



ORDINARY MEETING

MINUTES

10 DECEMBER 2024

These Minutes are due to be confirmed at the next
Ordinary Council meeting on 18 January 2025.

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

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 OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 26 November 2024 be confirmed.

Moved by: Councillor Wickerson

Seconded by: Councillor Hilse

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Edward Oram informed the meeting:

"I have a prescribed conflict of interest in **Item 16.3 Tender 16139 – Management and Operation of Gracemere Pool**. This prescribed conflict of interest arises as my daughter Georgia Oram is an employee of one of the businesses which has tendered for the Gracemere Pool operation as outlined in the report.

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."

Mayor, Councillor Tony Williams informed the meeting:

"I have a declarable conflict of interest in **Item 11.6 – Request to Extend Development Incentives** as I am patient at the Grace Medical Centre. I wish to participate in the decision in relation to this matter. I acknowledge that eligible councillors must now determine whether I:

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

COUNCIL RESOLUTION

THAT the table determines that in the public interest Mayor Williams participates and votes on **Item 11.6 - Request to Extend Development Incentives** and no conditions on participating be imposed.

Moved by: Councillor Wickerson

Seconded by: Councillor Hilse

MOTION CARRIED

Councillor Cheri Rutherford Informed the meeting:

"In relation to **Item 11.12 – Queensland Police Citizens Youth Welfare Association (PCYC) Proposed Trustee Lease Renewal**, I wish to advise the table that previously I have had a Declarable Conflict of Interest in matters of the PCYC but have not been employed by PCYC for 4 years now and no longer have any ties with them at all, circumstances have changed.

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

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

SUMMARY

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

COUNCIL RESOLUTION

THAT the Business Outstanding Table for Ordinary Council be received.

Moved by: Councillor Taylor

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

UNCONFIRMED

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING – 21 NOVEMBER 2024

COUNCIL RESOLUTION

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.

Moved by: Councillor Latcham

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

(**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
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

UNCONFIRMED

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

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/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)

COUNCIL RESOLUTION

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 NOTESNOTE 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 road control and safe public access in respect of works being constructed on a road.

Moved by: Councillor Mathers

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

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

File No: D/98-2024

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)

COUNCIL RESOLUTION

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>
Landscape Code	<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>
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
Matters raised in submissions	
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.	
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 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.

Moved by: Councillor Latcham

Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

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
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

COUNCIL RESOLUTION**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> <ul style="list-style-type: none"> (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; (b) providing effective wildlife movement infrastructure in accordance with best practice and directing fauna to locations where wildlife movement infrastructure has been provided to enable fauna to safely negotiate a development area; and (c) separating fauna from potential hazards through the use of appropriate fencing.

	<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>
Access, Parking and Transport Code PO2	<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>
Relevant Matters	
<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
Matters raised in submissions	
<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>	
Construction works have commenced	<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>
Construction noise	<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>
Operational noise	<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 13600000014 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.
Odour	<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 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 13600000014 administered by the Department of Agriculture and Fisheries rather than Council development approval.</p>

	<p>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 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</p>

	<p>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. • Containment of the layer birds within the sheds. • Regular shed inspections by managers to identify deceased birds

	<p>or any signs of illness in the flock.</p> <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 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>
<p>Property values</p>	<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>
<p>Matters prescribed by regulation</p>	
<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

- 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.

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.
- 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 NOTESNOTE 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).

Moved by: Councillor Latcham

Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

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
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

COUNCIL RESOLUTION**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	<p>3.8 Natural Resources and Economic Development</p> <p>3.8.4 Element – Rural Land</p> <p>3.8.4.1 Specific Outcome (1)</p> <p>The proposed development does not comply with Specific Outcome (1) of 3.8.4 Element – Rural Land because the</p>

	<p>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> <ul style="list-style-type: none"> (a) is located on the least productive parts of a site and not on land identified on the agricultural land classification (ALC) overlay maps; (b) does not restrict the ongoing safe and efficient use of nearby rural uses; and (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>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 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, “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>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 “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</p>

	<p>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 potential presence of threatened species listed under Local, State and Commonwealth legislation, fauna and flora habitat</p>

	<p>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 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 Burnett Highway therefore no additional overhead infrastructure is required.</p> <p>The height of the buildings and structures on the subject site</p>

	<p>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 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</p>

	<p>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 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> <p>(a)ensuring the bulk, height and scale of the facility is</p>

	<p>consistent with surrounding development;</p> <p>(b)extensive landscaping and building colours which blend with the landscape; and</p> <p>(c) ensuring transformers are not visible from the property boundary or public place.</p> <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 LAmax, adj.T at a sensitive land use do not exceed:</p> <p>(i) background noise level plus 5dB(A) between the hours of 07:00 and 22:00; and</p> <p>(ii) background noise level plus 3dB(A) between the hours of 22:00 and 07:00.</p> <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 for two (2) hours once per day, typically during peak electrical usage when fans, air conditioning, televisions and other noise sources are being used. - 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

	<p>receptors. This is to occur:</p> <ul style="list-style-type: none"> ○ in its initial state to ensure the development achieves an acceptable acoustic outcome; and ○ 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> <p>(a) prevent noise nuisance; and</p> <p>(b) ensure ambient noise levels are consistent with the prevailing character of the area.</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.</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> <p>(a) sensitive habitat;</p> <p>(b) remnant vegetation;</p> <p>(c) soil erosion; and</p> <p>(d) waterways.</p> <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 <i>Future Made in Australia</i> 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. 	
<p>Matters raised in submissions</p>	

