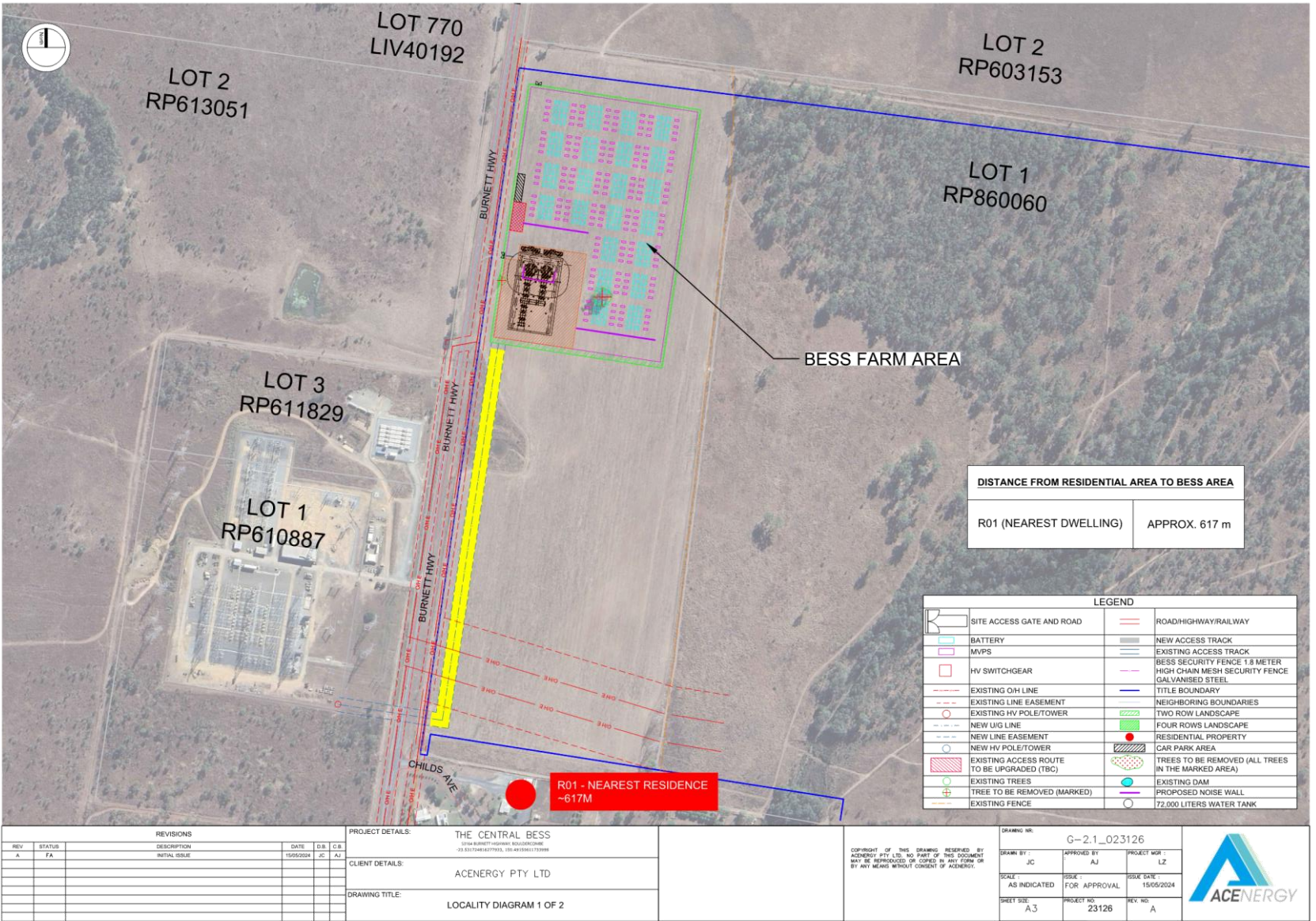
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CLIENT DETAILS:	ACENERGY PTY LTD
DRAWING TITLE:	SITE PLAN 2 OF 2

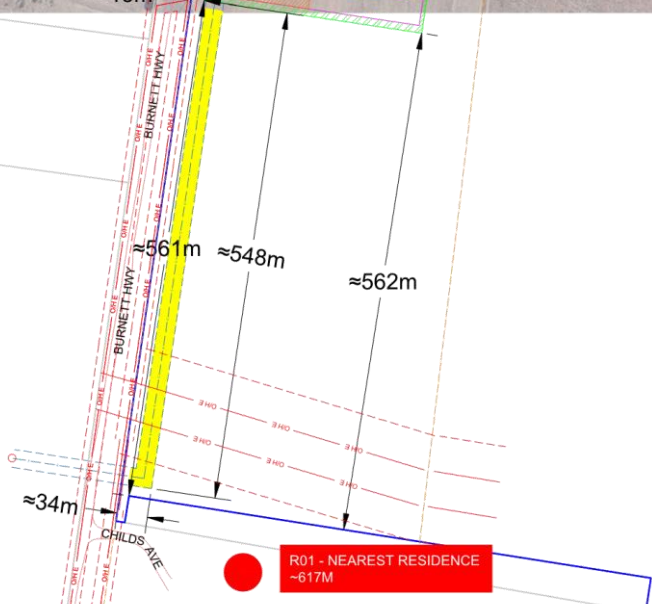
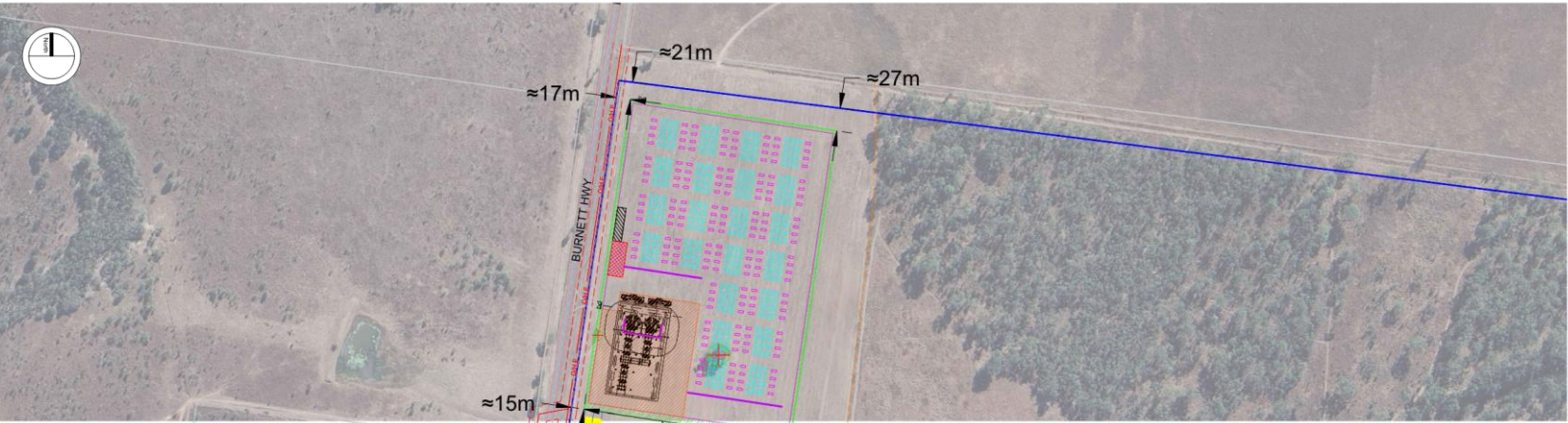
ACENERGY PTY LTD
1504 BURNETT HIGHWAY, ROSKOPF DRIVE
-23.53372481627793, 150.4913961173399

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DRAWING NO:	G-1.2_023126		
DRAWN BY:	JC	APPROVED BY:	AJ
SCALE:	AS INDICATED	ISSUE FOR APPROVAL:	15/05/2024
SHEET SIZE:	A3	PROJECT NO:	23126
		REV. NO:	A







LEGEND	
	SITE ACCESS GATE AND ROAD
	BATTERY
	MVPS
	HV SWITCHGEAR
	EXISTING OH LINE
	EXISTING LINE EASEMENT
	EXISTING HV POLE/TOWER
	NEW UG LINE
	NEW LINE EASEMENT
	NEW HV POLE/TOWER
	EXISTING ACCESS ROUTE TO BE UPGRADED (TBC)
	EXISTING TREES
	TREE TO BE REMOVED (MARKED)
	EXISTING FENCE
	ROAD/HIGHWAY/RAILWAY
	NEW ACCESS TRACK
	EXISTING ACCESS TRACK
	BESS SECURITY FENCE 1.8 METER HIGH CHAIN MESH SECURITY FENCE GALVANISED STEEL
	TITLE BOUNDARY
	NEIGHBORING BOUNDARIES
	TWO ROW LANDSCAPE
	FOUR ROWS LANDSCAPE
	RESIDENTIAL PROPERTY
	CAR PARK AREA
	TREES TO BE REMOVED (ALL TREES IN THE MARKED AREA)
	EXISTING DAM
	PROPOSED NOISE WALL
	72,000 LITERS WATER TANK

REVISED		REVISIONS		DATE		DSE		CER	
REV	STATUS	DESCRIPTION	DATE	DSE	CER	REV	STATUS	DESCRIPTION	DATE
A	FA	INITIAL ISSUE	15/05/2024	JC	AJ				

PROJECT DETAILS:	THE CENTRAL BESS 3704 BURNETT HIGHWAY, BURNETT VIC 3083 +61 8 9415 1300
CLIENT DETAILS:	ACENERGY PTY LTD
DRAWING TITLE:	LOCALITY DIAGRAM 2 OF 2

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DRAWN BY:	JC	APPROVED BY:	AJ	PROJECT UGR:	LZ
SCALE:	AS INDICATED	ISSUE FOR APPROVAL:		ISSUE DATE:	15/05/2024
SHEET SIZE:	A3	PROJECT NO.:	23126	REV. NO.:	A

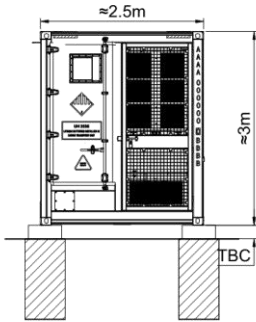
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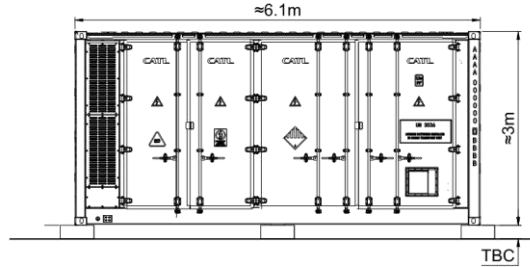
ENERGY STORAGE CONTAINER ELEVATION

SCALE 1:60

ENERGY STORAGE CONTAINER SIDE VIEW



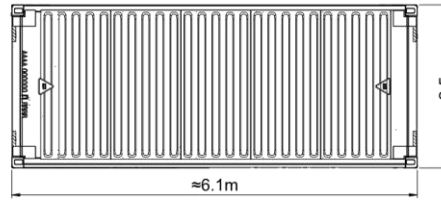
ENERGY STORAGE CONTAINER FRONT VIEW



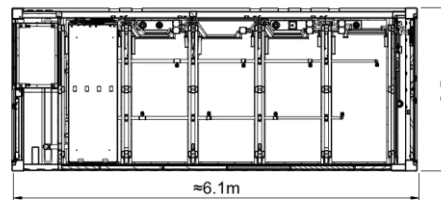
TYPICAL ENERGY STORAGE CONTAINER LAYOUT
 MATERIAL: POWDER COATED STEEL
 COLOUR: WHITE




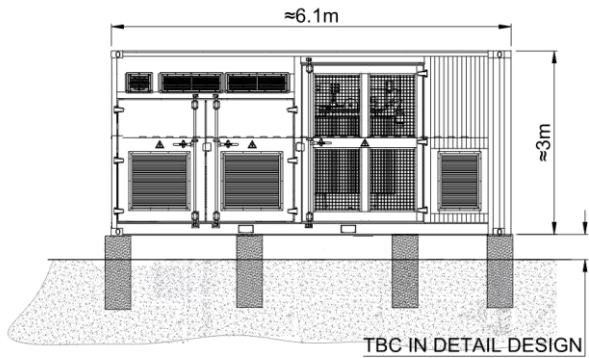
ENERGY STORAGE CONTAINER TOP VIEW



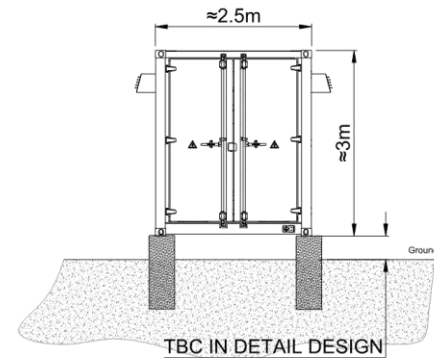
ENERGY STORAGE CONTAINER TOP VIEW - WITHOUT ROOF



REV		STATUS		REVISIONS		DATE		DES		C.B.		PROJECT DETAILS:		DRAWING NO.:							
A		FA		INITIAL ISSUE	15/05/2024	JC	AJ	THE CENTRAL BESS <small>3704 BUNNETT ROAD, WARRAWONG, NSW 2204</small> <small>(02) 53724814/027793, 151-4110161/173095</small>				G-3.0_023126									
CLIENT DETAILS: ACENERGY PTY LTD												DRAWN BY: JC		APPROVED BY: AJ		PROJECT MGR: LZ					
DRAWING TITLE: ENERGY STORAGE CONTAINER ELEVATIONS												<small>COPYRIGHT OF THIS DRAWING RESERVED BY ACENERGY PTY LTD. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS WITHOUT CONSENT OF ACENERGY.</small>				SCALE: AS INDICATED		ISSUE FOR APPROVAL 15/05/2024		ISSUE DATE: 15/05/2024	
SHEET SIZE:		A3		PROJECT NO.:		23126		REV. NO.:		A											

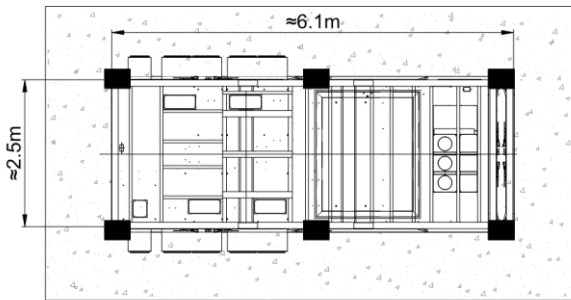


FRONT VIEW
SCALE 1:100



SIDE VIEW
SCALE 1:100


TYPICAL MVPS CONTAINER



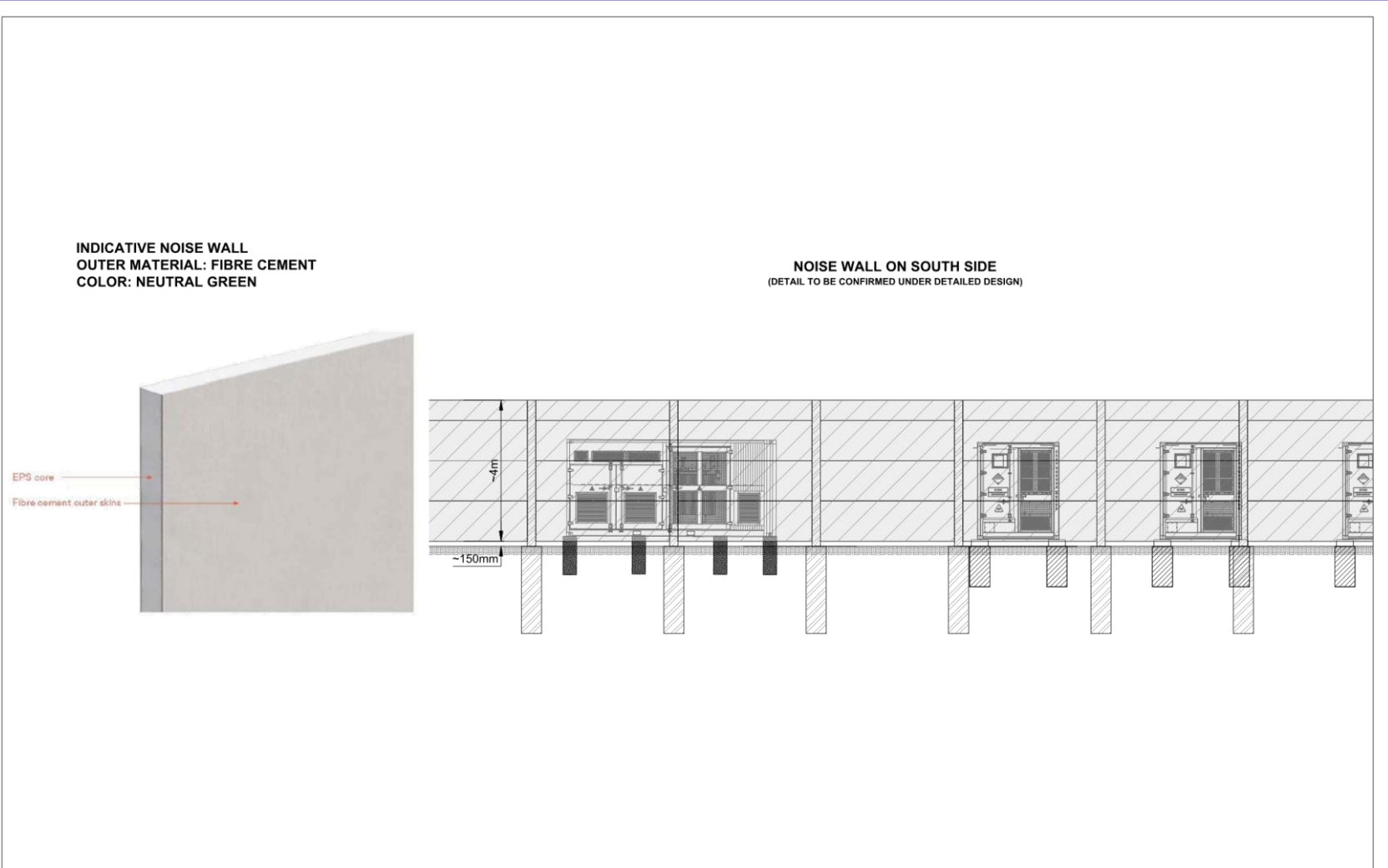
BOTTOM VIEW
SCALE 1:100



MATERIAL: POWDER COATED STEEL
COLOUR: WHITE

REV	STATUS	DESCRIPTION	DATE	DES	CHK	PROJECT DETAILS:	THE CENTRAL BESS	DRAWING NO:	G-4_0_023126		
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B	FA	MVPS COLOR UPDATED	21/05/2024	JC	AJ	DRAWING TITLE:	MVPS ELEVATION	SHEET SIZE:	A3	PROJECT NO:	23126
								REV. NO:	B		

