



# **ORDINARY MEETING**

## **MINUTES**

**5 MARCH 2024**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 5 MARCH 2024 COMMENCING AT 9:02 AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Sister Beryl from the Rockhampton Catholic Diocese

## **2 PRESENT**

Members Present:

The Mayor, Councillor A P Williams (Chairperson)  
Deputy Mayor, Councillor N K Fisher  
Councillor S Latcham  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor D Kirkland  
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Mr D Scott – Acting General Manager Community Services  
Mr P Kofod – General Manager Regional Services (via video-link)  
Ms M Taylor – Chief Financial Officer  
Mr A Russell – Executive Manager Advance Rockhampton  
Mr D Morrison – Manager Workforce and Governance  
Mr J Kann – Manager Office of the Mayor  
Ms S Mugeridge – Planning Officer  
Ms A O'Mara – Coordinator Development Assessment  
Mr J Webb – Manager Communities and Culture  
Mr M Millett – Coordinator Major Venues  
Mr A Pont – Manager Parks  
Ms E Dwyer – Manager Community Assets and Facilities (via video-link)  
Ms L Bellward – Curator Rockhampton Zoo (via video-link)  
Ms T Conrad – Executive Assistant to Chief Executive Officer  
Ms K Kellett – Executive Support Officer

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

Nil

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 20 February 2024 be confirmed.

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

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Donna Kirkland informed the meeting:

“I have a declarable conflict of interest in Item 11.1 - D/147-2023 - Development Application for a Material Change of Use for Outdoor Sales. This declarable conflict of interest arises as I am a founding non-executive member of The Shelter Collective group who were recipients of a donation from JRT, a company owned by the DA applicant. I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

Councillor Grant Mathers informed the meeting:

“I have a declarable conflict of interest in Item 11.1 - D/147-2023 - Development Application for a Material Change of Use for Outdoor Sales. This declarable conflict of interest arises as I am a founding non-executive member of The Shelter Collective group who were recipients of a donation from JRT, a company owned by the DA applicant. I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

Councillor Drew Wickerson informed the meeting:

“I have a prescribed conflict of interest in Item 11.1 - D/147-2023 - Development Application for a Material Change of Use for Outdoor Sales. This prescribed conflict of interest arises as Mr Cyril Thomasson was a contributor to funds for my 2016 election campaign. I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

## 6 BUSINESS OUTSTANDING

### 6.1 LIFTING MATTERS FROM THE TABLE

**File No:** 10097

**Authorising Officer:** Alicia Cutler - General Manager Community Services

**Author:** Alicia Cutler - General Manager Community Services

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#### SUMMARY

*This report is being presented in order for matters that have been laid on the table at previous meetings to be formally lifted from the table prior to being dealt with at this meeting.*

#### COUNCIL RESOLUTION

THAT the following matter be lifted from the table and dealt with accordingly:

- Zoo Shade Structure Options

**Moved by:** Councillor Kirkland

**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COMMITTEE REPORTS**

Nil

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

## 11 OFFICERS' REPORTS

### 11.1 D/147-2023 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR OUTDOOR SALES

9:11AM

Councillor Donna Kirkland, having earlier informed the meeting of a declarable conflict interest and her decision to not participate in **11.1 - D/147-2023 - Development Application for a Material Change of Use for Outdoor Sales**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

Councillor Grant Mathers, having earlier informed the meeting of a declarable conflict interest and his decision to not participate in **11.1 - D/147-2023 - Development Application for a Material Change of Use for Outdoor Sales**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

Councillor Drew Wickerson, having earlier informed the meeting of a declarable conflict interest and his decision to not participate in **11.1 - D/147-2023 - Development Application for a Material Change of Use for Outdoor Sales**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