<p>The proposal was the subject of public notification between 16 September 2024 and 4 October 2024 in accordance with the requirements of the <i>Planning Act 2016</i> and the <i>Development Assessment Rules</i>, and 327 properly made submissions and 50 not properly made submissions were received.</p>	
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 AS1055-2018 '<i>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 Impacts</p> <p>Submitters have concerns the development will result in the appearance of the surrounding area</p>	<p>It is acknowledged that the BESS facility will be visually prominent. However, the design, the colour of the facility and 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</p>

<p>being altered from one of rural landscape to that of an industrial estate and is uncharacteristic in the area.</p>	<p>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 Impacts</p> <p>Submitters raised concerns regarding the environmental impacts that BESS facilities may produce eg. forever</p>	<p>An Ecological Assessment Report was prepared by Green 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>

<p>chemicals contained in lithium-ion batteries, groundwater contamination, natural drainage impacts, destruction to farm land, fauna and flora.</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 concerns the proposed development is not consistent with the Rural Zone due to their industrial nature and would be more suited to zones</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 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</p>

<p>designated for industrial activities rather than rural or agricultural areas.</p>	<p>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 with the local fire authority. - 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

	<p>members with the design and safety features of the LFP BESS system both before and during project construction.</p> <ul style="list-style-type: none"> - 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 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</p>

	<p>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 findings were favourable to the development and every single report author indemnified themselves, so no</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 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</p>

<p>one will be held accountable for any damages.</p>	<p>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 Rockhampton Regional Council policies and plans have not yet caught up to the industry and comprehensive reviews are</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</i> 10 year review.</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;

<p>essential to ensure they are in keeping with current and emerging technologies.</p>	<ul style="list-style-type: none"> - 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 members and Council.</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>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’.

	<ul style="list-style-type: none"> - 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 caused by leeching.</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 contained.</p>
<p>Non-Planning matters</p>	<p>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.</p>

<p>Submitters raised concerns the proposed development would devalue their properties and increase their home insurance premiums.</p>	<p>In addition, there is no evidence the commercial installation of these facilities has impact upon home insurance policies.</p>
<p>Matters prescribed by regulation</p>	
<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 Response)	Spiire	20 June 2024	321785	-
Bushfire Risk	Spiire	9 May 2024	-	3

Assessment				
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"*.

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 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.

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	Ace nergy	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.

Moved by: Councillor Wickerson

Seconded by: Mayor Williams

DIVISION:

Councillors Williams, Wickerson and Hilse voted in the affirmative

Councillors Latcham, Taylor, Rutherford, Mathers and Oram voted in the negative.

MOTION LOST

COUNCIL RESOLUTION

9.57AM

THAT the meeting be adjourned for a 10 minute recess.

Moved by: Mayor Williams

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10:10AM

THAT the meeting be resumed.

Moved by: Mayor Williams

Seconded by: Councillor Taylor

MOTION CARRIED

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

COUNCIL RESOLUTION

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 Refuse the application and provides the following reasons:

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 Refusal	
<p>c) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>d) On balance, the application is refused as the development does not comply with aspects 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	<p>3.8 Natural Resources and Economic Development</p> <p>3.8.4 Element – Rural Land</p> <p>3.8.4.1 Specific Outcome (1)</p> <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</p>

	<p>and land suitable for intensive horticulture or any emerging productive rural use is protected.</p> <p>The development will result in a loss of 10 hectares of Class B agricultural land.</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 not comply with the remaining of the Strategic Outcomes of the Natural Resources and Economic Development theme; and</p> <p>Does not comply 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, the proposed development is anticipated to compromise the Strategic Framework of the <i>Rockhampton Region Planning Scheme 2015</i>.</p>
Rural Zone Code	<p>Performance Outcome (PO) 30</p> <p>The proposed development will 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>The proposed developments design and mitigation measures are not 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>
Rural Zone Code	<p>Performance Outcome (PO) 31</p> <p>The proposed development will 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>The BESS facility with a proposed land area size of 10 hectares will be visually prominent.</p> <p>The extent of planting proposed will not provide an adequate visual screen for the development.</p>
Telecommunications Facilities and Utilities Code	<p>Performance Outcome (PO) 13</p> <p>The proposed development will 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> <p>(a) ensuring the bulk, height and scale of the facility is consistent with surrounding development;</p> <p>(b) extensive landscaping and building colours which blend with the landscape; and</p> <p>(c) ensuring transformers are not visible from the property boundary or public place.</p>
Telecommunications Facilities and Utilities Code	<p>Performance Outcome (PO) 15</p> <p>The proposed development will 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> <p>(i) background noise level plus 5dB(A) between the hours of 07:00 and 22:00; and</p> <p>(ii) background noise level plus 3dB(A) between the hours of 22:00 and 07:00.</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>It is considered that the development's design, operational outcomes, will cause nuisance to nearby sensitive receptors.</p>
Telecommunications Facilities and Utilities Code	<p>Performance Outcome (PO) 16</p> <p>The proposed development will 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> <p>(a) sensitive habitat;</p> <p>(b) remnant vegetation;</p> <p>(c) soil erosion; and</p> <p>(d) waterways.</p>
Further Reasons that fit with various Policies, Overlays, Frameworks & Codes	<p>The proposed development would cause fragmentation of good agriculture land (State overlay)</p> <p>The proposed development lacks a robust bushfire management plan and places too much reliance on volunteers as first responders.</p> <p>The proposed development lacks end of life plan.</p>

Moved by: **Councillor Oram**

Seconded by: **Councillor Mathers**

MOTION CARRIED UNANIMOUSLY

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

File No: 12660
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Wickerson

Seconded by: Councillor Hilse

MOTION CARRIED

11.6 REQUEST TO EXTEND DEVELOPMENT INCENTIVES

File No: 13674
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.