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REV	STATUS	DESCRIPTION	DATE	DES	C.B.
A	FA	INITIAL ISSUE	15/05/2024	JC	AJ

PROJECT DETAILS:	THE CENTRAL BESS <small>1304 BUNNETT ROAD, WARRAWEE, NSW 2204 +61 61 7481467793, 151 4110461173399</small>
CLIENT DETAILS:	ACENERGY PTY LTD
DRAWING TITLE:	NOISE WALL ELEVATION

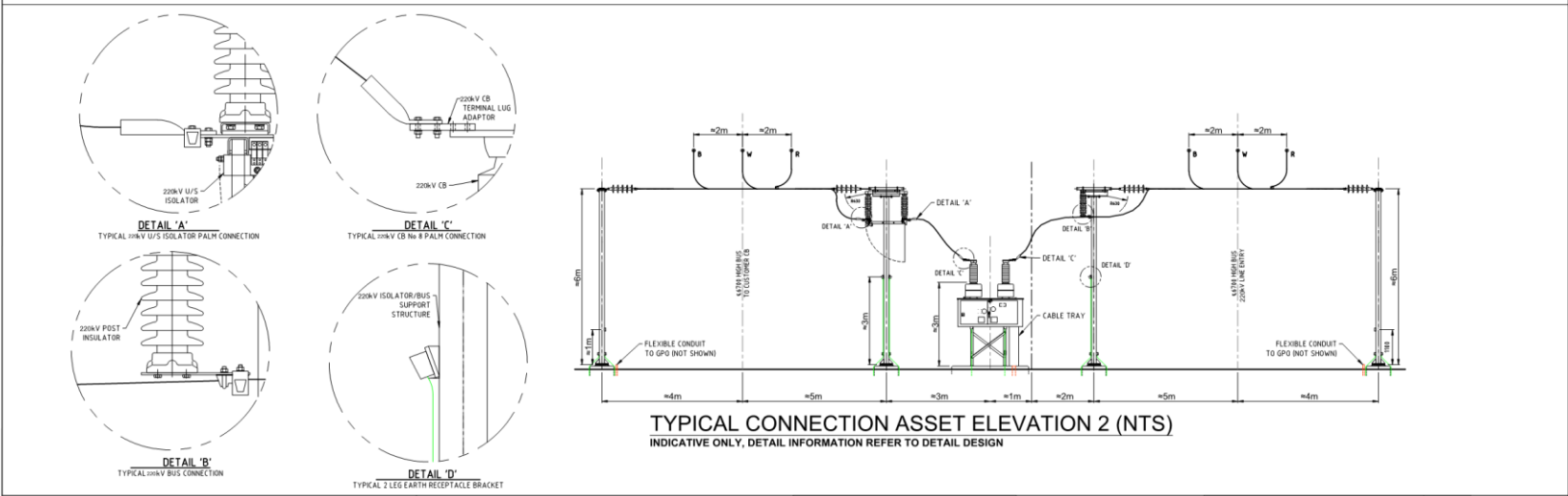
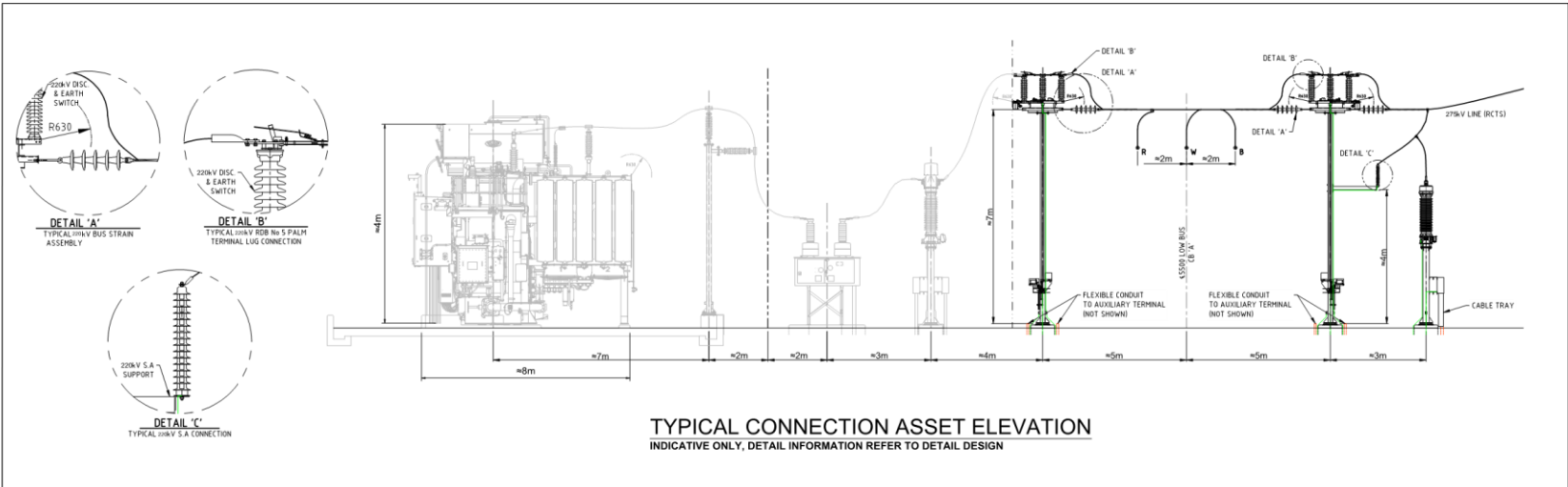
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DRAWING NO: G-5.0_023126

DRAWN BY: JC	APPROVED BY: AJ	PROJECT MGR: LZ
SCALE: AS INDICATED	ISSUE FOR APPROVAL:	ISSUE DATE: 15/05/2024
SHEET SIZE: A3	PROJECT NO: 23126	REV. NO: A

DRAWN BY: JC	APPROVED BY: AJ	PROJECT MGR: LZ
SCALE: AS INDICATED	ISSUE FOR APPROVAL:	ISSUE DATE: 15/05/2024
SHEET SIZE: A3	PROJECT NO: 23126	REV. NO: A



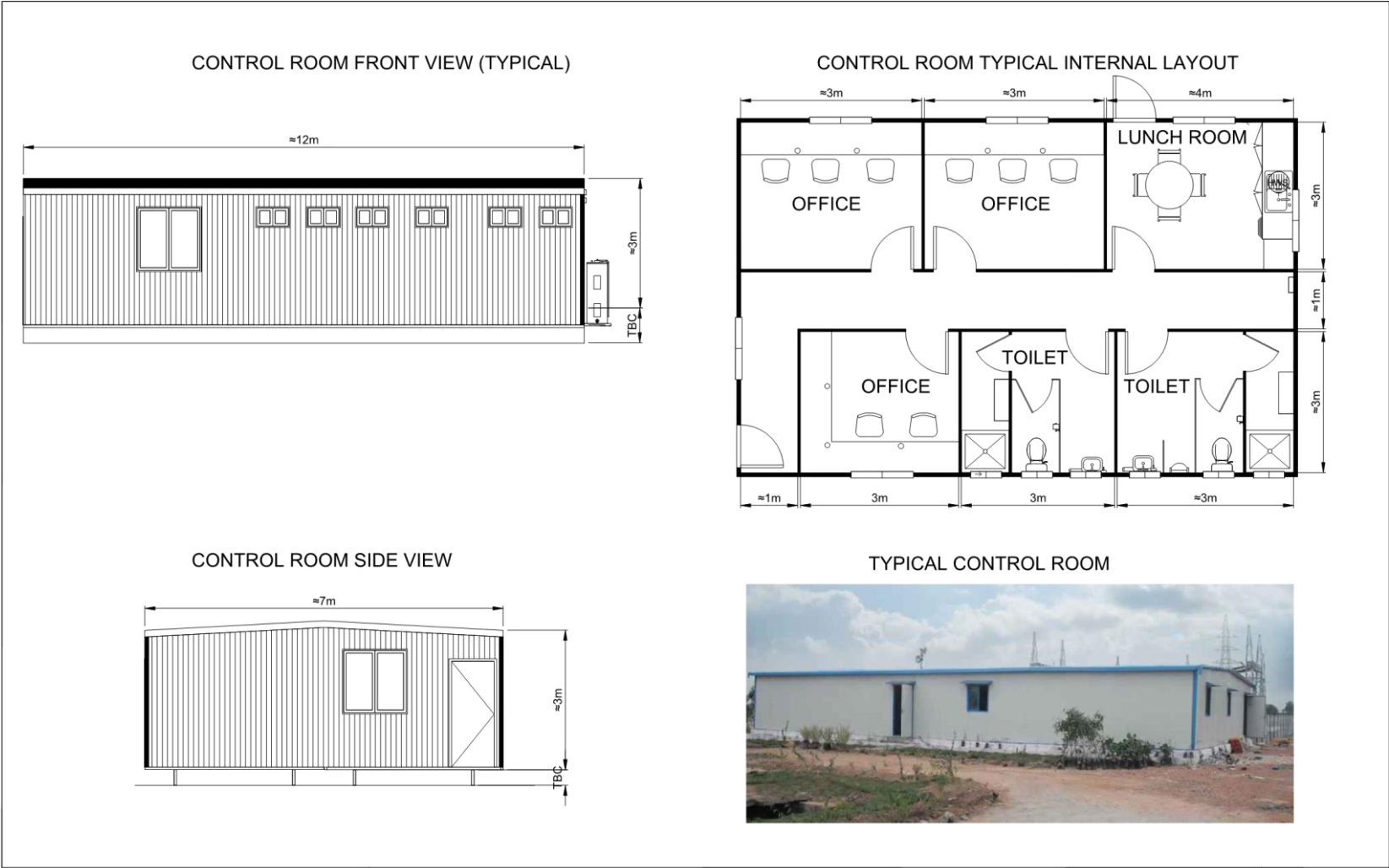



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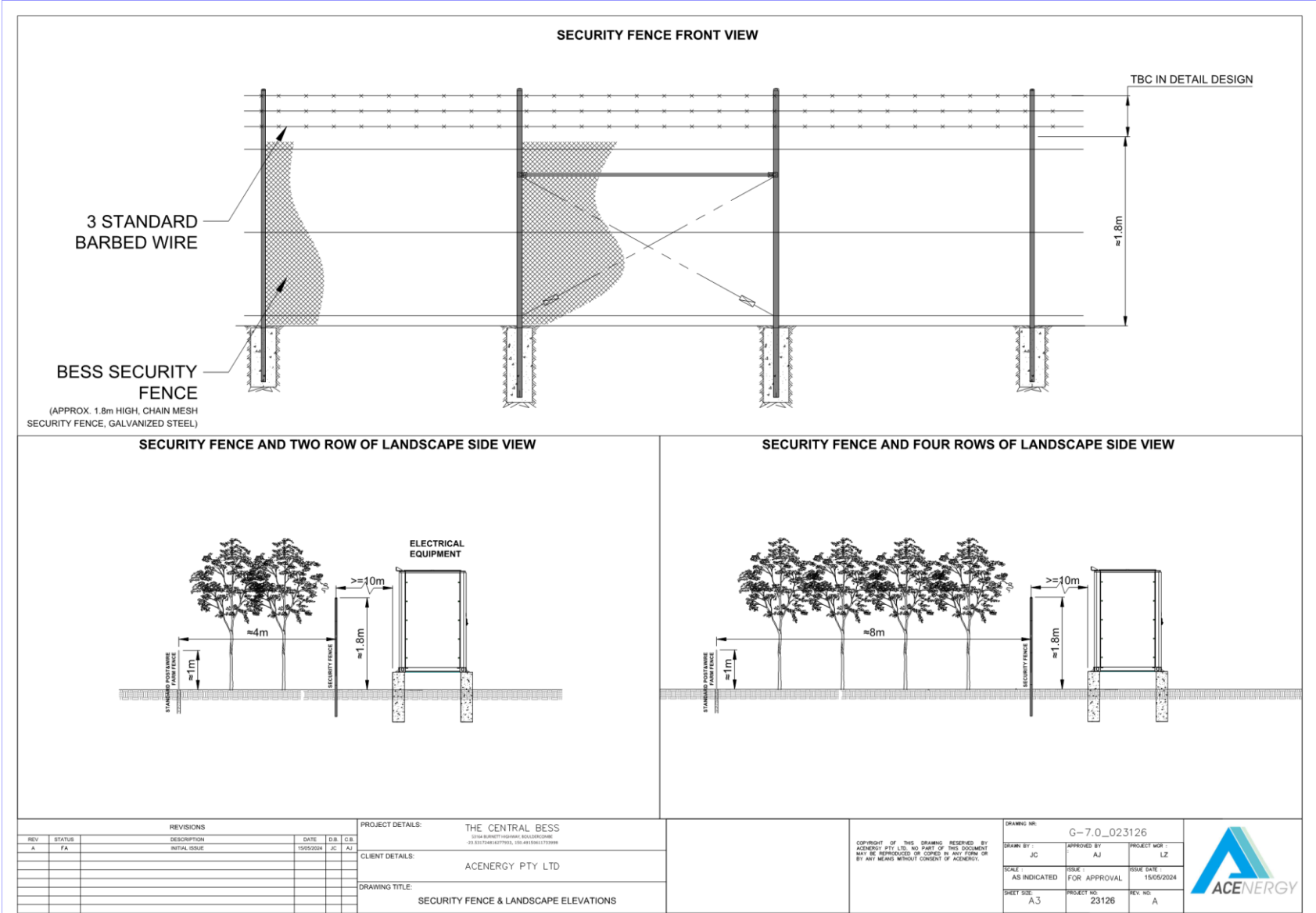
REVISIONS DESCRIPTION DATE DES CB		PROJECT DETAILS: THE CENTRAL BESS 3704 BUNNETT ROAD, BUNNETT, VIC 3083 (03) 93374848/077953, 150-4913061/173999	
CLIENT DETAILS: ACENERGY PTY LTD		DRAWING TITLE: CONNECTION ASSET ELEVATION	

DRAWING NO.: C-6.1_023126			
DRAWN BY: JC	APPROVED BY: AJ	PROJECT MGR: LZ	
SCALE: AS INDICATED	ISSUE FOR APPROVAL:	ISSUE DATE: 15/05/2024	
SHEET SIZE: A3	PROJECT NO.: 23126	REV. NO.: A	

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REV		STATUS		REVISIONS		DATE		DES		C.B.		PROJECT DETAILS:		THE CENTRAL BESS		DRAWING NO:		G-6.2_023126					
A		FA		INITIAL ISSUE	15/05/2024	JC	AJ	CLIENT DETAILS:		ACENERGY PTY LTD		DRAWING TITLE:		CONTROL ROOM ELEVATIONS		COPYRIGHT OF THIS DRAWING RESERVED BY ACENERGY PTY LTD. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR COPIED IN ANY FORM OR BY ANY MEANS WITHOUT CONSENT OF ACENERGY.		SCALE: AS INDICATED				ISSUE DATE: 15/05/2024	
																		DRAWN BY: JC		APPROVED BY: AJ		PROJECT MGR: LZ	
																		SHEET SIZE: A3		PROJECT NO: 23126		REV. NO: A	



11.5 PLANNING ACT 2016 TEMPORARY DELEGATION OVER CHRISTMAS / NEW YEAR PERIOD

File No: 12660
Attachments: Nil
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer
Author: Shannon Jennings - Coordinator Legal and Governance

SUMMARY

The purpose of this report is to obtain a temporary delegation for the Chief Executive Officer to facilitate the statutory requirements of the Planning Act 2016 to accommodate the Council meeting recess over the December 2024 to January 2025 period.

OFFICER'S RECOMMENDATION

THAT Council resolves as per Section 257 of the *Local Government Act 2009* to delegate its powers as 'Assessment Manager' under the *Planning Act 2016* to the Chief Executive Officer for the period 11 December 2024 until 20 January 2025, both dates inclusive, subject to the following limitation:

- (a) The exercise of this delegation will only occur following consultation with, and written concurrence from, two elected members drawn from the below group:
 - i. Mayor or Acting Mayor;
 - ii. Deputy Mayor; or
 - iii. The Planning and Regulation Portfolio Councillor.

BACKGROUND

Council's role under the *Planning Act 2016* is both specific and time constrained as evidenced by the following sections of the *Planning Act 2016* and the *Development Assessment Rules*:

1. *Planning Act 2016* s48(1) - Who is the assessment manager:

The assessment manager for a development application is the person prescribed by regulation as the assessment manager for the application and is responsible for the following:

- (a) administering and deciding a properly made development application; and
- (b) assessing all or part of a properly made development application.

2. Development Assessment Rules 22.1 - The assessment manager must:

Assess and decide the application within 35 days (decision period) in accordance with section 60 and 61 of the *Planning Act 2016* or a further period agreed between the assessment manager and the applicant, from the end of the last relevant part in section 21.

Consequently, to ensure legislative compliance during this period, Council must consider the delegation of its powers as Assessment Manager.