**File No:** D/147-2023  
**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Sophie Mugeridge - Planning Officer

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#### SUMMARY

*Application Number:* D/147-2023  
*Applicant:* J, A and C Thomasson  
*Real Property Address:* Lot 10 on RP904597  
*Common Property Address:* 26-28 Derby Street, Rockhampton City  
*Area of Site:* 810 square metres  
*Planning Scheme:* Rockhampton Region Planning Scheme 2015 (version 4.4)  
*Planning Scheme Zone:* Principal Centre Zone – Denison Street Precinct  
*Planning Scheme Overlays:* Acid Sulfate Soils Overlay;  
Airport Environs Overlay.  
*Existing Development:* N/A  
*Approval Sought:* Development Permit for a Material Change of Use for  
Outdoor Sales  
*Level of Assessment:* Impact Assessable  
*Submissions:* Nil



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

## COUNCIL RESOLUTION

### RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sales, made by J, A and C Thomasson, located at 26-28 Derby Street, Rockhampton City, described as Lot 10 on RP904597, Council resolves to provide the following reasons for its decision:

### STATEMENT OF REASONS

<b>Description of the development</b>	
Material Change of Use for Outdoor Sales	
<b>Reasons for Decision</b>	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<b>Assessment Benchmarks</b>	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Principal Centre Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
<b>Strategic Framework</b>	<p><b>Settlement Pattern:</b></p> <p><b>3.3.10 Element – Urban infill and intensification</b></p> <p>The proposed development presents conflicts with aspects of the Strategic Framework. Specifically, outcomes (1), (3) and (4) relating to the settlement pattern theme for urban infill and intensification identifying existing areas within the region’s urban footprint where increased residential densities are desirable to promote compact neighbourhoods.</p>

	<p>While the specific outcomes are predominately focused on residential uses, they do not exclude non-residential uses occurring within the urban infill and intensification designation, rather that residential uses prevail. The proposed development seeks to formalise the commercial use for Outdoor Sales that was previously established on the premises and does comply on balance with the remaining Strategic Framework Themes because:</p> <ul style="list-style-type: none"> <li>• The development will not compromise the natural environment as the subject site is not affected by natural hazards, complying with <i>3.4 Natural environment and hazards theme</i>;</li> <li>• The development is for an Outdoor Sales use within the Principal Centre Zone which promotes a range of complementary land uses to support the immediate community, complying with <i>3.5 Community identity and diversity theme</i>;</li> <li>• The development is accessible and located off a Major and Minor Urban Collector Road, connected to the existing transport network and a bus stop 50 metres east of the subject site, complying with <i>3.6 Access and mobility theme</i>;</li> <li>• The development is connected to existing infrastructure and services, complying with <i>3.7 Infrastructure and services theme</i>; and</li> <li>• The development will formalise and expand an existing business which provides employment opportunities, complying with <i>3.8 Natural resources and economic development theme</i>.</li> </ul> <p>Therefore, the proposed development is taken to comply on balance with the Strategic Framework.</p>
<p><b>Principal Centre Zone Purpose</b></p>	<p>The proposed development presents conflicts with aspects of the overall outcomes for the Denison Street Precinct which are additional to the overall outcomes of the Principal Centre Zone and take precedence in the event of a conflict.</p> <p>The Denison Street Precinct is where industrial uses (limited to service industry and low impact industry uses) and large format retail uses that support the Core Precinct are generally located.</p> <p>Despite this, the proposal to formalise a commercial bulky goods use (Outdoor Sales) within this precinct will not compromise the centre hierarchy because:</p> <ul style="list-style-type: none"> <li>• The developments existing and proposed built form and design remains consistent with the existing or desired character outlined in the zone;</li> <li>• The development maintains a co-location of activities to promote choice for users and competition between businesses within the Principal Centre Zone and sub-precincts;</li> <li>• The development is consistent with aspects of the surrounding precinct, which is characterised by a combination of industrial, commercial and residential; and</li> <li>• Is an efficient use of existing infrastructure.</li> </ul> <p>Despite conflicts with the Denison Street Precinct, the development is not anticipated to detract from the role and function of the Principal Centre Zone and regard to relevant matters is considered to outweigh these conflicts.</p>