10:17AM The Chief Executive Officer left the meeting room
10:18AM The Chief Executive Officer returned to the meeting room

COUNCIL RESOLUTION

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

Moved by: Councillor Latcham
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

Councillors Latcham, Mathers, Williams, Wickerson, Rutherford, Oram, Taylor and Hilse voted in the affirmative

11.7 REQUEST TO EXTEND DEVELOPMENT INCENTIVES

File No: 13674
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.

COUNCIL RESOLUTION

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

Moved by: Councillor Latcham

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

11.8 CONTINUATION OF THE CBD DINING PLATFORM PROGRAM

File No: 11359
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.9 CQ AGTECH INNOVATION SHOWCASE SPONSORSHIP PROPOSAL

File No: 647
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.

COUNCIL RESOLUTION

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

Moved by: Mayor Williams
Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

11.10 REGIONAL ARTS DEVELOPMENT FUND ROUND 2 2024-25

File No: 8944
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.

10:29AM Councillor Oram left the meeting room

COUNCIL RESOLUTION

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

Moved by: Councillor Wickerson

Seconded by: Councillor Hilse

MOTION CARRIED

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

File No: 1370
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

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

File No: 4209
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

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

File No: 3066
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.

COUNCIL RESOLUTION

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.

Moved by: Councillor Rutherford
Seconded by: Councillor Hilse
MOTION CARRIED

12 NOTICES OF MOTION

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

File No: 8056
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.

10:36AM Councillor Oram returned to the meeting room.

COUNCIL RESOLUTION

THAT a report on the matter be presented to the next Infrastructure Committee meeting to be held on 18 February 2025.

Moved by: Councillor Latcham
Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

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

File No: 6237, 11979
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.

COUNCIL RESOLUTION

THAT Council consider, as part of the 2025-26 budget deliberations, 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.

Moved by: Councillor Hilse
Seconded by: Councillor Latcham

MOTION CARRIED

12.3 NOTICE OF MOTION - COUNCILLOR ELLIOT HILSE - SISTER CITY DISCUSSIONS

File No: 667
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.

COUNCIL 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.

Moved by: Councillor Hilse

Seconded by: Councillor Latcham

Councillors Hilse, Latcham, Mathers and Rutherford voted in the affirmative
Councillors Taylor, Wickerson, Oram and Williams voted in the negative.

Mayor Williams used his casting vote in the negative.

MOTION LOST

12.4 NOTICE OF MOTION - MAYOR WILLIAMS - NEIL FISHER MEMORIAL WALK**File No:** 8246, 394**Responsible Officer:** Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer**SUMMARY**

Mayor Williams has indicated his intention to move a Notice of Motion at the next Ordinary Council meeting scheduled for 10 December 2024 regarding the renaming of the walkway between the beginning of Pilbeam Drive, Frenchville and The Saddle, the "Neil Fisher Memorial Walk".

COUNCIL RESOLUTION

THAT Council:

1. Acknowledges the recent passing of Councillor Neil Fisher and his significant contribution to the Rockhampton Region across two decades in the local government sector;
2. Recognise his passion and commitment to improving Rockhampton's public spaces, in particular, Mount Archer and the Frenchmans Creek corridor;
3. Resolve to name the walkway between the beginning of Pilbeam Drive, Frenchville and the Saddle, the Neil Fisher Memorial Walk.

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

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

UNCONFIRMED

15 CLOSED SESSION

COUNCIL RESOLUTION

10:49AM

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.

16.3 Tender 16139 - Management and Operation of Gracemere Pool

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

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10:50AM

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

Moved by: Mayor Williams

Seconded by: Councillor Taylor

MOTION CARRIED

COUNCIL RESOLUTION

10:50AM

THAT the meeting be adjourned for a short recess, to resume at 11:00AM

Moved by: Mayor Williams

Seconded by: Councillor Taylor

MOTION CARRIED

COUNCIL RESOLUTION

11:01AM

THAT the meeting be resumed.

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

Members Present:

The Mayor, Councillor A P Williams (Chairperson)

Deputy Mayor, Councillor M D Wickerson

Councillor S Latcham

Councillor E W Oram

Councillor C R Rutherford

Councillor M A Taylor

Councillor G D Mathers

Councillor E B Hilse

In Attendance:

Mr E Pardon – Chief Executive Officer

COUNCIL RESOLUTION**11:01AM**THAT pursuant to section 254J(1) of the *Local Government Regulation 2012* the meeting moves into Closed Session to resume discussion on items 16.1, 16.2 and 16.3.**Moved by: Mayor Williams****Seconded by: Councillor Latcham****MOTION CARRIED**

11:02AM

Councillor Oram having earlier declared a conflict of interest in **Item 16.3 – Tender 16139 - Management and Operation of Gracemere Pool** left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed.

11:13AM Councillor Oram returned to the meeting room.

11:58 AM Chief Executive Officer left the meeting room

11:59 AM Chief Executive Officer returned to the meeting room

12:11PM Chief Executive Officer left the meeting room

12:13PM Chief Executive Officer returned to the meeting room

THAT the order of business be changed for Item 16.3 – Management and Operation of Gracemere Pool to be dealt with first.

COUNCIL RESOLUTION

12:50PM

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

Moved by: Mayor Williams

Seconded by: Councillor Mathers

MOTION CARRIED

UNCONFIRMED

16 CONFIDENTIAL REPORTS

12:50 PM

Councillor Oram left the meeting having earlier declared a conflict of interest in **Item 16.3 – Tender 16139 – Management and Operation of Gracemere Pool** while the matter was voted on.