This delegation can be achieved under sections 257(1), (3) and (4) of *Local Government Act 2009 (the Act)* which read as follows:

Delegation of local government powers

- (1) *A local government may, by resolution, delegate a power under this Act or another Act to:*
 - (a) *the Mayor; or*
 - (b) *the Chief Executive Officer; or*
 - (c) *a standing committee, or joint standing committee, of the local government; or*
 - (d) *the chairperson of a standing committee, or joint standing committee, of the local government; or*
 - (e) *another local government, for the purposes of a joint government activity.*
- (3) *Also, a local government must not delegate a power that an Act states must be exercised by resolution.*
- (4) *A joint standing committee, of the local government, is a committee consisting of councillors of the local government and Councillors of 1 or more other local governments.*

Delegations available to Council exist under section 257(1)(a) and (b) of the Act only as the provisions within section 257(1)(c), (d) and (e) of the Act do not apply.

In formulating a response to this need, consideration has been given to the following items:

- elected member availability;
- transparency of decision making;
- accountability of decision making;
- efficiency of decision making; and
- the following table developed to illustrate the interaction of various personnel groupings:

Delegation Interaction Table	
Delegation Group	Consultation Group (require 2 to be selected from this group)
Chief Executive Officer	Mayor or Acting Mayor Initially the Deputy Mayor or another Councillor appointed for periods of absence of both the Mayor and Deputy Mayor.
Acting Chief Executive Officer, as appointed for periods of absence	Deputy Mayor Planning and Regulation Portfolio Councillor

The recommendation as proposed is considered to provide the greatest flexibility to Council in meeting its statutory requirements over this period whilst maintaining the integrity, transparency and accountability of the administration of planning process.

LEGISLATIVE CONTEXT

The *Planning Act 2016* identifies Council as the Assessment Manager for certain types of development. This Act, including through the Development Assessment Rules prescribes the

process and timeframes by which Council must discharge its obligations as an Assessment Manager.

Local Government Act 2009 provides the mechanism by which the Council may delegate its powers as Assessment Manager pursuant to the *Planning Act 2016*.

RISK ASSESSMENT

Failure to meet the statutory requirements of the *Planning Act 2016* is considered to be high in the absence of mitigating action. The action as proposed alleviates the risk.

CONCLUSION

Consequently, there is a period of approximately six weeks where some development applications may not be able to be processed in accordance with the requirements of the *Planning Act 2016*.

It is considered appropriate to provide a temporary delegation to the Chief Executive Officer, subject to the limitations identified in the recommendation, to facilitate the statutory requirements of the *Planning Act 2016*.

11.6 REQUEST TO EXTEND DEVELOPMENT INCENTIVES

File No: 13674
Attachments: Nil
Authorising Officer: Wade Clark - Economic Development Manager
Angus Russell - Executive Manager Advance
Rockhampton
Evan Pardon - Chief Executive Officer
Author: Jack Duncan - Economic Development & Industry
Engagement Advisor

SUMMARY

This report deals with a requested extension to the conditions of an approved development incentive application.

OFFICER'S RECOMMENDATION

THAT Council adopts Option 3 in relation to providing infrastructure charges concession for the subject development, with no further consideration for extension.

COMMENTARY

Council has received a request from the developer of D/171-2021, S6 Grace Medical Centre, requesting extension to the construction completion conditions associated with their approved application under the superseded Development Incentives Policy.

In October 2022, Council approved a Development Incentive Application from the developer, whereby the infrastructure charges for the project were to be concessioned in accordance with Council's Development Incentive Policy at the time.

The Development Incentives Policy *1 January 2021 to 31 December 2021* would provide a 75% infrastructure charge concession upon satisfactory completion of the following conditions:

- (i) The use must commence within three years of the properly made development application being approved by Council;
- (ii) Confirmation of payment of infrastructure charges within the specified payment times; and
- (iii) Satisfactory completion of development permit conditions within three years of the development application approval.

S6 Grace Medical's Properly Made Application for D/171-2021 was approved 23 December 2021, making the development ineligible if construction remained incomplete as at 23 December 2024.

Construction has not begun. The developer attributes the delayed construction to several external forces, including the builder availability, delays incurred in planning and approval stages and the effects of COVID-19.

The developer anticipates a 48-week construction time, without accommodating for inclement weather, public holidays, and other variables.

As the Development Incentive as it applies to D/171-2021 will expire on the 23 December 2024, solutions to incentivising the development are discretionary.

Council may wish to consider one of the following options:

1. Decline the request to extend the terms of the incentives (0% applied);
-

2. Agree to the request in whole (75% applied);
3. Agree to the request in part (50% applied), subject to construction being completed by the end of 2025; or
4. A variation to the terms as set by Council.

The recommendation is to provide a 50% infrastructure charge concession. This is in recognition of the project's merit for meeting social and economic demands, as demonstrated in an Economic Impact Assessment provided in the Development Application, through the provision of health services and student accommodation. A reduction from the superseded policy's 75% incentive is rationalised by the development's existing concessions, and non-compliance with the Policy that underpinned the agreed incentive.

BACKGROUND

D/171-2021 is a general practice medical clinic and pharmacy development at 90-94 High Street, Berserker. The development plan expects to enable another 10 to 12 doctors at the existing Mount Archer Medical facility at 84 High Street.

The plans also include accommodation for travelling specialists and/or students.

The development was Impact Assessable due to its position in a Low-Density Residential Zone. It was assessed against an Economic Impact Assessment (EIA), demonstrating an overriding planning need for the development. This was based on significant demand for health care and pharmaceutical services, driven by high rates of illness, chronic disease and mental health issues, particularly in the surrounding suburbs and Rockhampton more broadly.

The EIA also demonstrated that there are no or very limited appropriately zoned sites of a size that could reasonably accommodate health care and pharmaceutical services at a scale expected or required by consumers. The 90-94 High Street site is also located proximate to existing non-residential activities and a Major Centre Zone.

The projected capital investment of the project is estimated at \$2,000,000, as detailed in the original incentive application.

PREVIOUS DECISIONS

Council resolved unanimously on 8 December 2024, that a 100% concession in relation to the infrastructure charges of the Fitzroy Community Hospice be applied, in response to a letter of request.

On 8 August 2023, Council carried the motion to extend the infrastructure charges concession for a residential development, 'The Loft', by six months; a product of the same policy predicating this report.

BUDGET IMPLICATIONS

Any waiving of fees, or reimbursement of fees paid, will ultimately impact on Council's operational and capital revenue.

The infrastructure charges notice for D/171-2021 includes concessions built-in to the adopted *Charges Resolution (No. 1) of 2022*. This concession was applied due to the charge being levied between 1 July 2022, and 30 June 2023, reducing the levied charge by 15%. This concession was included to offset charge increases as Council transitioned to the new Charges Resolution.

An Infrastructure Credit of \$92,032.95 is also applicable for the existing three lots, which may be attributed to previous contributions, or an existing lawful use permitted under the Planning Scheme, on the site at the time of lodging the application.

Total Base Charge	\$185,111.39
Charge (including PPI)	\$203,640.19
Total Base Credit	\$92,032.95
Credit (including PPI)	\$101,245.03

TOTAL CHARGE	\$102,395.16
LEVIED CHARGE (85% of total charge)	\$87,035.89
DEVELOPMENT INCENTIVE (75% of levied charge)	\$65,276.92
AMOUNT PAYABLE	\$21,758.97

An incentive of 50% of the levied charge is proposed, where the construction is completed between 23 December 2024 and 23 December 2025.

The development is subject to quarterly automatic indexation of levied charges. This is applied to the levied charge, meaning the amount payable after the incentive adjusts accordingly with Producer Price Indexes (PPI).

The revised incentive rate results in an increase of \$21,758.97 to the developer's liability to Council.

		Recommended	
	No Concession Applied	50% Con. Applied	75% Con. Applied
Charges Payable*	\$ 87,035.89	\$ 43,517.95	\$ 21,758.97
Forgone Revenue*	\$ -	\$ 43,517.95	\$ 65,276.92
*Subject to PPI			

LEGAL IMPLICATIONS

The Development Incentives Policy exists to ensure a transparent and objective process. The development incentives application that was approved provides a binding contract up to 23 December 2024. It is at Council's discretion whether this extension is approved, but given the circumstances outlined, it is recommended that approval for extension is given.

STAFFING IMPLICATIONS

There are no staffing implications resulting from this report.

RISK ASSESSMENT

Declining the developer's request to extend the terms of the development incentives may impact the developer's project budget and subsequently the projects delivery timeline or financial viability.

The decision made by Council on this report may set a precedent for future requests for development incentives.

CORPORATE/OPERATIONAL PLAN

A resolution in favour of extension of, or variation to, the concession for the medical centre contributes to a variety of Council endorsed outcomes.

The 2022-27 Corporate Plan outlines Council's aspirations to 'deliver and implement economic development strategies and plans to support future growth opportunities' and Councils vision for one great region to live, visit and invest.

This theme is supported by the following corporate outcomes:

3.1 – We plan for growth with the future needs of the community, business and industry in mind.

The 2024-25 Operational Plan, which underpins the Corporate Plan, includes the following relevant actions:

3.2.1 – We support projects that strengthen the Region's economic development.

The Rockhampton Region Economic Development Strategy and Action Plan also designates:

P2.I – Support the continued growth of quality health and education facilities.

P4.G.AC2 – Work with industry to de-risk industry development opportunities in aged care, agriculture, construction, defence, manufacturing, resources, transport & logistics and the visitor economy.

CONCLUSION

Council has been asked to consider extension of, or variation to, the infrastructure charge concessions associated with D/171-2021 that were approved in 2021, outside of policy.

The development provides significant social impact, improving the Region's accessibility to medical professionals.

The developer will be expected to comply with all other conditions of the Development Incentive Policy as originally prescribed for the concession to be processed if Council decides in favour of extension.

11.7 REQUEST TO EXTEND DEVELOPMENT INCENTIVES

File No:	13674
Attachments:	1. Letter to Council - Extension to Development Incentive Request - 12 November 2024 ↓
Authorising Officer:	Wade Clark - Economic Development Manager Angus Russell - Executive Manager Advance Rockhampton Evan Pardon - Chief Executive Officer
Author:	Jack Duncan - Economic Development & Industry Engagement Advisor

SUMMARY

This report deals with a requested extension to the conditions of an approved development incentive application.

OFFICER'S RECOMMENDATION

THAT Council adopts Option 3 in relation to providing infrastructure charges concession for the subject development, with no further consideration for extension.

COMMENTARY

Council has received a letter on 12 November 2024 from Multicap (attached), developer of D/138-2020, requesting extension to the construction completion conditions associated with their approved application under the superseded Development Incentives Policy.

In October 2022, Council approved a Development Incentive Application from Multicap, whereby the infrastructure charges for the project were to be concessioned in accordance with Council's Development Incentive Policy at the time.

The Development Incentives Policy *1 January 2021 to 31 December 2021* would provide a 75% infrastructure charge concession upon satisfactory completion of the following conditions:

- (i) The use must commence within three years of the properly made development application being approved by Council;
- (ii) Confirmation of payment of infrastructure charges within the specified payment times; and
- (iii) Satisfactory completion of development permit conditions within three years of the development application approval.

Multicap's Properly Made Application for D/138-2020 was approved 16 April 2021.

Stage 1a was completed in April 2024, effectively commencing use within three years of the properly made development application approval. 100% of the levied charge, plus an overpayment of \$3,046.25 was paid for this stage.

The construction of Stage 1b is now expected to be complete in February 2026, while Stages 2 and 3 are forecasted to be completed in 2032.

The letter attributes the delayed construction to circumstances including the shortage of skilled construction workers in regional Queensland, and the significant costs of construction materials.

This report's recommendation aims to minimise digression from the objective of the Development Incentives Policy, which was to stimulate developments that would be complete within three-years.

However, Council may wish to consider one of the following options:

1. Decline the request to extend the terms of the incentives (0% applied to all stages);
2. Agree to the request in whole (75% applied to all stages);
3. Agree to the request in part (75% applied to Stages 1a and 1b), subject to construction being completed by the end of 2026; or
4. A variation to the terms as set by Council.

Any decision to incentivise the development from this point is outside of any policy, as the Development Incentive Policy is now expired, and is a departure from how the Development Incentives Policy has been applied to developments previously.

The development is not a Commonwealth registered Community Housing Provider, meaning the organisation does not meet the conditions required to apply for infrastructure charge concessions under the Social Housing Development Incentive Policy.

BACKGROUND

D/138-2020 is a Residential Care Facility at 76 Jardine Street, West Rockhampton. The development plan includes the delivery of 20 bedrooms and eight on-site overnight assistance rooms.

The developer, Multicap Limited, is a not-for-profit charitable organisation.

The development will provide increased independent housing and support options for people with disabilities in Rockhampton through the construction of housing for people with high and complex needs. All units will be designed and constructed to be fully accessible for supported independent living. All buildings also include a room and ensuite for overnight support staff.

The projected capital investment of the project is \$25,000,000.

The development is projected to employ up to 20 FTE in the disability/health industry on an ongoing basis from March 2024. Multicap will especially target local people who are unemployed and disadvantaged in accessing employment, through Skilling Queenslanders for Work Program providers. Multicap have successfully trained and secured employment for 20 local people in Rockhampton since 2019, and now partner with other providers to provide work experience and employ a local qualified workforce.

In addition, each stage of the development will employ 45 FTE in the construction industry sourced locally in the Rockhampton region. A very large proportion of the consultants appointed for Stages 1a and 1b are based locally. The builder for Stage 1a was based in Rockhampton, while Stage 1b will be tendered out shortly with two out of the three builders shortlisted to tender based in Rockhampton.

PREVIOUS DECISIONS

Council resolved unanimously on 8 December 2024, that a 100% concession in relation to the infrastructure charges of the Fitzroy Community Hospice be applied, in response to a letter of request.

On 8 August 2023, Council carried the motion to extend the infrastructure charges concession for a residential development, 'The Loft', by six months; a product of the same policy predicating this report.

BUDGET IMPLICATIONS

Any waiving of fees, or reimbursement of fees paid, will ultimately impact on Council's operational and capital revenue.

The following table demonstrates the financial implications of a number of scenarios. Progressive Total columns represent the accumulative total of forgone revenue after each stage progresses.

						Recommended		
	Stage	Comp.	Charges Payable (0%)	75% Con. Applied	Foregone Revenue	Progressive Total	50% Con. Applied	Progressive Total
Recommended	S1A	2024	\$ 30,433.50	\$ 7,608.38	\$ 22,825.13	\$ 22,825.13	\$ 15,216.75	\$ 15,216.75
	S1B	2026	\$ 81,974.00	\$ 20,493.50	\$ 61,480.50	\$ 84,305.63	\$ 40,987.00	\$ 56,203.75
	S2	2032	\$ 74,587.50	\$ 18,646.88	\$ 55,940.63	\$ 140,246.25	\$ 37,293.75	\$ 93,497.50
	S3	2032	\$ 66,929.50	\$ 16,732.38	\$ 50,197.13	\$ 190,443.38	\$ 33,464.75	\$ 126,962.25
		Total	\$ 253,924.50	\$ 63,481.13			\$ 126,962.25	

Stage 1a has been paid in full, as well as an additional \$3,046.25. Should Council resolve to extend the conditions, and be met by the developer, Council would only forego revenue rather than credit them. The table below reflects the recommendation.

Stage 1a Fees Paid	\$ 30,433.50
Surplus	\$ 3,046.25
Total Paid	\$ 33,479.75
1a Refund (75%)	\$ 22,825.13
Multicap in Credit	\$ 25,871.38
1b Payable Charges (75% concession)	\$ 20,493.50
Multicap in Credit - Transferred to S2	\$ 5,377.88

LEGAL IMPLICATIONS

The Development Incentives Policy exists to ensure a transparent and objective process. The development incentives application that was approved provides a binding contract up to 16 April 2024. It is at Council’s discretion whether this extension is approved, but given the circumstances outlined, it is recommended that approval for extension is given for Stage 1b.

STAFFING IMPLICATIONS

There are no staffing implications resulting from this report.

RISK ASSESSMENT

Declining the developer’s request to extend the terms of the development incentives may impact the developer’s project budget and subsequently the projects delivery timeline or financial viability.

The decision made by Council on this report may set a precedent for future requests for development assistance.

CORPORATE/OPERATIONAL PLAN

A resolution in favour of extension of, or variation to, concession for the residential care facility contributes to a variety of Council endorsed outcomes.

The 2022-27 Corporate Plan outlines Council’s aspirations to “deliver and implement economic development strategies and plans to support future growth opportunities” and Councils vision for “one great region to live, visit and invest”.

This theme is supported by the following corporate outcomes:

3.1 – We plan for growth with the future needs of the community, business and industry in mind.

The 2024-25 Operational Plan, which underpins the Corporate Plan, includes the following relevant actions:

3.2.1 – We support projects that strengthen the Region’s economic development.

The Rockhampton Region Economic Development Strategy and Action Plan 2023 – 2028 also designates:

P2.I – Support the continued growth of quality health and education facilities.

P4.G.AC2 – Work with industry to de-risk industry development opportunities in aged care, agriculture, construction, defence, manufacturing, resources, transport & logistics and the visitor economy.

CONCLUSION

Council has been asked to consider extension of, or variation to, the infrastructure charge concessions associated with D/138-2020 that were approved in 2021, outside of policy.

The development provides significant social impact on the Region, and significant investment in the local economy.

The developer will be expected to comply with all other conditions of the Development Incentive Policy as originally prescribed for the concession to be processed if Council decides in favour of extension.

REQUEST TO EXTEND DEVELOPMENT INCENTIVES

Letter to Council - Extension to Development Incentive Request - 12 November 2024

Meeting Date: 10 December 2024

Attachment No: 1





12 November 2024

The Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
Rockhampton
QLD 4700

Dear Evan Pardon,

**Extension to Development Incentive D/138-2020/A for the Property Located at
76 Jardine Street, West Rockhampton**

Reference is made to the Development Incentive approval from Council dated 27 October 2022.

We understand that if the development is not completed within 3 years from 16 April 2021, Multicap Limited will be required to pay the full amount of Infrastructure Charges specified in the Amended Infrastructure Charges Notice.

As of current, development status is as follows :

- Stage 1a comprising of two x 2-Bedroom + OOA Villas was completed in March 2024 and infrastructure charges paid.
- Stage 1b comprising of two x 1-Bedroom + OOA Units and two x 2-Bedroom + OOA Units is in the tender documentation stage and scheduled to commence construction works in January 2025 and completion in February 2026.