<b>Principal Centre Zone Code</b>	<p><b>Performance Outcome (PO)15</b></p> <p>The proposed development conflicts with Acceptable Outcome (AO) 15.3 because car parking is not located onsite, where AO15.3 requires car parking to be located to the side or rear of buildings and not located along the street frontage.</p> <p>The development provides for three (3) informal car parking spaces on-site for staff and customers located to the rear of the site and the remaining shortfall of parking is provided in off-site parking bays along the street frontage for customers.</p> <p>Despite the non-compliance, the proposed development is designed to create a pedestrian oriented street frontage and avoids large expanses of walls because:</p> <ul style="list-style-type: none"> <li>• A pedestrian network has been conditioned to be constructed for the full Derby Street frontage of the development site to connect to the existing network;</li> <li>• The built form of the existing structure (sales office) is oriented towards the Denison Street frontage and the proposed structure, oriented internal to the site has been conditioned to include landscaping along the north-western side (Denison Street) to avoid large expanses of blank walls.</li> </ul> <p>Therefore, the proposed development is taken to comply with PO 15.</p>
	<p><b>Performance Outcome (PO) 34</b></p> <p>The proposed development conflicts with PO 34 as landscaping is not provided nor conditioned along the full frontage of the development site and no acceptable outcome is nominated.</p> <p>Given the nature of the use (Outdoor Sales for used cars) and in the context of the proposed development being existing with majority of the site already impervious, the non-compliance is considered a low-level conflict.</p> <p>Despite this, all existing landscaping will be retained, and additional landscaping has been conditioned along the north-western boundary for the full length of the proposed structure to maintain the amenity of the Principal Centre Zone.</p>
	<p><b>Performance Outcome (PO) 39</b></p> <p>The proposed development conflicts with PO 39 because the establishment of a commercial bulky goods use is not contemplated within the Denison Street Precinct.</p> <p>A response to the relevant provisions for the purpose of the Principal Centre Zone relating to this conflict is provided above.</p> <p>Despite conflicts with the Denison Street Precinct, the development is not anticipated to detract from the role and function of the Principal Centre Zone and regard to relevant matters is considered to outweigh these conflicts.</p>
<b>Access, Parking and Transport Code</b>	<p><b>Performance Outcome (PO) 5</b></p> <p>The proposed development conflicts with Acceptable Outcome (AO) 5.1 because no formalised vehicle parking spaces are proposed onsite, with all customer parking located off-site, where AO5.1.1 requires eight (8) onsite parking spaces.</p> <p>Despite the non compliance, it has been conditioned that three (3) vehicle parking spaces are provided on site for staff and customers to utilise. The shortfall of parking is considered reasonable due to the small scale nature of the development with sufficient off street parking provided along Derby Street to meet the demand generated by the development.</p> <p>Therefore, the proposed development is taken to comply with PO5.</p>

**Relevant Matters**

The proposed development was assessed against the following relevant matters:

- There is an established mixed land use pattern in proximity to the site with a combination of industrial, commercial and residential uses.
- The use (Outdoor Sales for used cars) is small scale in comparison with other approved car sales yards also located within the Denison Street Precinct (i.e. DC Motors and Ian Weigh Toyota).
- The proposal is to formalise an existing use on the subject site that has been operating since 2017. The subject site borders the Principal Centre Settlement Pattern of the Strategic Framework and is consistent with the specific outcomes of this element. Although established unlawfully, the use since has not impacted the Principal Centre or Precincts.
- The Rockhampton Region Commercial Centres Study published in 2021 confirms that the Principal Centre is Rockhampton's central business district with the highest concentration of commercial, office, lifestyle, retail and entertainment and that current uses should be retained to avoid unnecessary vacancy rates.

**Matters raised in submissions**

The proposal was the subject of public notification between 11 December 2023 and 19 January 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.