16.3 TENDER 16139 - MANAGEMENT AND OPERATION OF GRACEMERE POOL

File No: 16139
Authorising Officer: John Webb - Acting General Manager Community Services
Evan Pardon - Chief Executive Officer
Author: Emma-Jane Dwyer - Manager Community Assets and Facilities
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

The purpose of this report is to provide Council an update on Tender 16139 – Management and Operation of Gracemere Pool.

COUNCIL RESOLUTION

THAT the report be received and extensive media be undertaken.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson
MOTION CARRIED

12:51 PM Councillor Oram returned to the meeting room

16.1 HIGH STREET 48HR FREE CAMP (KERSHAW GARDENS)

File No: 6696
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.

COUNCIL RESOLUTION

THAT Council:

1. Endorse an increase in budget to redevelop the High Street Free Camp as detailed in Option One of the report and be included in the revised budget.
2. Consideration be given during the revised budget to delay the northern roundabout development project to a later date and redirect the funds to the High Street Free Camp Redevelopment project.
3. Consideration be given during budget deliberation for toilet facilities to be provided at the site.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

16.2 COMMERCIAL OPPORTUNITY

File No: 2021, 8019
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.

COUNCIL RESOLUTION

THAT Council proceed as recommended in the report.

Moved by: Mayor Williams
Seconded by: Councillor Oram

MOTION CARRIED

Councillor Mathers and Hilse recorded their votes against the motion.

17 CLOSURE OF MEETING

There being no further business the meeting closed at 12:55 pm.

SIGNATURE

CHAIRPERSON

DATE

UNCONFIRMED



**MEETING
ATTACHMENTS**

10 DECEMBER 2024

ANNEXURE A

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

- Item 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)**
- Item 11.2 - D/98-2024-Development Application for Material Change of Use for a Community Use (Childrens Educational Playgroup)**
- Item 11.3 - D/96-2024-Development Application for Material Change of Use for Intensive Animal Industry (Expansion to Poultry Egg Layer Farm)**
- Item 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)**
- Item 12.2 - Notice of Motion – Councillor Elliot Hilse – Amendment to Waste and Recycling Services Community Service Obligation Policy**

**Development Application (D/88-2024) for
Material Change of Use for 2 x Dwelling House
Building Envelopes & Reconfiguration of a Lot
for a Boundary Realignment (two lots into two)**