The facts and circumstances for not meeting the 16 April 2024 completion for the whole development are outlined as follows :

- The development was staged to correspondingly meet the growing demand of disability services in the Rockhampton region. This will avoid an oversupply of dwellings situation if the development was completed in a single delivery. The proposed stagings in line within the amended Decision Notice dated 20 August 2024 are summarised as follows :
 - Stage 1a has been completed.
 - Stage 1b is scheduled for completion in 2026.
 - Stages 2 and 3 are scheduled for completion in 2032.
- Shortage of skilled labour/construction trades in regional Queensland. In staging and pushing back Stages 1b, 2 and 3, the impact is lessened with a smaller construct at any one time.



Multicap Limited ABN 40 120 240 686 | ACN 084 424 493
269 Padstow Road, PO Box 4013, Eight Mile Plains QLD 4113 | P 1300 135 886 | multicap.org.au



- The significant increased costs of construction materials impacting the entire construction industry post-Covid. Although the rate of cost increase has been on the decline, this is still an issue currently. In staging and pushing back Stages 1b, 2 and 3, the impact is lessened with a smaller construct at any one time.

Due to the above reasons, Multicap Limited was unable to meet the deadline of 16 April 2024 in delivering the development.

We trust that Council will consider our request to extend the validity of the Development Incentive favourably.

Please contact me directly if you have any questions in relation to the above.

Yours faithfully,

Kenneth Ho
Project Manager
M : 0466 793 479
E : Kenneth.ho@multicap.org.au

11.8 CONTINUATION OF THE CBD DINING PLATFORM PROGRAM

File No:	11359
Attachments:	1. Dining Platform Program Survey 2024 - Summary Report ↓
Authorising Officer:	Wade Clark - Economic Development Manager Evan Pardon - Chief Executive Officer
Author:	Jack Duncan - Economic Development & Industry Engagement Advisor

SUMMARY

This report seeks to further extend Council's CBD dining platform program.

OFFICER'S RECOMMENDATION

THAT Council:

1. Continue operation of the Dining Platform Program through to 30 January 2028, in accordance with the existing applicable local laws, eligibility requirements, and terms & conditions.
2. Begin an Expression of Interest process for unutilised and out-of-contract platforms.

COMMENTARY

The Dining Platform Program, administered by Advance Rockhampton, was endorsed by Council to operate through to 30 December 2024.

A survey was run from 7 November to 27 November 2024 to ensure the program meets the expectations of traders, customers, and the broader community and to inform a decision about the continuation of the program.

The survey responses (attached) from the 26 respondents were largely positive, with the results revealing the community are in favour of continuing the program.

- 92.2% of respondents reported the dining platforms as having provided a level of positive impact on the CBD.
- 73.1% of respondents said the dining platforms provided more value to the CBD than the parking spaces they occupy.
- 53.3% of respondents indicated that they would like to see more, with an additional 19.2% willing to see more with improvements to the platforms and their management.

Council is currently in possession of six platforms. Five have associated Platform Hire Agreements, across four businesses, expected to expire 30 December 2024. Two unutilised platforms are in storage on Council land.

Advance Rockhampton is committed to continuous improvement on the Dining Platform Program. Subject to a resolution in favour of extension, Advance Rockhampton will review the governing policies and procedures to ensure effectivity for internal and external stakeholders.

BACKGROUND

The CBD Redevelopment Framework (endorsed in January 2017) identified the opportunity to extend the use of the footpath and road reserve to create new places for dining platforms

that can create new and interesting public places, or safely extend the service area of food and beverage businesses.

The Dining Platform program concept was developed and taken to Council with an intent to create places of interest for the purpose of CBD activation – thereby improving the liveability and amenity of Rockhampton’s principal centre.

In September 2017 Council adopted the Pilot Dining Platform Program for three dining platforms and use of car spaces in the Rockhampton CBD for a six-month period. These were installed at Coffee Society, Artizan Gluten Free Bakery and The Ginger Mule.

Council subsequently reviewed the success of the dining platforms and approved an additional three platforms to be constructed and used in car parking spaces.

In November 2019, Council adopted the resolution that there were an adequate number of platforms in the CBD, and not to accept any additional applications until the current leases start to expire in December 2020.

PREVIOUS DECISIONS

Council previously resolved a three-year extension of the program on 24 November 2020.

On 14 November 2023, Council unanimously endorsed extension of the program to 30 December 2024 to allow time for community engagement and program review.

BUDGET IMPLICATIONS

There are routine maintenance expenses and irregular relocation expenses involved in the operation of the program. These are included in Council’s operational budget and are partially recovered through hire fees.

The fee for hire on active agreements is \$675 (GST Incl.) per six months, and contracts are offered on a 12 or 24-month basis. The fees are reviewed annually to factor in inflation.

The program is viewed as a service and is not intended to generate a profit.

The platforms are all financial or low-cost maintainable assets on the Asset Register. They have ample life remaining and are built for purpose. A decision against extension of the program would result in the platforms being stored and liable for the costs of maintenance and subject to depreciation. If an alternate use could not be found, the platforms may be disposed of which will lead to a significant general ledger write-off.

LEGISLATIVE CONTEXT

There is no legislative context applicable to this report.

LEGAL IMPLICATIONS

All active Hire Agreements expire 31 December 2024.

STAFFING IMPLICATIONS

There are no staffing implications arising from the recommendation.

RISK ASSESSMENT

CBD parking has been subject to discourse. While community engagement confirms the platforms return more value than the car spaces they occupy, more credibility would be attained through a larger survey sample size.

CORPORATE/OPERATIONAL PLAN

This report is supported by objectives marked in various Council endorsed strategies and frameworks:

Rockhampton Regional Council 2024-2025 Operational Plan

Effort 3.2.2 - We facilitate business development and capacity building.

Effort 3.3.2 - We design places and deliver events that encourage visitors to come and stay.

Rockhampton Region Economic Development Strategy & Action Plan

Outcome P5.E – Deliver a more vibrant and activated Rockhampton CBD.

Rockhampton CBD Redevelopment Framework

A2j – On-Street Dining Program for CBD with particular focus on activation of Quay Street.

CONCLUSION

The Dining Platform Survey indicates that the program is achieving its objectives. The report recommends further extension of the program, and maximum utilisation of the assets, to continue working towards a vibrant CBD.

CONTINUATION OF THE CBD DINING PLATFORM PROGRAM

Dining Platform Program Survey 2024 - Summary Report

Meeting Date: 10 December 2024

Attachment No: 1



CBD Dining Platform Program Survey

SURVEY RESPONSE REPORT

7 November 2024 - 27 November 2024

PROJECT NAME:
CBD Dining Platform Program Survey

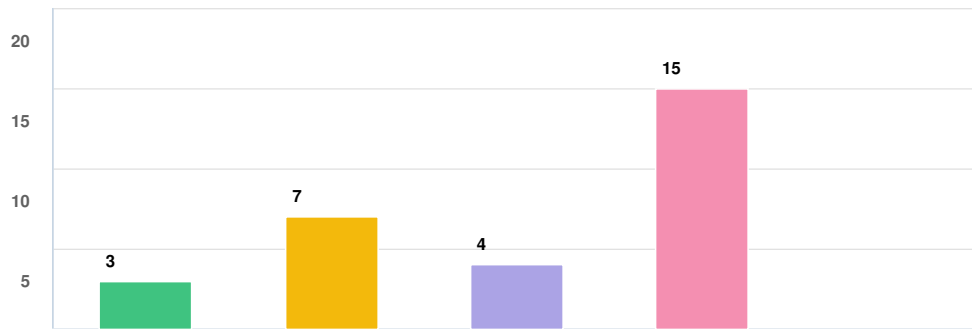




SURVEY QUESTIONS



Q1 Which best describes you? (Select all that apply)

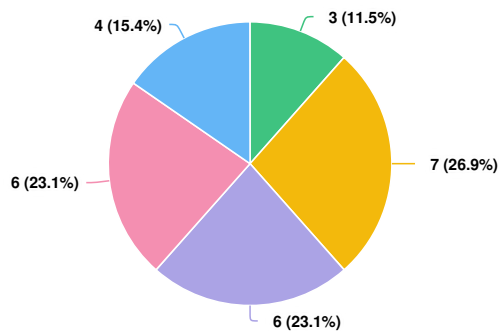


Question options

- I live in the CBD
- I work in the CBD
- I own a business in the CBD
- I don't live or work in the CBD, but I visit the CBD
- Other (please specify)

Mandatory Question (26 response(s))
 Question type: Checkbox Question

Q2 Please select your age group



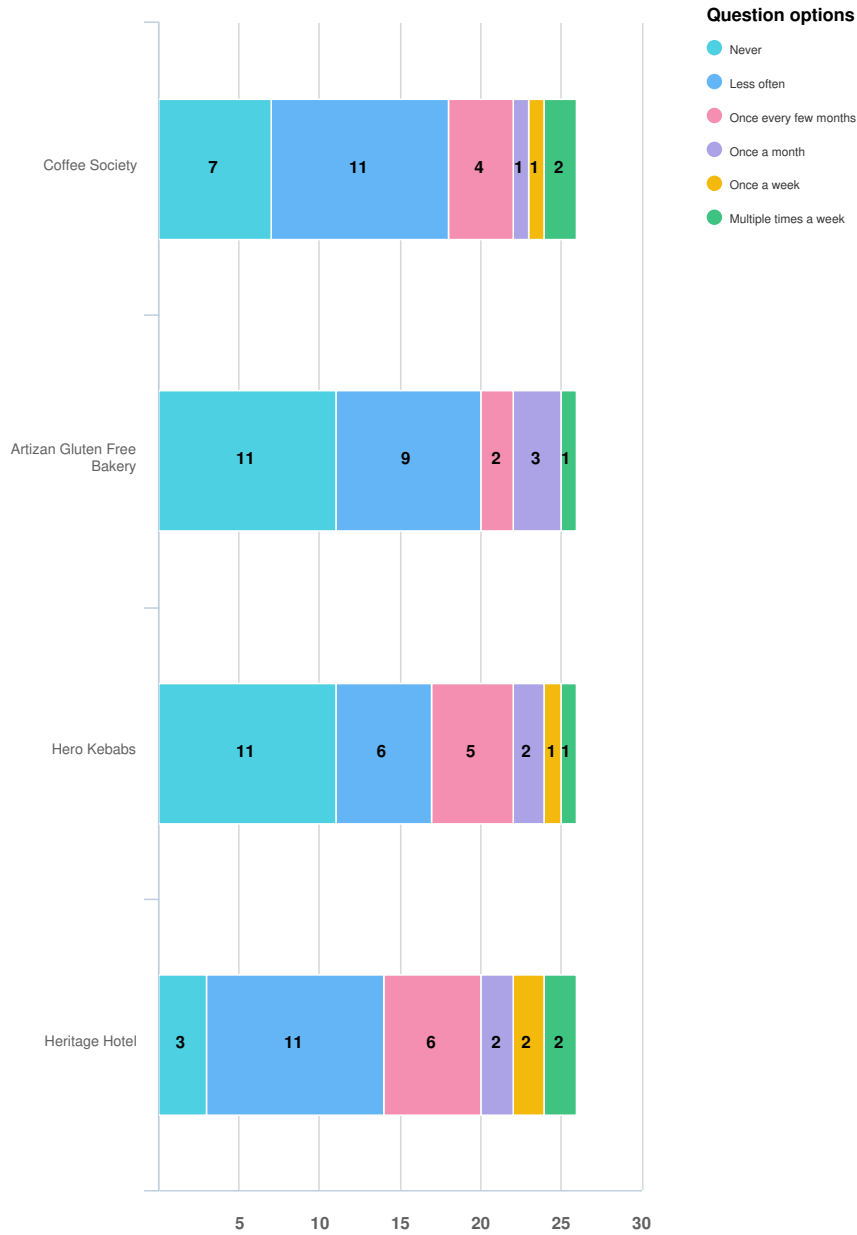
Question options

- 18-25
- 26-40
- 41-50
- 51-60
- 60+

Mandatory Question (26 response(s))
 Question type: Dropdown Question



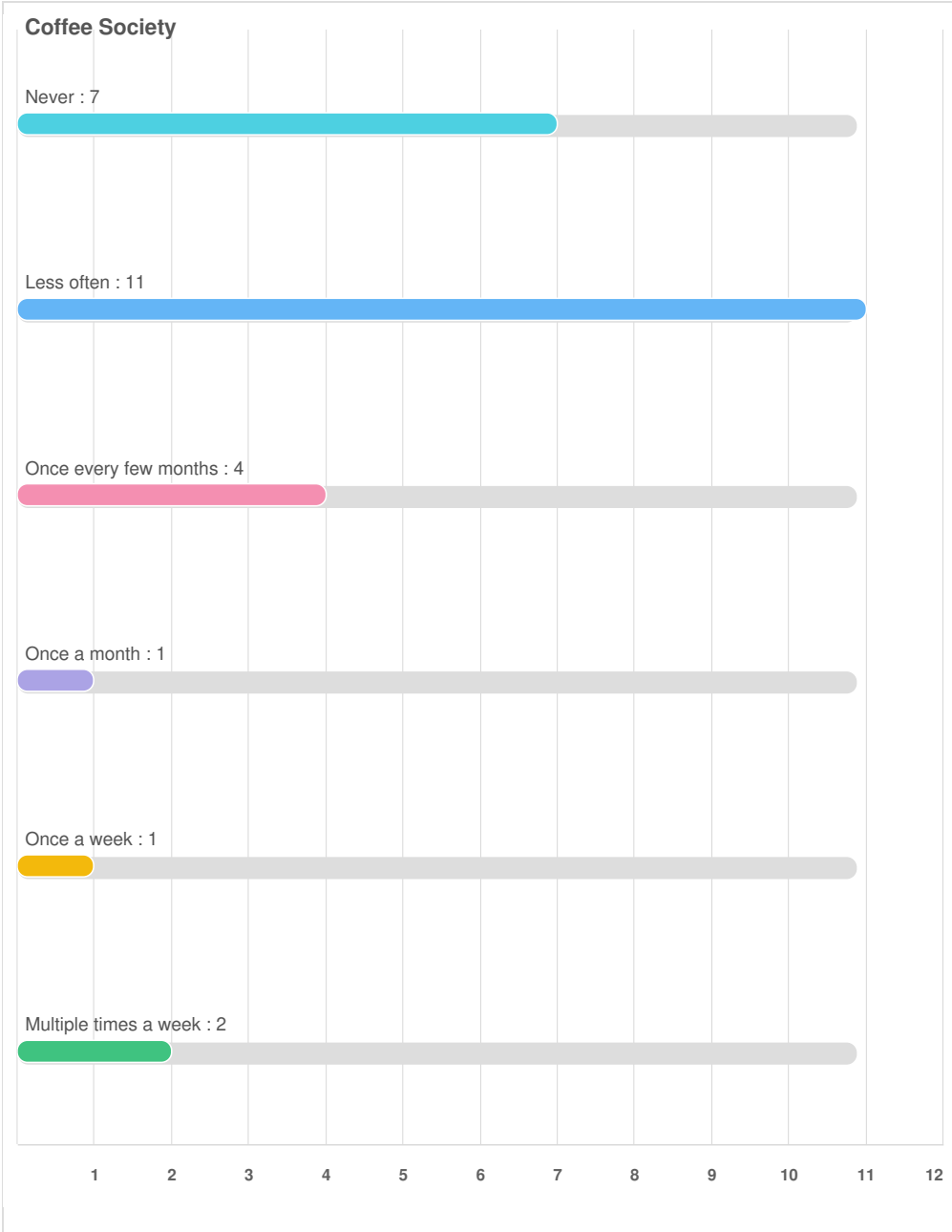
Q3 How often do you use the dining platforms at:

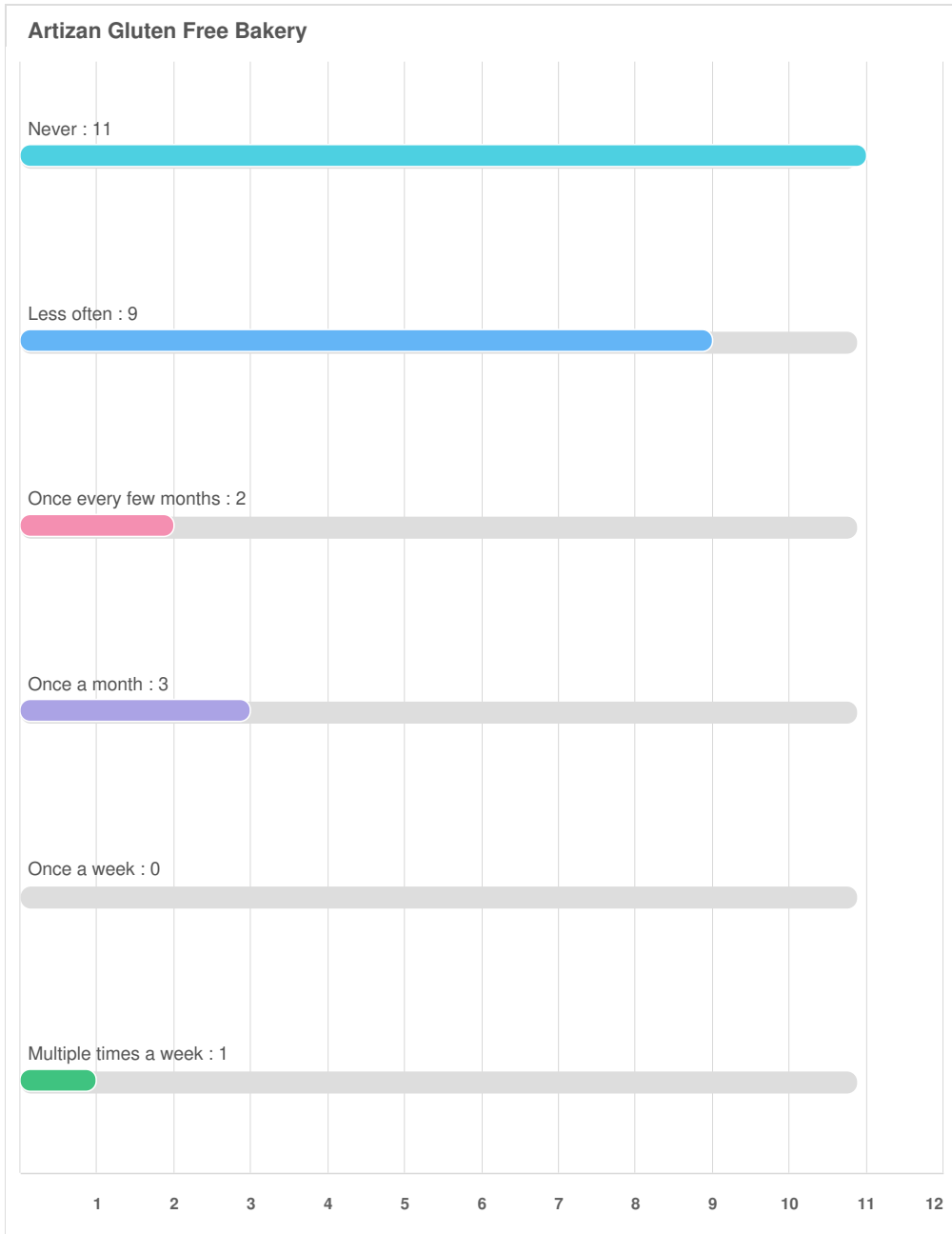


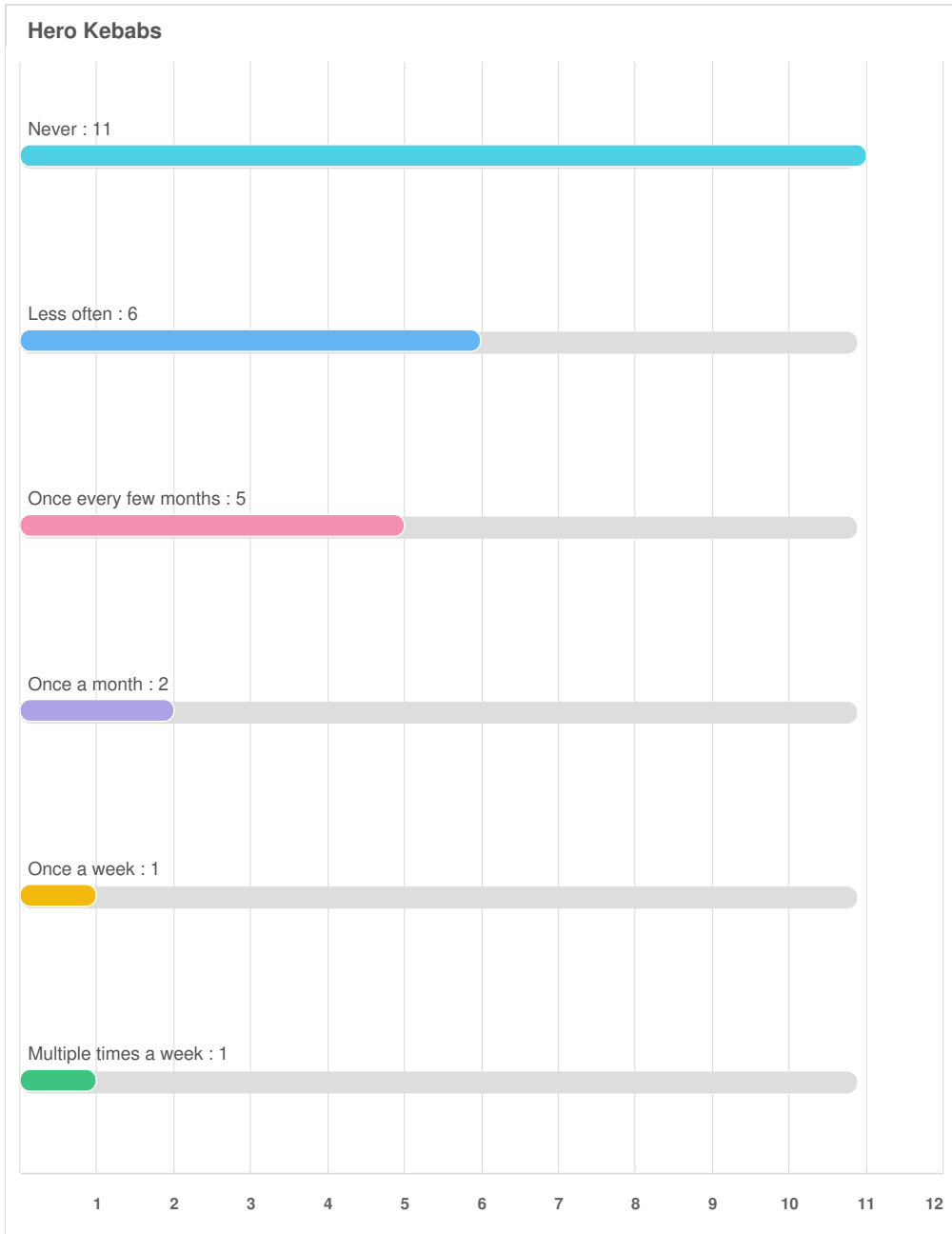
Mandatory Question (26 response(s))
Question type: Likert Question

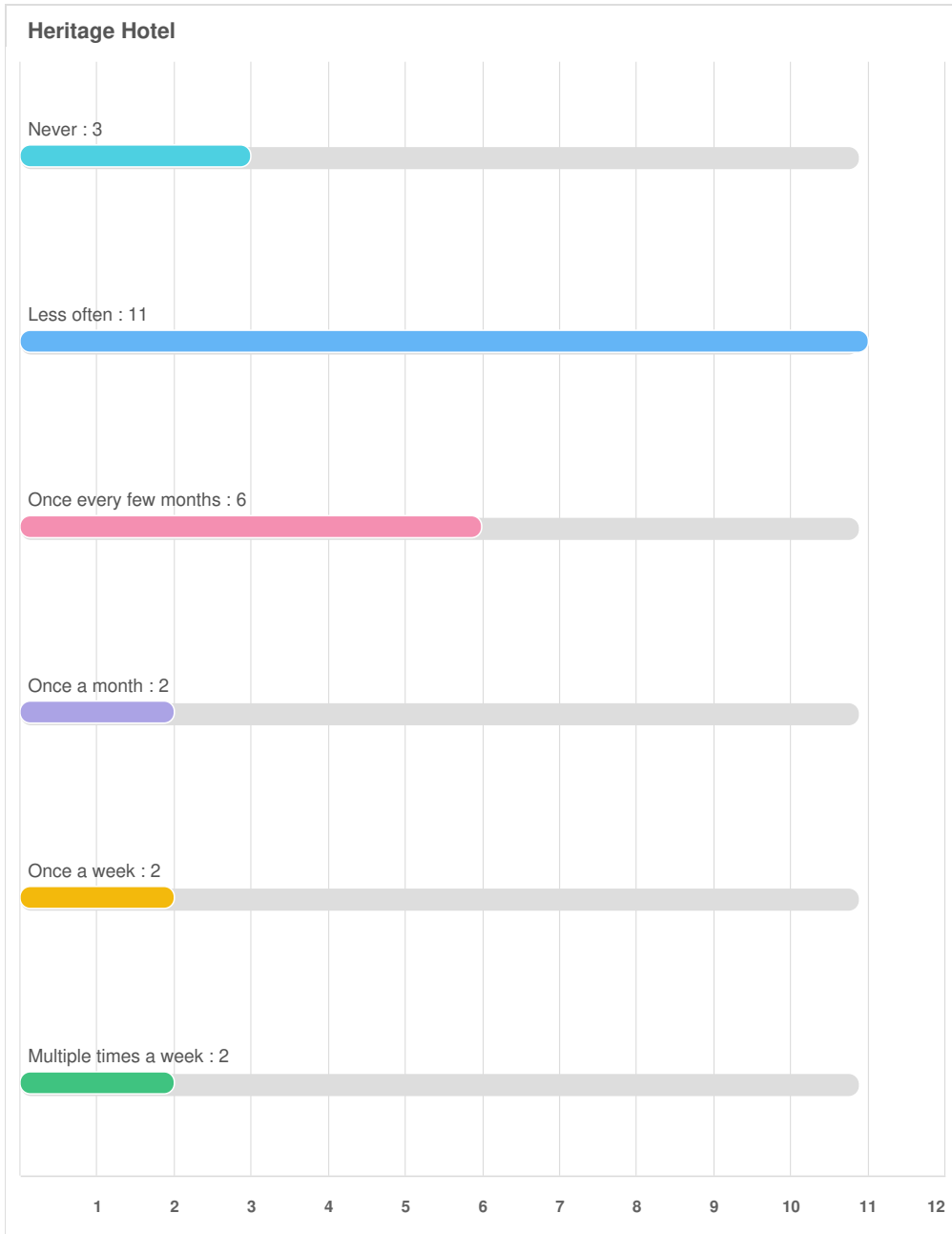


Q3 | How often do you use the dining platforms at:



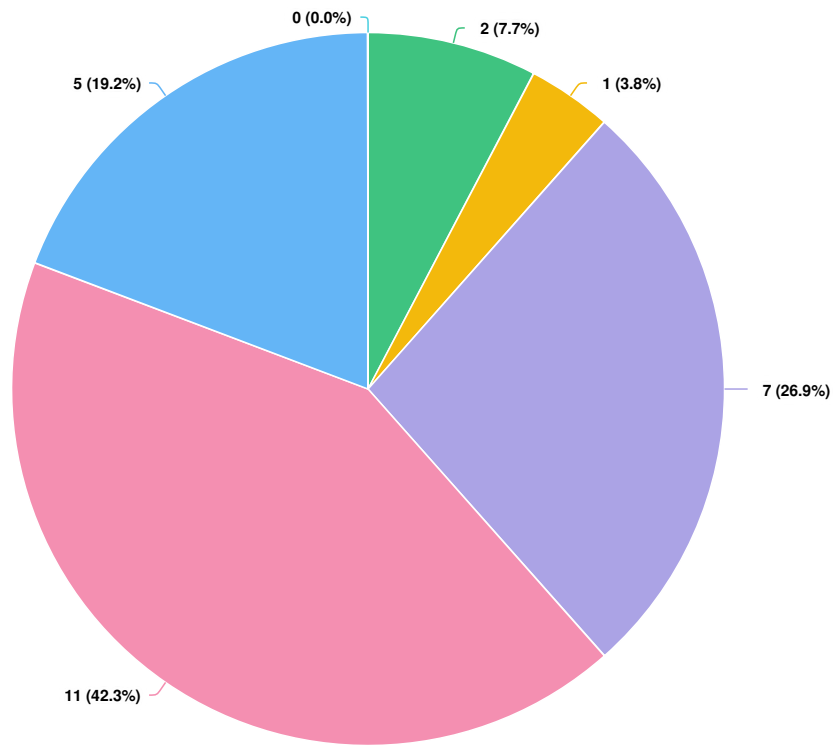








Q4 To what extent have the dining platforms made a positive impact on the CBD?



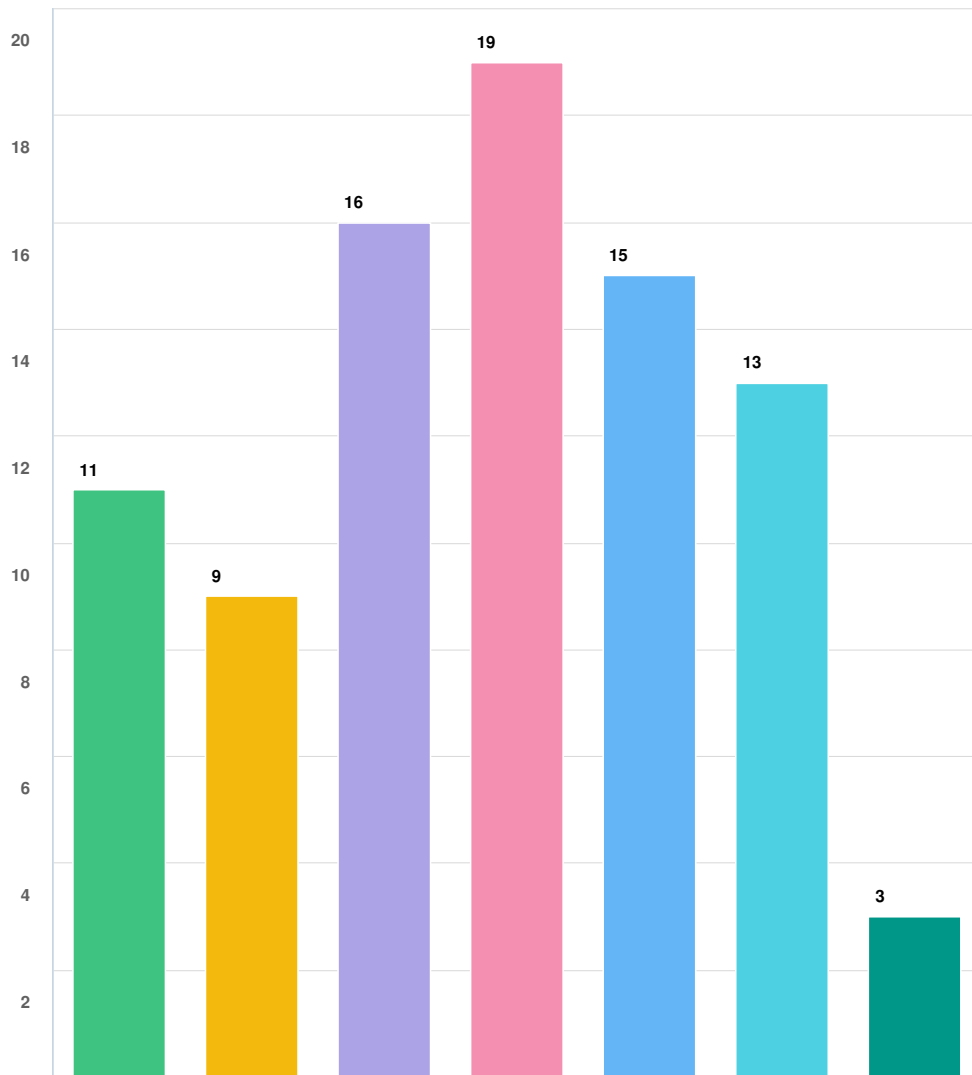
Question options

- None
- Significantly
- Meaningfully
- Somewhat
- Minimal
- Negative

Mandatory Question (26 response(s))
Question type: Radio Button Question



Q5 In what ways have the dining platforms made an impact on the CBD?



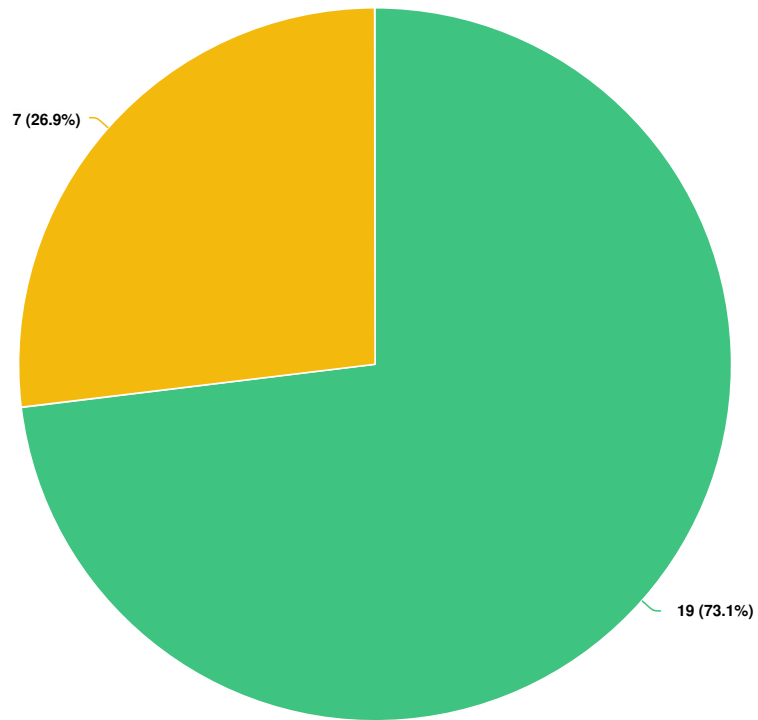
Question options

- Other (please specify)
- Supported nearby business
- Created space to relax
- Provided opportunity to dine outside
- Made the CBD look nicer
- Encouraged interaction
- Attracted customers

Mandatory Question (26 response(s))
Question type: Checkbox Question



Q6 How do you feel about the dining platforms occupying parking spaces? (Each platform uses one space)



Question options

- The dining platforms do not provide more value than the parking space
- The dining platforms provide more value than the parking space

*Mandatory Question (26 response(s))
Question type: Radio Button Question*

**Q7 | Please elaborate on your answer to Q6**

Screen Name Redacted
11/08/2024 08:16 AM

Can be used for more things then parking

Screen Name Redacted
11/08/2024 08:16 AM

A dining platform can only be connected to the cafe/restaurant it is serving, whereas carparks can be build anywhere

Screen Name Redacted
11/08/2024 08:31 AM

This is tricky. They take up space and no more parking is allocated. But they're a nice place to sit and eat.

Screen Name Redacted
11/08/2024 09:04 AM

There's not enough parking space in CBD already

Screen Name Redacted
11/08/2024 09:07 AM

We need to create more spaces for people to meet up in person.

Screen Name Redacted
11/08/2024 09:32 AM

The platform at the kebab unsightly and doesn't have tables when I have seen it. And the plant part is empty.

Screen Name Redacted
11/08/2024 09:59 AM

How can i go there to use the services when the area is XXXX impossible to park in? Moronic XXXX.

Screen Name Redacted
11/08/2024 10:55 AM

the cafes they are located near lack internal seating, it adds to their viability to have more patrons turning over by being able to sit and eat. The individual establishments need to take advantage of them by maintaining the garden, adding shade, and improving the overall vibrancy of the opportunity they have been given to increase their custom.

Screen Name Redacted
11/08/2024 01:05 PM

Ambience has to be chosen sometimes.

Screen Name Redacted
11/08/2024 06:40 PM

While I do think parking is an issue in the CBD (mostly workers), I think providing seating spaces is of more use than 1 carpark space.