**Matters prescribed by regulation**

- 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 Outdoor Sales, made by J, A and C Thomasson, located at 26-28 Derby Street, Rockhampton City described as Lot 10 on RP904597, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council's satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use or 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 commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Road Works;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 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>
Material Change of Use Warehouse building	Capricorn Survey Group CQ	16 October 2023	9130-01-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 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 A concrete pedestrian pathway, with a minimum width of 1.5 metres, must be constructed for the full Derby Street frontage of the development site.
- 3.3 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

## 4.0 PARKING WORKS

- 4.1 A minimum of three (3) carparks are to be provided on-site for staff and customers.
- 4.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking facilities"*.

## 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 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* and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated sewerage and water networks.
- 5.3 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.4 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 5.5 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 5.6 The existing combined line must be re-aligned to achieve adequate setback from the proposed industrial shed. The section of redundant combined line infrastructure must be removed from the site.

## 6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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.
- 6.2 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.

## 7.0 SITE WORKS

- 7.1 All earthworks (if any) must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 7.2 Site works (if any) must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

## 8.0 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 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 8.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.4 Any building plant must be screened from view of the street by one or more of the following:

- 8.4.1 a solid screen fence, or
  - 8.4.2 a roof design feature; or
  - 8.4.3 a wall; or
  - 8.4.4 dense vegetation; or
  - 8.4.5 be located within, underneath or central to the building so as to not be visible from the street.
- 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 bins 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 sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

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

## 9.0 LANDSCAPING

- 9.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1), except as varied by these conditions.
- 9.2 Existing landscaping within the site must be retained.
- 9.3 Landscaping must be provided with a minimum planting area of one (1) metre in width along the north-western side (Denison Street) for the full length of the proposed shed and prior to the commencement of the use.
- 9.4 Planting types used within the landscaping areas must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 9.4.1 trees at five (5) metre intervals;
  - 9.4.2 shrubs at two (2) metre intervals; and
  - 9.4.3 groundcovers at one (1) metre intervals.
- 9.5 At least fifty (50) per cent of all new plantings within the landscaping areas must be locally native species with low water dependency and must comply with the following requirements:
- 9.5.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and

- 9.5.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 9.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 9.7 The landscaped areas must be subject to:
- 9.7.1 a watering and maintenance plan during the establishment moment; and
- 9.7.2 an ongoing maintenance and replanting programme.
- 10.0 ELECTRICITY
- 10.1 Electricity services must be provided to the development 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.
- 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 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) in accordance with the *State Planning Policy 2017* and *Capricorn Municipal Design Guidelines requirements*, must be:
- 13.1.1 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
- 13.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 Noise emitted from the activity must not cause an environmental nuisance.
- 14.2 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Denison Street, or Derby Street.



- 15.2 Operations on the development 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.
- 15.3 When Council receives dust complaints, Council will conduct nuisance monitoring, to investigate any genuine complaint of nuisance caused by dust. If the complaints are genuine, the entire car sales area including parking spaces and vehicle manoeuvring areas must be concrete paved or sealed to Council's satisfaction for prevention of dust generation.
- 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*.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges

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

NOTE 5. 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

A Development application for Operational Works (Advertising device) is required to be submitted for approval by Council for any existing or proposed signage; other than those that are exempt or accepted development under Council's Planning Scheme.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Latcham

**MOTION CARRIED**

Councillors Williams, Smith, Latcham, Rutherford, Fisher voted in the affirmative.

Councillors Kirkland, Wickerson and Mathers were not in the room and did not participate in the vote.

9:13AM Councillors Kirkland, Wickerson and Mathers returned to the meeting room.

**11.2 DELEGATION OF DECISION MAKING FOR RADF 2023/24 ROUND 2 TO CHIEF EXECUTIVE OFFICER**

**File No:** 2837  
**Authorising Officer:** John Webb - Manager Communities and Culture  
Emma-Jane Dwyer - Acting General Manager  
Community Services  
**Author:** Mark Millett - Coordinator Major Venues

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**SUMMARY**

*Regional Arts Development Fund (RADF) 2023/24 Round 2 funding falls within the Caretaker period prior to Council elections. This report requests that decision making and awarding of grants for RADF 23/24 Round 2 be delegated to the CEO.*

**COUNCIL RESOLUTION**

THAT Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer the power to decide and award grants under Regional Arts Development Fund 2023/24 Round 2.