Lot 20 Glen Gordon Street, Mount Morgan

Lot 20 & Lot 22 on RP602448

Council meeting – 10 December 2024

Sophie Muggeridge – Planning Officer

Locality Plan



Site Plan



**Development Application (D/98-2024)
Material Change of Use for a Community Use
(Childrens Education Playgroup)**

405 Yaamba Road, Park Avenue

Lot 2 on RP852133

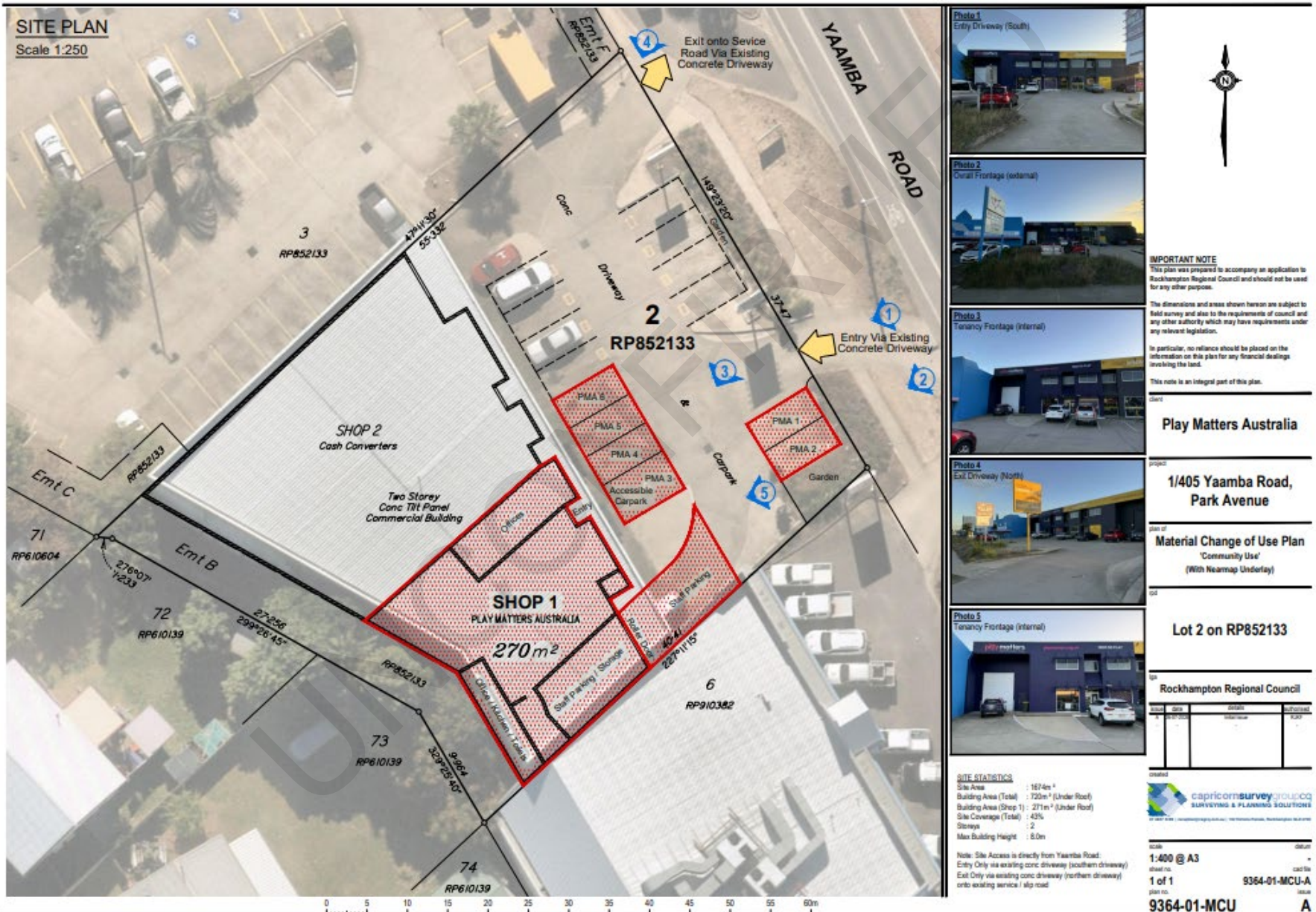
Council Meeting – 10 December 2024

Sophie Muggeridge – Planning Officer

Subject Site



Proposed development



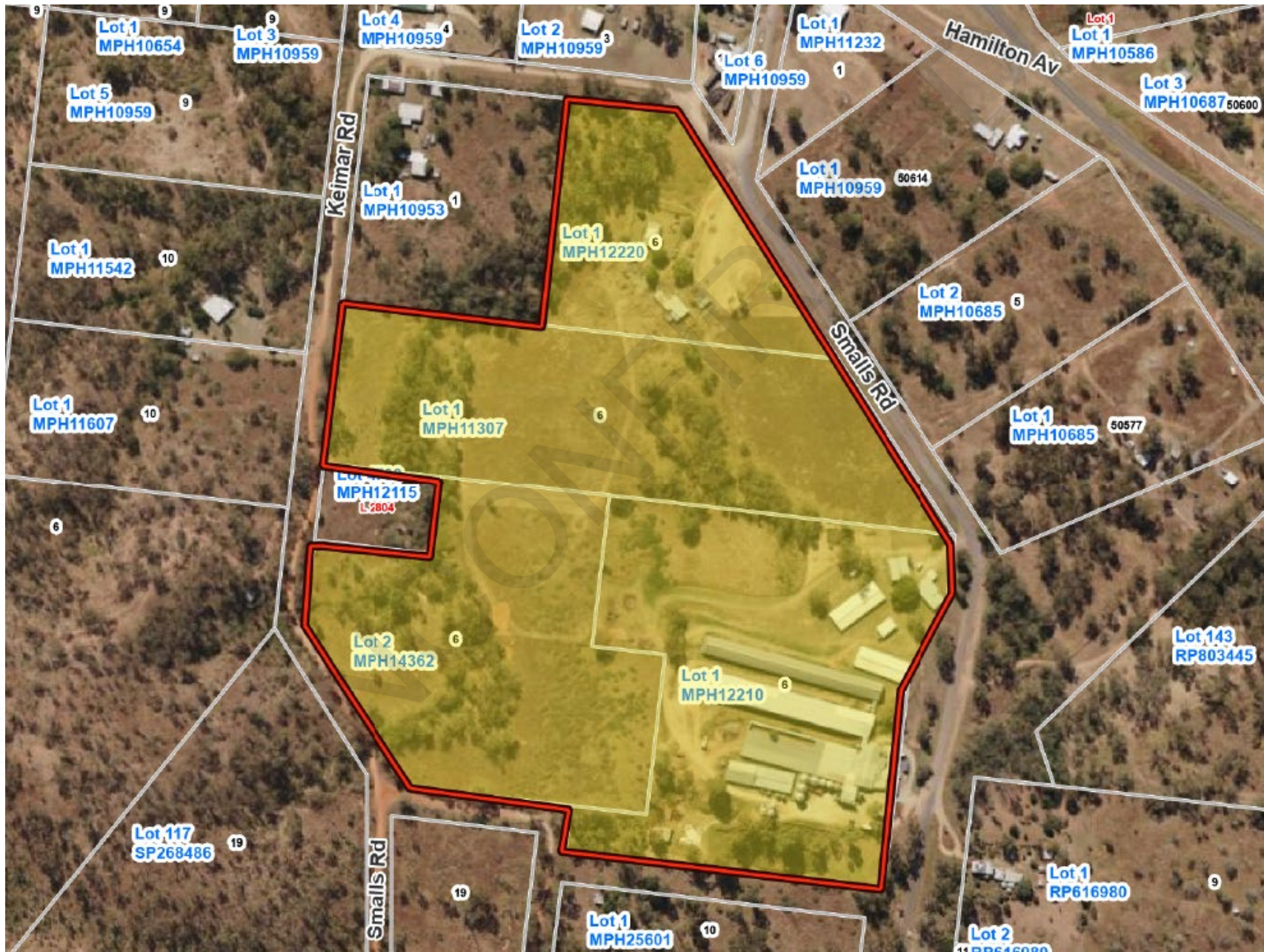
**Development Application (D/96-2024) for a
Material Change of Use for Intensive Animal
Industry (expansion to existing poultry egg
layer farm)**

6 Smalls Road, Hamilton Creek

Council Meeting – 10 December 2024

Aidan Murray – Senior Planning Officer

Location



Development Details

- Material Change of Use for Intensive Animal Industry
- Proposal is for expansion of the existing poultry egg layer farm
- Existing Environmental Authority Approval is related but separate to the Development Approval.
 - Regulated by the Department of Environment and Science with its own conditions. Expansion is under the threshold for maximum number of birds (200,000).
- Two submissions received with concerns about amenity and environmental impacts. These matters are addressed within the report.