Screen Name Redacted
11/09/2024 05:54 PM

I think a few more business could use these platforms better and attract more customers.



Screen Name Redacted 11/11/2024 09:12 AM	They are beneficial to the cafes and patrons, there are plenty of other parking spaces
Screen Name Redacted 11/11/2024 11:00 AM	Encourages walking rather than driving around the CBD.
Screen Name Redacted 11/13/2024 12:10 PM	No one uses them so would rather have an extra park available
Screen Name Redacted 11/13/2024 08:09 PM	They make the street look more inviting, more 'lived in'. Though I'm not sure that all current locations have sufficient shady areas. I would prefer aircon once it gets over 30 C -- but it's nice to eat outside in the cooler months.
Screen Name Redacted 11/19/2024 10:24 AM	Need more parking in the area regardless.
Screen Name Redacted 11/19/2024 01:30 PM	Customers tend to stay longer as they do not feel rushed to leave and may stay for that extra cup of coffee. I believe the platforms actually encourage people to stay longer in the CBD area. Many people especially those visiting Rockhampton have pets and caravans, they tend to park their vehicles and walk especially if there is somewhere that they can sit with their pets in the shade and outside.
Screen Name Redacted 11/19/2024 02:45 PM	there are plenty of parking areas
Screen Name Redacted 11/20/2024 08:39 AM	accommodates for more people than a car park. Plus, there is a car park nearby sitting empty...
Screen Name Redacted 11/20/2024 10:30 AM	takes away more parking
Screen Name Redacted 11/20/2024 12:43 PM	We don't have enough car parking and it is an endless fight for all small businesses and no one listens. I have requested many meeting about car parks and not one person has come to my business for a chat. For the CBD. To grow and thrive we need car parking to be accessible and people feel safe.



Screen Name Redacted
11/20/2024 01:07 PM

For most of the year it is lovely to sit outside

Screen Name Redacted
11/20/2024 02:11 PM

No realy

Screen Name Redacted
11/21/2024 01:34 PM

Who wants to see cars! Nobody. I love the dining platforms - inviting and alfresco.

Screen Name Redacted
11/21/2024 05:34 PM

Businesses should be allowed to have tables along the footpaths. Melbourne is a prime example, yes it can be at times busy to get by but that adds to the charm of the city hustle and bustle. More parking spaces are needed in general, more parking, more foot traffic, more business!

Screen Name Redacted
11/27/2024 03:42 PM

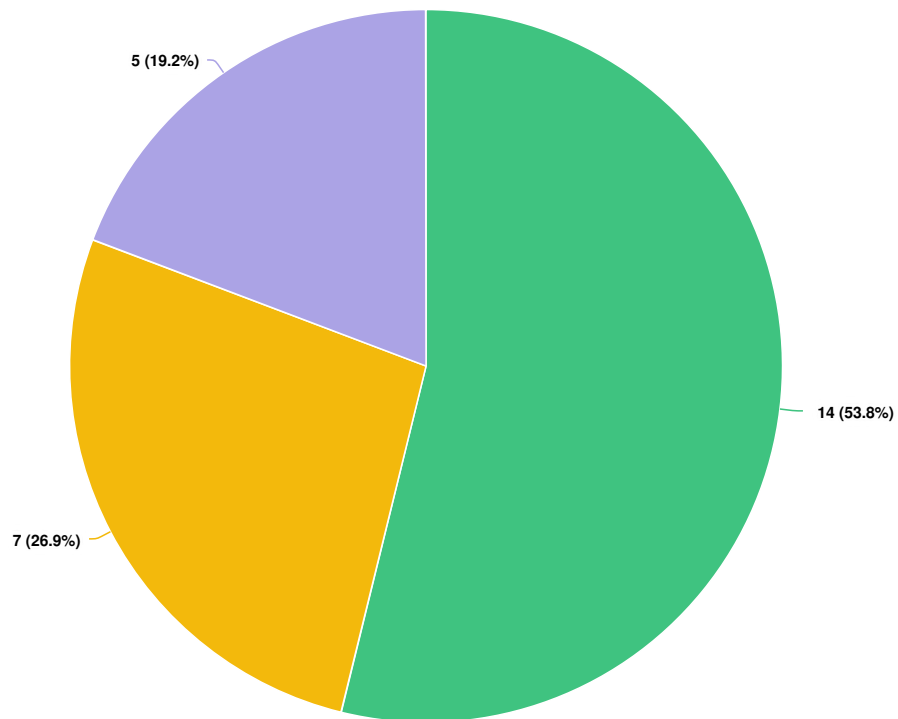
I would contend that the dining platform provides Coffee Society additional floor space that increases turnover which increases jobs, a car park doesn't assist in employing somebody.

Mandatory Question (26 response(s))

Question type: Essay Question



Q8 Would you like to see more dining platforms?



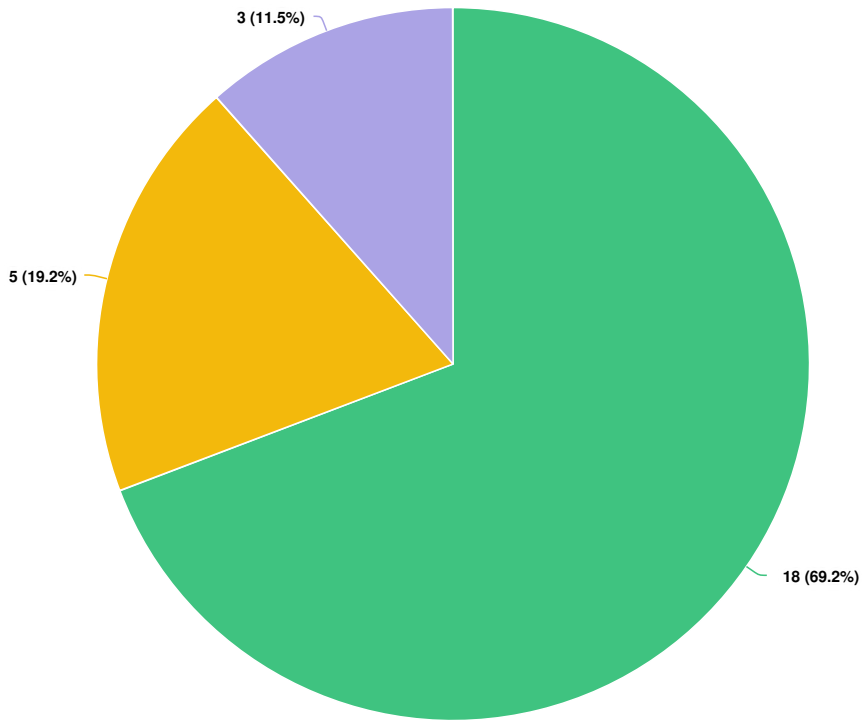
Question options

- Other (please specify)
- No
- Yes

Mandatory Question (26 response(s))
Question type: Radio Button Question



Q9 Do you find the dining platforms safe?



Question options

- Other (please specify)
- No
- Yes

Mandatory Question (26 response(s))
Question type: Radio Button Question


Q10 | Do you have suggestions on how to improve the dining platforms?

Screen Name Redacted 11/08/2024 08:16 AM	No
Screen Name Redacted 11/08/2024 08:16 AM	Because the dining platform takes up the full width of the carpark, and has a metal bollard on the outer extremity, I have found it difficult to parallel park adjacent to one. the one next to Coffee Society is okay, but the one previously outside Blue Leaf was impossible to park next to. They should be either a little shorter, a little narrower, or have something other than the bollards to protect it.
Screen Name Redacted 11/08/2024 08:31 AM	More shade
Screen Name Redacted 11/08/2024 09:04 AM	No
Screen Name Redacted 11/08/2024 09:07 AM	No
Screen Name Redacted 11/08/2024 09:32 AM	The dining platform at the kebab shop is never clean or in order when I go past.
Screen Name Redacted 11/08/2024 09:59 AM	The central business district hasnt been on the southside for decades. Stop forcing everyone to adhere to your brisbane city **** ideals. South side is for target, airport and hospital. Thats it. Novody travels across the chocked up bridges unless they have to.
Screen Name Redacted 11/08/2024 10:55 AM	Better shade, and attention to detail
Screen Name Redacted 11/08/2024 01:05 PM	Coverage from elements
Screen Name Redacted 11/08/2024 06:40 PM	They are fine.
Screen Name Redacted 11/09/2024 05:54 PM	Promote a fun, outdoor space especially as Christmas approaching with lights etc, will look and feel the part.



<p>Screen Name Redacted 11/11/2024 09:12 AM</p>	<p>No</p>
<p>Screen Name Redacted 11/11/2024 11:00 AM</p>	<p>Increase pedestrian/bike/scooter only areas within the CBD to reduce noise and vehicle fumes. Increase walkability of entire CBD with better and well-linked free parking in the outer areas of the CBD.</p>
<p>Screen Name Redacted 11/13/2024 12:10 PM</p>	<p>Get rid of them</p>
<p>Screen Name Redacted 11/13/2024 08:09 PM</p>	<p>Is there security close by? And not just a police car, but police / security walking....</p>
<p>Screen Name Redacted 11/19/2024 10:24 AM</p>	<p>No</p>
<p>Screen Name Redacted 11/19/2024 01:30 PM</p>	<p>If possible it would be great to see the dining platforms with some sort of permanent roofing (where suitable) Also possibly a change of design where the plants go in the sides to prevent rotting. Filling the plant space in with timber so as to make a bench top instead as an alternative for some businesses.</p>
<p>Screen Name Redacted 11/19/2024 02:45 PM</p>	<p>make the ramp abit more stable as it can be wobbly</p>
<p>Screen Name Redacted 11/20/2024 08:39 AM</p>	<p>Include a water feature?</p>
<p>Screen Name Redacted 11/20/2024 10:30 AM</p>	<p>less of a trip hazard</p>
<p>Screen Name Redacted 11/20/2024 12:43 PM</p>	<p>Don't have them all the businesses close after lunch except for the kebab shop</p>
<p>Screen Name Redacted 11/20/2024 01:07 PM</p>	<p>Fairy lightd</p>
<p>Screen Name Redacted 11/20/2024 02:11 PM</p>	<p>Cover Top</p>



Screen Name Redacted
11/21/2024 01:34 PM

Not really. They look great. Encourage more people to use them?

Screen Name Redacted
11/21/2024 05:34 PM

Perhaps make it a more seamless connection between platform and footpath.

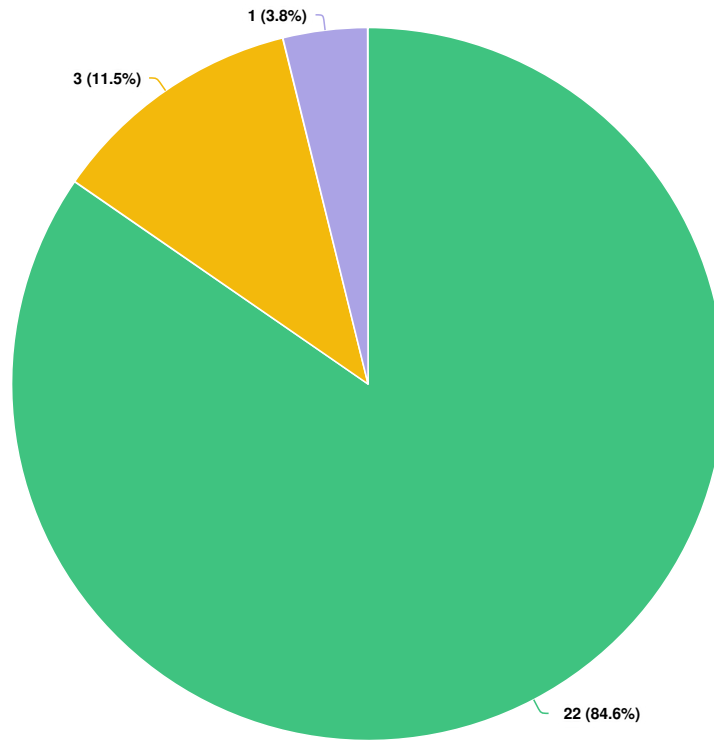
Screen Name Redacted
11/27/2024 03:42 PM

A roof and the ramp should extend the full length of the platform.

Mandatory Question (26 response(s))
Question type: Essay Question



Q11 Do you find the dining platforms accessible?



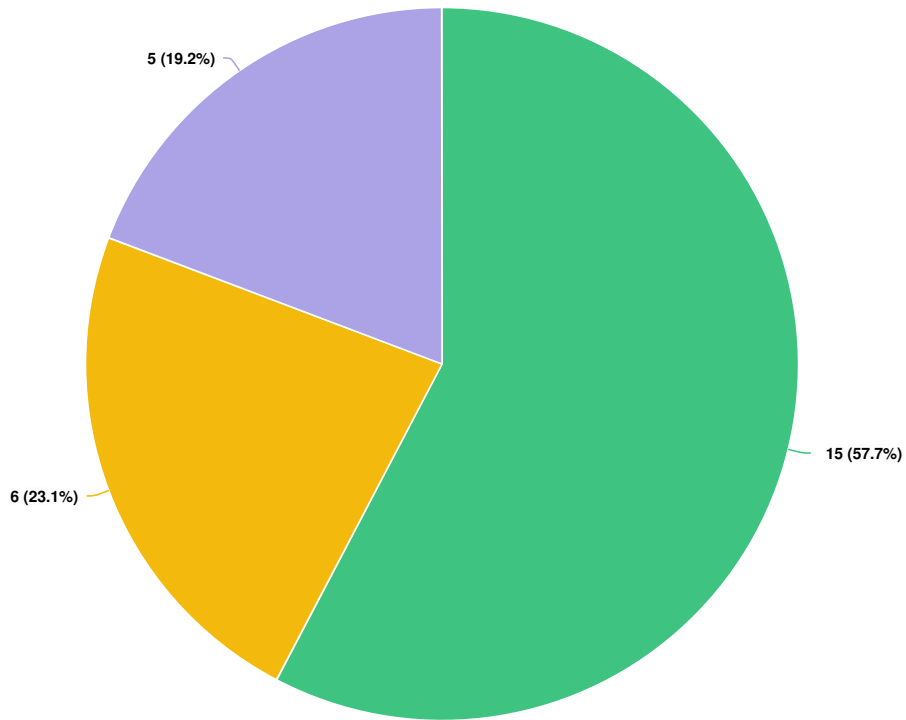
Question options

- Other (please specify)
- No
- Yes

Mandatory Question (26 response(s))
Question type: Radio Button Question



Q12 | Would you like to see an alternate activation in parking spaces to improve the CBD?



Question options

- Other (please specify)
- No
- Yes

Mandatory Question (26 response(s))
Question type: Radio Button Question



Q13 | Do you have suggestions on other ways to active the CBD or improve its vibrancy?

Screen Name Redacted

11/08/2024 08:16 AM

More art and live music and garden bars

Screen Name Redacted

11/08/2024 08:16 AM

Not at this time

Screen Name Redacted

11/08/2024 08:31 AM

Make the parking in certain areas where there is hair dressers 3.5 hours maybe to allow for hair appointments. Get the workers parking elsewhere this is just rude to clients. I worked in the cbd and not once did I ever park in the cbd I utilised the parking at the flood marker. More Closer all day parking with lots of solar lighting for workers with worker cbd permit. Fix the facade and ceilings of the buildings they look so old and some look they'll fall on top of you.

Screen Name Redacted

11/08/2024 09:04 AM

No

Screen Name Redacted

11/08/2024 09:07 AM

Have regular/irregular designated times of road closures in introduce free activities to the space during this time e.g. kids playground, light show, markets. Ilove the increased local events like River Festival etc that make use of the Quay St/East St space.

Screen Name Redacted

11/08/2024 09:32 AM

Parking and accessibility should be the future focus as well as attracting and retaining businesses that have a positive impact on the preservation of the CBD precinct.

Screen Name Redacted

11/08/2024 09:59 AM

Activate or "achieve a more active" What illiterate wrote this form? Speaks volumes.of rocky council.

Screen Name Redacted

11/08/2024 10:55 AM

Public toilets, encourage the demolition/sale of the kern arcade space and adjacent buildings, private apartment development with multi level car parking and small independent supermarket (ie Drakes IGA) as the anchor tennent on ground floor. With the emphasis being on residential living to bring a living population into the CBD. Encourage the building owners who leave their buildings empty to at least do preventative maintenance so they do not detract from the surrounding businesses.