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

**MOTION CARRIED UNANIMOUSLY**

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**11.3 ZOO SHADE STRUCTURE OPTIONS**

**File No:** 8044  
**Authorising Officer:** Alicia Cutler - General Manager Community Services  
**Author:** Aaron Pont - Manager Parks  
Liz Bellward - Curator Rockhampton Zoo  
Emma-Jane Dwyer - Manager Community Assets and Facilities  
**Previous Items:** 11.4 - Zoo shade structure options - Ordinary Council - 20 Feb 2024 9:00 AM

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**SUMMARY**

*This matter was laid on the table at the Ordinary Council meeting on 20 February 2024 with an onsite meeting and inspection taking place on Monday 26 February 2024.*

*The report details the background and design development of the proposed Meerkat & Perentie shade structures. Both shades will improve the comfort of visitors and animals.*

**COUNCIL RESOLUTION**

THAT Council resolves to re-design a lesser-cost shade solution which will include a briefing session to arrive at an agreed scope of works.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

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**11.4 FINAL MANAGEMENT LETTER FOR ROCKHAMPTON REGIONAL COUNCIL  
2022/2023**

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

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**SUMMARY**

*Following the certification of the Financial Statements for the period ended 30 June 2023, the Final Management Letter was received from the Queensland Audit Office (signed by Thomas Noble & Russell as delegate).*

**COUNCIL RESOLUTION**

THAT the Final Management Report for the 2022/2023 financial audit of Rockhampton Regional Council be received.

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

**MOTION CARRIED UNANIMOUSLY**

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS\QUESTIONS**

Nil

**GENERAL BUSINESS**

Councillor Wickerson presented Mayor with a Certificate of Appreciation from Rotary Club of Rockhampton North for Council's assistance with the Rocky Swap which they ran from 1996 to 2023.

Councillor Kirkland expressed her thanks to everyone for the opportunity to be a part of the decision making process for Rockhampton Regional Council and said it had been a privilege to serve on Council and she wished everyone well.

Mayor Williams thanked Councillor Kirkland for her contribution over the last 4 years and in particular for her attention to detail and focus on the community.

Mayor Williams expressed his thanks to all Councillors for their efforts over the last term and in particular in the 3 years since he has been Mayor. He highlighted major projects achieved during the term and congratulated everyone on their contribution.

Deputy Mayor expressed his thanks and best wishes to everyone and also highlighted a few of the projects he had been involved with.

Mayor Williams presented a gift to Councillor Kirkland from Mayor and Councillors.

**15 CLOSURE OF MEETING**

There being no further business the meeting closed at 9.43am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**5 MARCH 2024**



## **ANNEXURE A**

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

**Item 11.1            D/147-2023 - Development Application for a Material Change of Use  
for Outdoor Sales**

# **Development Application (D/147-2023) for Material Change of Use for Outdoor Sales**

26 – 28 Derby Street, Rockhampton City – Lot 10  
RP904597

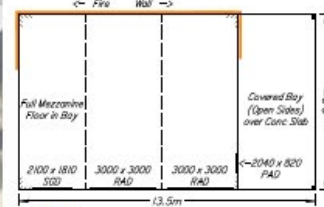
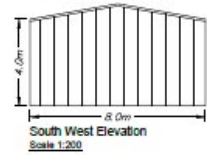
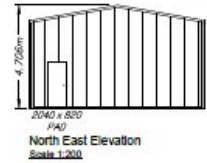
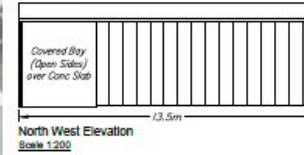
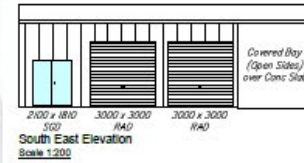
Council meeting – 5 March 2024

Sophie Muggeridge – Planning Officer – Development Assessment

# Locality Plan



# Site Plan



Plan View  
Scale 1:200