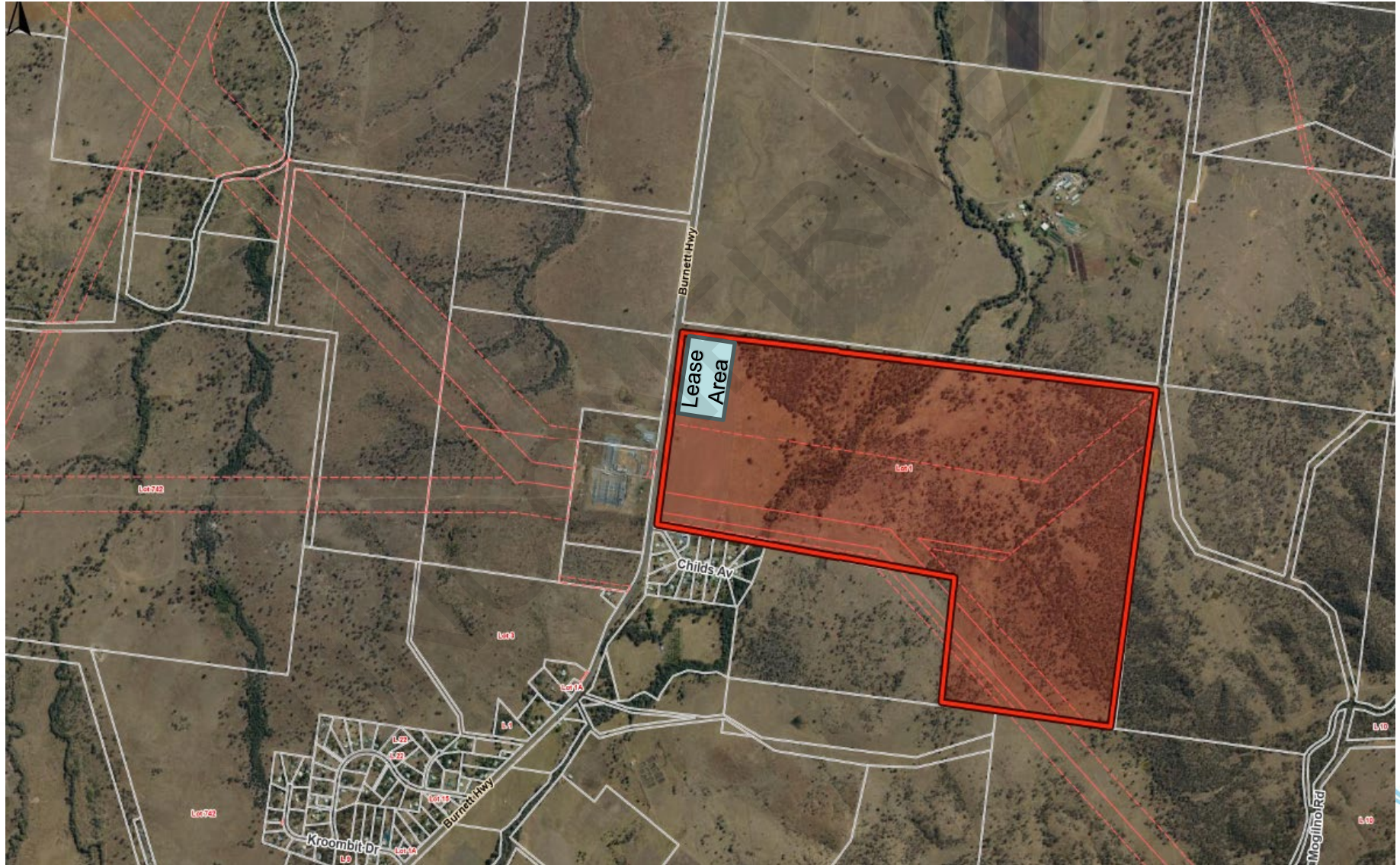
	EXISTING	PROPOSED
Bird Numbers	148,000 birds	165,000 birds
Gross Floor Area	7,040 square metres	9,430 square metres
ERA Approval	0 – 200,000 birds	0 – 200,000 birds
Staff Numbers	6 full time and 6 part time employees	6 full time and 6 part time employees
Traffic	Approximately 2 trucks per day and 5 staff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