<p>Screen Name Redacted 11/08/2024 01:05 PM</p>	<p>Facelift on some shops. More pop ups.</p>
<p>Screen Name Redacted 11/08/2024 06:40 PM</p>	<p>Aggressively police carparking time limits. Business will be better served, by customers only using the spaces provided.</p>
<p>Screen Name Redacted 11/09/2024 05:54 PM</p>	<p>More social and riverside markets with food and live bands.</p>
<p>Screen Name Redacted 11/11/2024 09:12 AM</p>	<p>No</p>
<p>Screen Name Redacted 11/11/2024 11:00 AM</p>	<p>As per previous answers, increase walkability in general, along with more pedestrian-only areas (or just ban private vehicles within these areas - bikes, walking, public transport etc. allowed). Better upkeep of pathways to avoid them becoming inaccessible. Additional seating along paths plus more bins and public toilets.</p>
<p>Screen Name Redacted 11/13/2024 12:10 PM</p>	<p>No</p>
<p>Screen Name Redacted 11/13/2024 08:09 PM</p>	<p>Street party? -- Once in a while, ban all cars for that day or evening...</p>
<p>Screen Name Redacted 11/19/2024 10:24 AM</p>	<p>No</p>
<p>Screen Name Redacted 11/19/2024 01:30 PM</p>	<p>I would like to see some greenery or a structure at the intersection of William and East Street (Similar to that near Headricks Lane end) that can draw the eye and encourage people to continue to keep walking past the mall. Replacing the emergency parking out the front of Artizan with customer parking would be beneficial.</p>
<p>Screen Name Redacted 11/19/2024 02:45 PM</p>	<p>no</p>
<p>Screen Name Redacted 11/20/2024 08:39 AM</p>	<p>Yes. council to insist that buildings must be maintained to a higher standard or sold and not to remain empty for longer than 12 months. Work with the building owners to have more 'pop-up' shops to assist the giggers out there and maybe even do food nights and local produce days in some of the empty buildings. Get the car park re-opened/upgraded.</p>



Screen Name Redacted 11/20/2024 10:30 AM	no
Screen Name Redacted 11/20/2024 12:43 PM	Listen to small business and work with us and not blame small businesses.
Screen Name Redacted 11/20/2024 01:07 PM	More shops or markets
Screen Name Redacted 11/20/2024 02:11 PM	More parking
Screen Name Redacted 11/21/2024 01:34 PM	I loved it when the Mall was there and also when the festivals are on and you close the spaces only to foot traffic.
Screen Name Redacted 11/21/2024 05:34 PM	The mall is looking rather tired. The Kern Arcade needs to reopen as a matter of urgency. The garden beds need some attention especially towards the old post office end, it needs denser shade trees along footpath with more tropical plants etc. More street art, Hosier Lane in Melbourne a prime example, it's a tourist attraction that attracts many people. Activate laneways more for that cool inner city vibe. The CBD has so much potential but the key figureheads need to allow for growth and stop holding the CBD at "ransom". Rents need to go down to allow new small business opportunities!
Screen Name Redacted 11/27/2024 03:42 PM	nothing to add

Mandatory Question (26 response(s))

Question type: Essay Question

11.9 CQ AGTECH INNOVATION SHOWCASE SPONSORSHIP PROPOSAL

File No:	647
Attachments:	Nil
Authorising Officer:	Angus Russell - Executive Manager Advance Rockhampton
Author:	Wade Clark - Economic Development Manager

SUMMARY

The CQ AgTech Innovation Showcase is a collaborative effort to promote Central Queensland agriculture to investors, producers, food and fibre innovators and agriculture professionals. As part of a collaborative effort sponsorship from the Council is recommended.

OFFICER'S RECOMMENDATION

THAT Council sponsors the 2025 Central Queensland AgTech Innovation Showcase for \$5,000 (Inc GST).

COMMENTARY

The Central Queensland AgTech Innovation Showcase (AgTech Showcase) on the February 14 to 16 is a prelude to EvokeAG2025 Queensland's premier agrifood innovation event.

The AgTech Showcase is a carefully curated immersive and experiential road trip across the broader region with up to fifty participants travelling from Emerald to Rockhampton and Yeppoon with visits to producer sites, newly established agriculture infrastructure, masterclasses, agrifoodtech innovations and connections to local agtech events.

Participants on the AgTech Showcase are expected to include: investors, producers, food & fibre innovators and agriculture professionals which will provide the Rockhampton Region an opportunity to highlight the Fitzroy Food Bowl, recent agricultural developments and to pitch to potential investors.

The AgTech Showcase total budget is coming from several sources including: Agrifutures: \$50,000, Grain Research Development Corporation: \$5,000, Livingstone Shire Council: \$5,000, participant sales: \$14,950 and it is recommended that Council provides \$5,000 sponsorship to this event which will assist in promoting the region. In kind contributions are also being provided by CQuniversity, Central Highlands Development Corporation and the Department of Primary Industries.

BUDGET IMPLICATIONS

The AgTech Showcase will cost \$5,000 inclusive of GST which can be allocated through the Advance Rockhampton – Economic Development – Agriculture budget.

CORPORATE/OPERATIONAL PLAN

Our Economy – Goal 3.2 Our work attracts business and industry to our region.

3.2.3 We advocate for the Region with all levels of government and support non-Council projects that benefits the region.

CONCLUSION

The AgTech Showcase provides the Rockhampton Region with an opportunity to further promote the Fitzroy Food Bowl and the Rockhampton Region to potential investors and professionals through a collaborative effort with Central Queensland's agricultural stakeholders.

11.10 REGIONAL ARTS DEVELOPMENT FUND ROUND 2 2024-25

File No: 8944
Attachments: Nil
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

Applications received for Round Two of the 2024-2025 Regional Arts Development Fund (RADF) have been assessed by the RADF committee and two applications are recommended for funding

OFFICER'S RECOMMENDATION

THAT Council endorses the applications listed below for funding from Round Two of the 2024-25 Regional Arts Development fund:

Applicant	Grant Type and Amount Requested	Details of Grant	Grant amount
Capricornia Silver Band Incorporated	Development Grant \$2567.50	To support Youth Members to attend the '2025 Qld Band Association Youth Band Development Camp' – one week of Intensive training	\$2567.50
Jodie Van De Wetering	Development Grant \$2120	Rehearsed Public Reading of selected scenes, eliciting both performer and audience feedback on the work -in-progress, contributing towards ongoing creative development of the play	\$2120

COMMENTARY

Three applications were received with a total requested amount of \$9687.50. Of the three received applications three were deemed eligible. Three applications were assessed by the RADF Committee. Two applications were deemed desirable to fund, totaling a funding amount of \$4687.50.

BACKGROUND

The Regional Arts Development Fund (RADF) is a joint funding program of the Queensland Government (administered by Arts Queensland) and the Rockhampton Regional Council that focuses on the development of quality art and arts practice in our Region

PREVIOUS DECISIONS

17 September 2024 – Council resolved the RADF Round 1 2024-25 funding and awarded \$7420.00 for funding

28 May 2024 - Council resolved the RADF Round 3 2023-24 funding and awarded \$29893 for funding.

BUDGET IMPLICATIONS

The total RADF 2024-25 Community grants pool is \$43,218.49.

The funded amount for RADF Round 1 2024-25 was \$7420.00

The Recommended funding amount for Round 2 2024-25 is \$4,687.50

The remaining RADF 2024 -25 Community grants pool will be is \$31,110.99

LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

Nil

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

N/A

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2022-2027:

Our Community Goal 2.1

- We provide opportunities for people to contribute to their communities.
- We support our people and community groups through our programs and resources
- Our services, activities and community assets provide opportunities to celebrate our culture and creative arts and preserve the Region's heritage

CONCLUSION

The Regional Arts Development Fund Committee recommends two (2) applications for funding, with a total recommended funding amount of \$4687.50. .

11.11 ROCKHAMPTON DRAGON BOAT CLUB INC. - REQUEST FOR TRUSTEE LEASE OVER PART OF SKI GARDENS, ROCKHAMPTON

File No: 1370

Attachments:

1. [Proposed Lease Area - Ski Gardens](#)
2. [Letters of Support](#)

Authorising Officer: Aaron Pont - Manager Parks
Alicia Cutler - General Manager Community Services

Author: Justin Bulwinkel - Sports and Active Communities Coordinator

SUMMARY

Rockhampton Dragon Boat Club Inc. formally requesting a Trustee Lease Agreement for six (6) years, effective 1 January 2025, over part of the Ski Gardens.

OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)* Council approve the request for a Trustee Lease to Rockhampton Dragon Boat Club Inc over part of 30 Harman Street, Wandal as identified within the report; and.
2. Council authorises the Chief Executive Officer (Sports and Active Communities Coordinator) to negotiate the terms and conditions of the agreements with the organisations listed in the report in preparation for execution by the delegated officer.

COMMENTARY

Rockhampton Dragon Boat Club Inc. is seeking support from the Rockhampton Regional Council to secure a permanent location for their equipment and to eventually build a club shed over Part of 30 Harman Street, Wandal (Rockhampton Ski Gardens). The area identified to lease to the organisation is described in **Attachment 1** and represents an area of approx. 345m².

This new space would allow the club to host regattas and corporate events, further integrating into the local sports community. Rockhampton Dragon Boat Club is affiliated with Dragon Boat Queensland and collaborates with other local water sports clubs to promote mutual support and engagement in the sport.

Current storage options have become limited and have only been previously available through past members offering their personal home and storage sheds. Through grant money the club hopes to purchase and erect a shed with concrete base and apron. The shed would be of similar size to the current neighboring Rocky Outrigger Canoe Club facility.

In efforts to demonstrate their commitment to securing a site, and to collaboratively work with other groups, Rockhampton Dragon Boat Club Inc. has sought letters of support from neighboring clubs, such as:

- ✓ Emu Park Surf Lifesaving Club,
- ✓ Rockhampton Grammar School, and
- ✓ Rocky Outrigger Canoe Club.

All these letters highlight their backing of the club establishing a formal tenure site, refer to **Attachment 2**.

Parks officers have engaged internally with the Planning and Regulatory Services section to understand requirements within a flood zone and understood that the club, if wanting to construct a shed, will require a Development Permit for Building Work Assessable Against the Planning Scheme ("planning approval"), and a statement from a Registered Professional Engineer of Queensland demonstrating there is no increased risk to people or property as a result of the building in the flood hazard area.

To ensure consistency across planning, this proposed site has been designed and incorporated into the proposed Rockhampton Ski Gardens Master Plan, should the tenure request be accepted and approved by Council.

Subject to Council resolution, Officers will offer the club a Trustee Lease for the land area defined within the attachment, contingent on the preparation of a survey plan (to be undertaken at the organisation's expense) and compliance with the following conditions:

1. Lease terms will be for a six (6) year period.
2. All lease fees are set in accordance with Parks Sports & Recreation adopted fees and charges schedule.
3. Tenants must provide copies of the following documents on an annual basis:
 - Audited Financial Statements
 - Constitution
 - AGM Minutes
 - Player and Member numbers
4. As required/negotiated.

BACKGROUND

The Rockhampton Dragon Boat Club has been officially active since 2008, originating from a group of local cancer survivors who sought to stay connected after participating in a cancer support art program in 2007. This group, inspired by Maureen Meikle's experience in dragon boating, decided to establish a club that would provide a safe and supportive environment for physical fitness and social interaction. Initially focused on cancer survivors, the club evolved to welcome members from all backgrounds, promoting the benefits of dragon boating for both physical health and social wellbeing. The Rockhampton Dragon Boat Club also have a positive working relationship with Dragon Boat Queensland.

The club received its first boat, the "Robbie T," in November 2008, thanks to the Robbie Thomasson Foundation. Initially, membership was restricted to cancer survivors and their carers, but as members developed a competitive spirit, the club transitioned to a sports club open to everyone. Today, the club has a diverse membership ranging from teenagers to seniors, some of whom participate for competitive purposes while others enjoy the social aspect of paddling on the Fitzroy River.

The Rockhampton Dragon Boat Club is actively involved in community events and fundraising efforts. Members assist in events like the Rockhampton Chinese Association's annual Chinese Dragon Festival, the Queens Baton Relay for the Gold Coast Commonwealth Games along with working the barbeques at Bunnings for a classic sausage on bread. The club's mission is to foster strength, fitness, and self-confidence among its members, encouraging people of all ages and fitness levels to try dragon boating. The club trains twice a week and continues to grow, recently gaining new members and having several members qualify as coaches and sweeps.

PREVIOUS DECISIONS

There are no previous decisions related to this matter.

BUDGET IMPLICATIONS

Rockhampton Dragon Boat Club Inc. (RDBC) will be charged as per Councils adopted Fees & Charges schedule.

RDBC will engage a surveyor at the clubs' cost for establishment of the tenure footprint.

RDBC will be responsible for the development of facilities, including all funding requirements.

LEGISLATIVE CONTEXT

Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) allows a Local Government to renew a Lease to the existing tenant, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e., land) other than by tender or auction.

LEGAL IMPLICATIONS

It is proposed that Council will enter a Trustee Lease with the Tenant which satisfies the requirements of the *Land Act 1994(Qld)*.

STAFFING IMPLICATIONS

Existing resources within Parks and Property & Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

No risk assessment was completed nor necessary in relation to this matter.

CORPORATE/OPERATIONAL PLAN

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

It is recommended that Council approve the Trustee lease request identified in the report and support the Chief Executive Officer (Sports and Active Communities Coordinator) to negotiate the terms and conditions of each in preparation for consideration and execution by the delegated officer.

**ROCKHAMPTON DRAGON BOAT
CLUB INC. - REQUEST FOR TRUSTEE
LEASE OVER PART OF SKI GARDENS,
ROCKHAMPTON**

Proposed Lease Area - Ski Gardens

Meeting Date: 10 December 2024

Attachment No: 1



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**ROCKHAMPTON DRAGON BOAT
CLUB INC. - REQUEST FOR TRUSTEE
LEASE OVER PART OF SKI GARDENS,
ROCKHAMPTON**

Letters of Support

Meeting Date: 10 December 2024

Attachment No: 2

Rockhampton Regional Council
Sport and Recreation Department
PO Box 1806
ROCKHAMPTON QLD 4700



Emu Park SLSC
3 Keppel Street
PO Box 144
Emu Park QLD 4710
secretary@emuparkslsc.com.au
www.emuparkslsc.com.au

RE: Rockhampton Dragon Boat Club Inc.

To whom it may concern

The Rockhampton Dragon Boat Club has approached our association seeking support for an application to gain tenure of a tract of land, on the eastern side of the Rocky Outrigger Canoe Club, to store their boat and trailer.

We understand that the Club's future plans include building a shed to house Dragon Boat/s, trailer, paddles and other equipment.

We would like to inform the Rockhampton Regional Council that our sporting club supports Rockhampton Dragon Boat Club Inc. in their application.

Kind regards


Gavin Reynolds
Secretary
Emu Park Surf Lifesaving Club Inc.
Mobile 0488 012237
16/11/23

Rocky Outrigger Canoe Club
30 Harman Street
WANDAL

JK, November 2023.

Rockhampton Regional Council
Sport and Recreation Department
PO Box 1806
ROCKHAMPTON QLD 4700

RE: Rockhampton Dragon Boat Club Inc.

To whom it may concern

The Rockhampton Dragon Boat Club has approached our association seeking support for an application to gain tenure of a tract of land, on the eastern side of the Rocky Outrigger Canoe Club, to store their boat and trailer.

We understand that the Club's future plans include building a shed to house Dragon Boat/s, trailer, paddles and other equipment.

We would like to inform the Rockhampton Regional Council that our sporting club supports Rockhampton Dragon Boat Club Inc. in their application.

Kind regards

Stanley
L. Stanley.



The Rockhampton
Grammar School

Established 1881

*Rockhampton Regional Council
Sport and Recreation Department
PO Box 1806
ROCKHAMPTON QLD 4700*

RE: Rockhampton Dragon Boat Club Inc.

To whom it may concern,

The Rockhampton Dragon Boat Club has approached our School and Rowing Club seeking support for an application to gain tenure of a tract of land, on the eastern side of the Rocky Outrigger Canoe Club, to store their boat and trailer.

We understand that the Club's future plans include building a shed to house Dragon Boat/s, trailer, paddles and other equipment.

We would like to inform the Rockhampton Regional Council that our sporting club supports Rockhampton Dragon Boat Club Inc. in their application.

Kind regards,

*Todd Wells
Director of Co-Curricular
The Rockhampton Grammar School
Ph:0488778300
Email – twells@rgs.qld.edu.au*

Board of Trustees of The Rockhampton Grammar School trading as The Rockhampton Grammar School

ABN 71 055 702 035
CRICOS 00507F

Archer Street, Rockhampton
QLD 4700 AUSTRALIA

P (07) 4936 0600
inform@rgs.qld.edu.au

www.rgs.qld.edu.au

**11.12 QUEENSLAND POLICE CITIZENS YOUTH WELFARE ASSOCIATION (PCYC)
PROPOSED TRUSTEE LEASE RENEWAL**

File No: 4209
Attachments: Nil
Authorising Officer: Aaron Pont - Manager Parks
Alicia Cutler - General Manager Community Services
Author: Justin Bulwinkel - Sports and Active Communities
Coordinator

SUMMARY

Sports & Active Communities Coordinator reporting on a proposed lease renewal for the Queensland Police Citizens' Youth Welfare Association (PCYC) at Stapleton Park.

OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld), Council approve the renewal of the Trustee Lease to the Queensland Police Citizens' Youth Welfare Association over part of Stapleton Park, 16-20 Bridge Street (Lot 3 on SP262805) for a period of three years; and
2. Council authorises the Chief Executive Officer (Sports & Active Communities Coordinator) to negotiate the terms and conditions of the agreement with the tenant in preparation for execution by the delegated officer.

COMMENTARY

The Queensland Police Citizens' Youth Welfare Association (PCYC) has leased the site at Stapleton Park, 16-20 Bridge Street, since 1975.

In August 2023, the State Government committed \$5 million in funding to Rockhampton's PCYC for a new facility. While this funding is a valuable contribution to the region, preliminary discussions between Council Officers and PCYC highlighted that it is more appropriately viewed as "seed funding" due to ongoing legacy challenges. These challenges include the current site's susceptibility to flooding, the aging condition of the building, and the substantial costs associated with redevelopment or relocation.

PCYC is currently in the planning phase, reviewing how to align this funding with their future goals. Further detailed engagement with Council is expected once PCYC's plans are more defined. In the interim, it is recommended to renew the existing lease for a three-year term, allowing PCYC time to complete their planning while maintaining operational continuity.

BACKGROUND

The Queensland Police Citizens' Youth Welfare Association (PCYC) has a long history at Stapleton Park, established through an initial 40-year lease agreement with Council to develop and operate the Rockhampton PCYC. This lease long term lease expired in 2015, with the most recent agreement concluding on 30 June 2024.

PREVIOUS DECISIONS

16 August 2022

1. Pursuant to section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld), Council approve the renewal of the Trustee Lease to the Queensland Police Citizens'

Youth Welfare Association over part of Stapleton Park, 16-20 Bridge Street (Lot 3 on SP262805) for a period of two years; and

2. Council authorises the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions of the agreement with the tenant in preparation for execution by the delegated officer.

BUDGET IMPLICATIONS

There are no financial implications for Council. The Lease rent will be subject to fees set by Councils adopted Fees and Charges schedule.

LEGISLATIVE CONTEXT

Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) allows a Local Government to renew a Lease to the existing tenant, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

LEGAL IMPLICATIONS

It is proposed that Council will enter into a Trustee Lease with the Tenant which satisfies the requirements of the Land Act 1994(Qld).

STAFFING IMPLICATIONS

Existing resources within Park and Property & Insurance can adequately manage the required legal documentation.