Site Plan

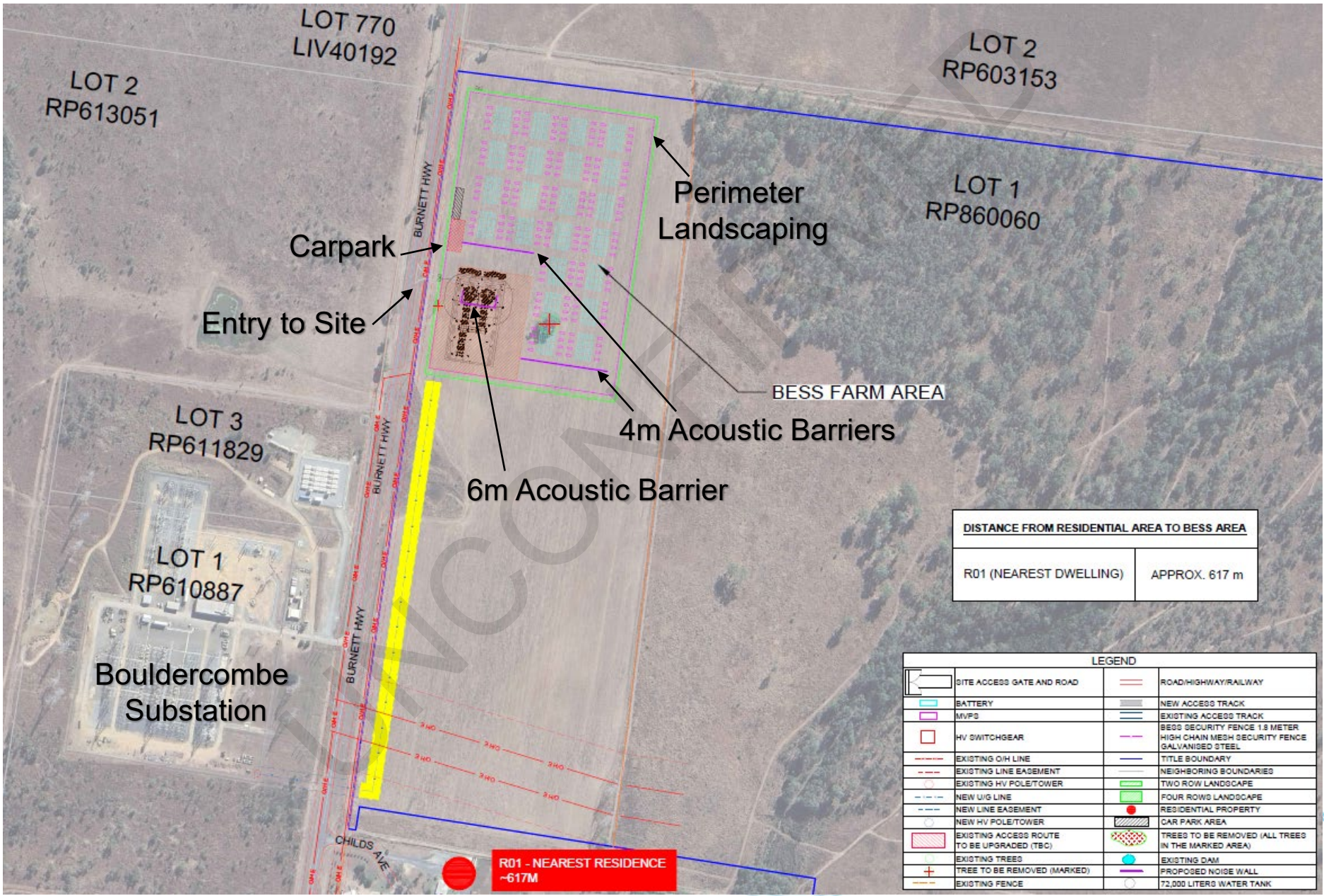


Subject Site

Lot 1 Burnett Highway, Bouldercombe



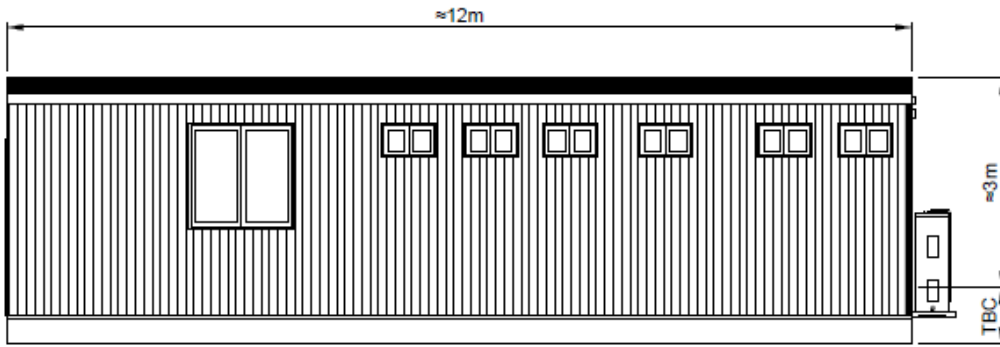
Proposed development



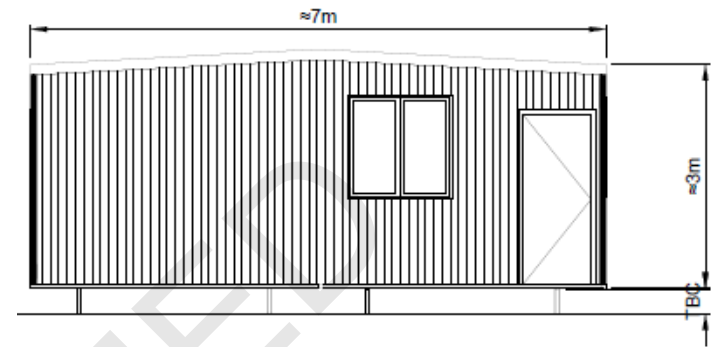
DISTANCE FROM RESIDENTIAL AREA TO BESS AREA	
R01 (NEAREST DWELLING)	APPROX. 617 m

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 O/H LINE		TITLE BOUNDARY
	EXISTING LINE EASEMENT		NEIGHBORING BOUNDARIES
	EXISTING HV POLE/TOWER		TWO ROW LANDSCAPE
	NEW U/G 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