RISK ASSESSMEN

As the Trustee Lease expired on the 30 June 2024, this means that there is currently no Lease in place between PCYC and Council. Both the expired Lease and the *Land Act 1994* do not allow for a holding over period under the expired Lease, and in accordance with the *Land Act 1994*, the PCYC must not possess or occupy the Trust Land after the expiry of the Lease. Therefore, with no current Lease in place, Council is breaching its obligations as a Trustee under the *Land Act 1994*.

As there is no Lease in place, and therefore no agreed tenancy terms, Council must arrange for a new Lease to be approved and signed as a matter of urgency to ensure Council's compliance as Trustee under the *Land Act 1994* and for there to be a legal tenancy in place to protect the interests of both parties.

CORPORATE/OPERATIONAL PLAN

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

Renewing the Queensland PCYC lease at Stapleton Park for an additional three years supports the continuity of their essential community services, particularly for youth, while providing the necessary time for PCYC to finalise redevelopment plans and align their strategy with the recent \$5 million funding commitment. This approach balances the immediate needs of the community with the longer-term vision for improved facilities.

11.13 ROCKHAMPTON ZOO - AGREEMENT FOR BROWSE PLANTATION AT CAPRICORNIA CORRECTIONS CENTRE

File No: 3066
Attachments: Nil
Authorising Officer: Aaron Pont - Manager Parks
Alicia Cutler - General Manager Community Services
Author: Liz Bellward - Curator Rockhampton Zoo

SUMMARY

Rockhampton Zoo and Capricornia Corrections Centre have been negotiating an agreement in relation to the partnership for the development and ongoing operation of a browse plantation at the Capricornia Corrections Centre.

Council originally endorsed this partnership in December 2023 via a Memorandum of understanding however due to changes in leadership within Corrections, a Deed of Agreement is now the preferred option for all parties.

OFFICER'S RECOMMENDATION

THAT Council authorise the Chief Executive Officer to execute a Deed of Agreement with the Capricornia Corrections Centre for the supply of a browse plantation in line with the conditions listed in the report.

COMMENTARY

Rockhampton Zoo has been planning with Capricornia Corrections Centre (CCC) the establishment of an animal browse (food) plantation on their site at Etna Creek. This will predominantly be for koala browse, but also include some browse species for other animals such as primates and birds.

While the details of the agreement have been negotiated between the RRC and CCC legal teams, CCC have installed a mains water point at the site, and works have commenced plotting out the area.

Originally, the Capricornia Corrections Centre expressed the need for the agreement to be a Memorandum of Understanding however have since advised they require a Deed of Agreement. This is highly advantageous to Council as a Deed of Agreement that is more legally binding and contains stronger commitments from all parties.

Planting in early 2025 aims to provide harvestable trees by 2028/2029.



Benefits to RRC

- A sustainable food source for our koalas, primates and birds with access to land that is cleared, flood free and access to town water.
- Cost effective establishment, maintenance and harvesting of browse.
- Sufficient browse to feed up to 4 koalas, allowing us to fill the empty enclosure and potentially breed.

Benefits to Capricornia Correctional Centre

- More productive utilisation of allocated land.
- Meaningful and rewarding work for prisoners with potential for vocational skills qualifications.
- Restorative justice by giving back to the community.
- Supporting a community asset that is iconic to the region.
- Helping feed an endangered species.

Summary Details of Agreement;

Length of Agreement	20 Years
Number of Trees	Approximately 3,800 eucalyptus for koalas (= food for 4 koalas) Approximately 200 different browse species for other animals e.g., chimps, gibbons, birds. Additional land for further development if required.
Capricornia Corrections Centre Responsibilities	<ul style="list-style-type: none"> • Trade Instructors (TIs) and prisoners to lay irrigation, mulch and plant trees • TIs and prisoners to maintain plantation <ul style="list-style-type: none"> ○ Slashing of vehicle access lanes ○ Weeding – by hand and spraying

	<ul style="list-style-type: none"> ○ Pollarding trees ○ Pruning trees ○ Fertilising trees ○ Checking irrigation ○ Mulching ● TIs and prisoners to harvest browse <ul style="list-style-type: none"> ○ Approximately every 2 days ○ Approximately 1 full utility tray full ○ Frequency and quantity may vary dependant on the quality of browse, as well as koala numbers ● TIs and prisoners to construct shade shelter for browse storage ● Access to town water ● Land use approvals
RRC Responsibilities	<ul style="list-style-type: none"> ● Provide technical expertise to ensure the plantation is delivered and maintained to optimum capacity ● Provide materials including Irrigation supplies, Eucalypts, mulch, fertilizer, herbicides ● Materials to construct shelter for storage of harvested browse ● Materials for pegging / marking plantation – already purchased ● Plantation designs in consultation with Corrections Centre ● Training to Trade Instructors (TIs) and prisoners for irrigation, planting, maintenance and harvesting ● Periodic reviews of plantation maintenance and harvesting ● Collection of browse ● Cost of water usage
RRC Site Access	<p>7 days per week for browse collection. 5 days per week for plantation inspection and initial setup and training. Must comply with Corrections’ procedures for access.</p>
Property / Ownership	<p>The plantation trees, irrigation and shade structure will remain the property of RRC until the termination of the agreement.</p> <p>At the end of the agreement, the agreement will either be extended, or Capricornia Corrections Centre will take ownership of the plantation trees, irrigation and shade structure.</p>

PREVIOUS DECISIONS

11/12/2023 – Council endorsed the signing of a Memorandum of Understanding between Queensland Corrective Services and Rockhampton Regional Council to commence the establishment of a koala browse plantation at Capricornia Correctional Centre.

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - "NO PARKING" LINEMARKING FOR NORTH ROCKHAMPTON POLICE STATION

File No: 8056

Attachments: 1. [Correspondence to Cheif Executive Officer](#)↓

Responsible Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Shane Latcham has indicated his intention to move a Notice of Motion at the next Council Meeting scheduled for Tuesday 10 December 2024 regarding the installation of yellow line-marking outside North Rockhampton Police Station.

COUNCILLOR'S RECOMMENDATION

THAT Council install yellow line-marking to indicate no parking for approximately six (6) metres on both sides of the North Rockhampton Police Station driveway on Robinson Street, Berserker before late January 2025.

BACKGROUND

Councillor Shane Latcham has indicated his intention to move the following Notice of Motion at the next Council Meeting scheduled for Tuesday 10 December 2024:

Senior Sergeant Kain Brown, Officer in Charge of North Rockhampton Police Station made a customer request that was recorded on 15 March 2024. Senior Sergeant Brown stated:

"is there availability to line mark a yellow line on each side of the Police Station driveway onto Robinson Street. It is becoming increasingly difficult for police vehicles to proceed to an emergency when the street is congested, and vehicles are parking against the driveway"

Senior Sergeant Brown contacted Councillor Latcham on 20 March 2024 to follow up on the initial customer request to ask for a timeframe when this would be considered.

The matter was handed back to Civil Operations on 2 April 2024 and Council's last comments were on 30 April 2024 with a Council Officer who mentioned that he tried to contact the customer (Senior Sergeant Brown). No further communication.

Councillor Latcham asked for an update on 13 November 2024 and the matter needed to be re-opened in the system.

Councillor Latcham arranged a debrief meeting with Martin Crow on 25 November 2024 with Councillor Taylor (Infrastructure Portfolio) and Councillor Hilse (Divisional Councillor) in attendance. It appeared from the conversation, that it seemed unlikely that this work would be approved.

The following photos were taken on 27 November 2024:

Front view of police driveway on Robinson Street, Berserker



Side view from driveway when vehicle parked close to driveway



CONCLUSION

Senior Sergeant Kain Brown has requested yellow lines to be installed at both ends of the driveway fronting Robinson Street, Berserker as a safety concern especially when attending an emergency.

This matter has been in the Customer Request system since 15 March 2024. If approved by the Council Table, it would be desirable to have this completed before the school year starts in late January 2025.

**NOTICE OF MOTION - COUNCILLOR
SHANE LATCHAM - "NO PARKING"
LINEMARKING FOR NORTH
ROCKHAMPTON POLICE STATION**

**Correspondence to Chief Executive
Officer**

Meeting Date: 10 December 2024

Attachment No: 1



Councillor Shane Latcham
Division 1
Waste and Recycling Portfolio
shane.latcham@rrc.qld.gov.au
0437 857 736

28 November 2024

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
232 Bolsover Street
ROCKHAMPTON QLD 4700

Dear Evan

Notice of Motion

I hereby give notice of my intention to move the following motion at the meeting of Council on Tuesday 10 December 2024.

“THAT Council install yellow line-marking to indicate no parking for approximately six (6) metres on both sides of the North Rockhampton Police Station driveway on Robinson Street, Berserker; before late January 2025.”

Yours faithfully

A handwritten signature in black ink, appearing to read "SL", is written over a faint, illegible stamp.

Councillor Shane Latcham
Division 1
Rockhampton Regional Council

12.2 NOTICE OF MOTION - COUNCILLOR ELLIOT HILSE - AMENDMENT TO WASTE AND RECYCLING SERVICES COMMUNITY SERVICE OBLIGATION POLICY

File No: 6237, 11979
Attachments: 1. Correspondence to Chief Executive Officer [↓](#)
Responsible Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Elliot Hilse has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Tuesday 10 December 2024 regarding amendment to Council's Waste and Recycling Services Community Service Obligation Policy.

COUNCILLOR'S RECOMMENDATION

THAT a report be presented to Council detailing the potential outcomes of amending the Council's Waste and Recycling Services Community Service Obligation Policy to include the disposal of non-reusable items from deceased estates collected by or donated to the Men's Sheds within the Region.

BACKGROUND

Councillor Elliot Hilse would like to present an option to Council for Men's Sheds within the Rockhampton Region to be added to the Rockhampton Regional Council's Waste and Recycling Services Community Service Obligation Policy.

If this amendment is approved, the Non-Profit Community Organisations would have access to up to 10 tonnes of disposal to the Lakes Creek Road Waste Management Facility, Gracemere Waste Facility and Mount Morgan Waste Facility for disposing of non-reusable and non-recyclable items collected from deceased estates and donations.

The Men's Sheds have been providing this community service, which offers numerous benefits to both the community and Council. When the Men's Shed receive donations of tools and other items, they typically sort and recycle. According to their estimates, they keep 20% of the items for their own use and their upcoming "Tool Library"; 30% of reusable items are sold at the Reviva Ibis reuse shop at the Lakes Creek Road Waste Management Facility and the newly opened Reviva Ibis at Gracemere Waste Facility. The remaining 50% is waste and is disposed.

The 30% of items sold at the Reviva Ibis would financially benefit the Council and the community, as people can purchase quality items at lower prices during these financially challenging times.

Without this service from the Men's Shed, individuals, such as a widow dealing with an estate, might dispose of everything at the landfill. With the Men's Sheds' assistance, the amount of waste could be reduced by up to 50%, lowering the costs for the Rockhampton Regional Council, which pays for waste disposal by weight and volume.

Additionally, having to dispose of all items at the landfill could cause significant emotional distress for individuals, as it involves discarding decades of memories and collections.

**NOTICE OF MOTION - COUNCILLOR
ELLIOT HILSE - AMENDMENT TO
WASTE AND RECYCLING SERVICES
COMMUNITY SERVICE OBLIGATION
POLICY**

**Correspondence to Chief Executive
Officer**

Meeting Date: 10 December 2024

Attachment No: 1



Councillor Elliot Hilse
Division 2
Environmental Sustainability Portfolio
elliott.hilse@rrc.qld.gov.au
0460 638 680

26 November 2024

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Sir

Notice of Motion

I would like to present an option to Council in order for the Men's Sheds within the Rockhampton Region be added to the Rockhampton Regional Council's Waste and Recycling Services Community Service Obligation Policy.


If this amendment is approved, the Non-Profit Community Organisations would have access to up to 10 tonnes of disposal to the Lakes Creek Road Waste Management Facility, Gracemere Waste Facility and Mount Morgan Waste Facility for disposing of non-reusable and non-recyclable items collected from deceased estates and donations.

The Men's Sheds have been providing this community service, which offers numerous benefits to both the community and Council. When the Men's Shed receive donations of tools and other items, they typically sort and recycle. According to their estimates, they keep 20% of the items for their own use and their upcoming "Tool Library"; 30% of reusable items are sold at the "Reviva Ibis" the reuse shop at the Lakes Creek Road Waste Management Facility and the newly opened Reviva Ibis at Gracemere Waste Facility. The remaining 50% is waste and is disposed.

The 30% of items sold at the Reviva Ibis would financially benefit the Council and the community, as people can purchase quality items at lower prices during these financially challenging times.

Without this service from the Men's Shed, individuals, such as a widow dealing with an estate, might dispose of everything at the landfill. With the Men's Sheds' assistance, the amount of waste could be reduced by up to 50%, lowering the costs for the Rockhampton Regional Council, which pays for waste disposal by weight and volume.

Additionally, having to dispose of all items at the landfill could cause significant emotional distress for individuals, as it involves discarding decades of memories and collections.

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Accordingly, I hereby give notice of my intention to move the following motion at the meeting of Council on Tuesday 10 December 2024:

THAT a report be presented to Council detailing the potential outcomes of amending the Council's Waste and Recycling Services Community Service Obligation Policy to include the disposal of non-reusable items from deceased estates collected by or donated to the Men's Sheds within the Region.

Yours faithfully



Councillor Elliot Hilse
Division 2
Rockhampton Regional Council

12.3 NOTICE OF MOTION - COUNCILLOR ELLIOT HILSE - SISTER CITY DISCUSSIONS

File No: 667
Attachments: 1. [Correspondence to Chief Executive Officer](#)↓
Responsible Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Elliot Hilse has indicated his intention to move a Notice of Motion at the next Ordinary Council scheduled for Tuesday 10 December 2024 regarding establishment of a Sister City Relationship with a City or Region in India.

COUNCILLOR'S RECOMMENDATION

THAT this matter be scheduled for a future Briefing Session to discuss establishing a Sister City Relationship with a City or Region in India. Officers will provide the necessary information to brief Councillors for this discussion.

BACKGROUND

Councillor Elliot Hilse has indicated his intention to move the following Notice of Motion at the next Ordinary Council scheduled for Tuesday 10 December 2024:

The 'Foreign Arrangement Scheme' commenced on 10 December 2020 and its purpose is to govern the details in arrangements between Local, State and Territory Governments and foreign entities, that is Sister City relationships.

I believe that now is the time for the Rockhampton Regional Council to develop a relationship with a region or city in India.

Currently, the country of India is the largest in the world and is therefore also the largest democracy. Australia and India are not that far apart in locations, (just across the Indian Ocean), Climate, Culture (we are currently playing a Cricket test match against India) and Government.

India is developing at a previously unseen pace and will be an extremely important trading partner in the short and long term future for Australia.

We have large areas in our district that are supplying essentials such as fruit, crops and of course mines (some of which are owned by Bravus, an Indian Company).

We also have the CQUniversity which has branches across Australia and could play a very important part in the future of our two countries.

Now is the time to start a discussion around the Council Table about what part we Rockhampton Regional Council wish to play in this future, be it in the driver's seat, or on the sidelines watching another region reaping the benefits.

**NOTICE OF MOTION - COUNCILLOR
ELLIOT HILSE - SISTER CITY
DISCUSSIONS**

**Correspondence to Chief Executive
Officer**

Meeting Date: 10 December 2024

Attachment No: 1



Councillor Elliot Hilse
Division 2
Environmental Sustainability Portfolio
elliott.hilse@rrc.qld.gov.au
0460 638 680

2 December 2024

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Sir

Notice of Motion

I would hereby like to discuss a notice of motion to the Rockhampton Regional Council for the next ordinary meeting, being the 10 December 2024.

That this matter be scheduled for a future Briefing Session to discuss establishing a Sister City Relationship with a City or Region in India. Officers will provide the necessary information to brief Councillors for this discussion.

The 'Foreign Arrangement Scheme' commenced on the 10 December 2020 and its purpose is to govern the details in arrangements between Local, State and Territory Governments and foreign entities, that is "Sister City" Relationships.

I believe that now is the time for the Rockhampton Regional Council to develop a relationship with a Region or City in India.

Currently, the country of India is the largest in the world and is therefore also the largest democracy. Australia and India are not that far apart in locations, (just across the Indian Ocean), Climate, Culture (we are currently playing a Cricket test match against India) and Government.

India is developing at a previously unseen pace and will be an extremely important trading partner in the short and long term future for Australia.

We have large areas in our district that are supplying essentials such as fruit, crops and of course mines (some of which are owned by Bravus, an Indian Company).

We also have the CQUniversity which has branches across Australia and could play a very important part in the future of our two countries.

Now is the time to start a discussion around the Council Table about what part we Rockhampton Regional Council wish to play in this future, be it in the driver's seat, or on the sidelines watching another region reaping the benefits.

Yours faithfully

A handwritten signature in black ink, appearing to read "Elliot Hilse", is written over a light blue horizontal line.

Councillor Elliot Hilse
Division 2
Rockhampton Regional Council

Rockhampton Regional Council PO Box 1860, Rockhampton Q 4700    
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SAFETY FIRST
A graphic consisting of a series of black and yellow diagonal stripes, resembling a hazard warning sign.

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting

15 CLOSED SESSION**RECOMMENDATION**

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 High Street 48Hr Free Camp (Kershaw Gardens)

In accordance with section 254J(3)(f) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss matters that may directly affect the health and safety of an individual or a group of individuals.

16.2 Commercial Opportunity

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 CONFIDENTIAL REPORTS

16.1 HIGH STREET 48HR FREE CAMP (KERSHAW GARDENS)

File No: 6696

Attachments: Nil

Authorising Officer: Alicia Cutler - General Manager Community Services

Author: Emma-Jane Dwyer - Manager Community Assets and Facilities

In accordance with section 254J(3)(f) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss matters that may directly affect the health and safety of an individual or a group of individuals.

SUMMARY

This report recommends appropriate remediation of the High Street Caravan Free Camp.

16.2 COMMERCIAL OPPORTUNITY**File No:** 2021, 8019**Attachments:** 1. Offer**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer**Author:** Kellie Roberts - Coordinator Property and Insurance

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

SUMMARY

This report will outline further details of the commercial proposition presented to Council on 9 October 2024.

17 CLOSURE OF MEETING