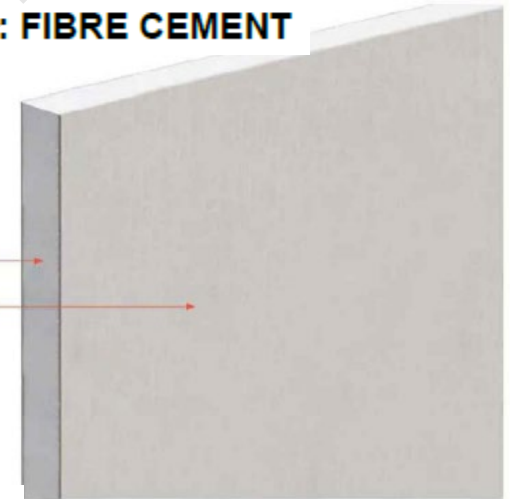
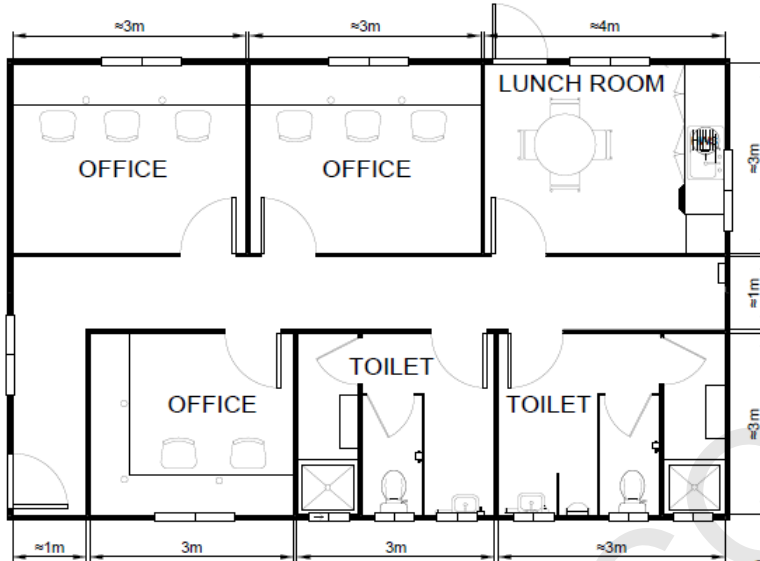
R01 - NEAREST RESIDENCE ~617M



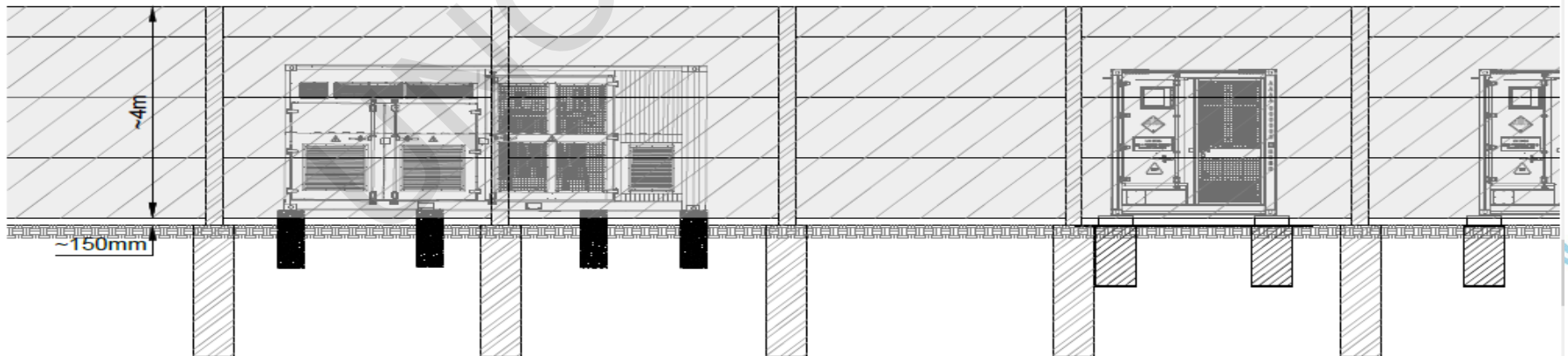
CONTROL ROOM TYPICAL INTERNAL LAYOUT



INDICATIVE NOISE WALL
OUTER MATERIAL: FIBRE CEMENT

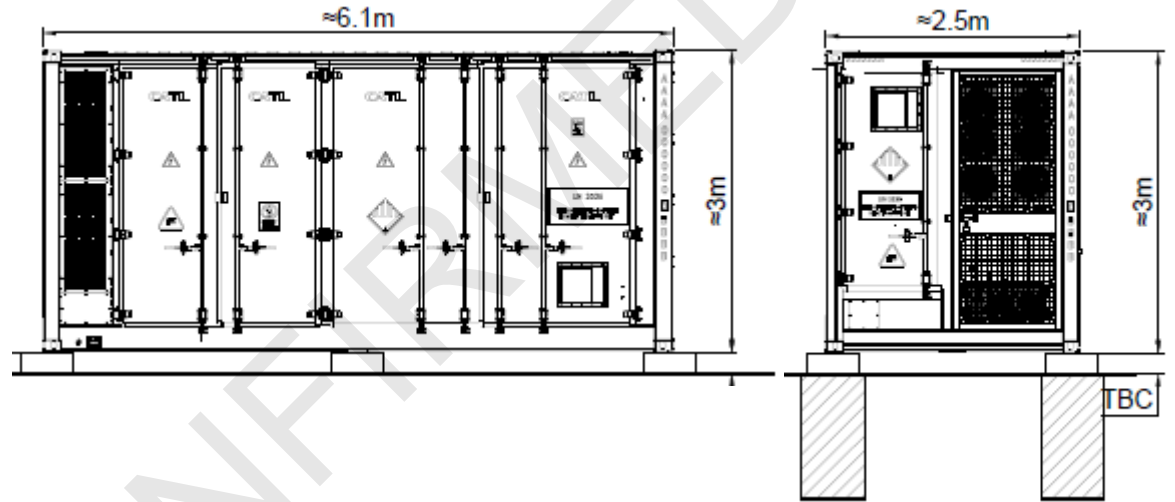


NOISE WALL ON SOUTH SIDE

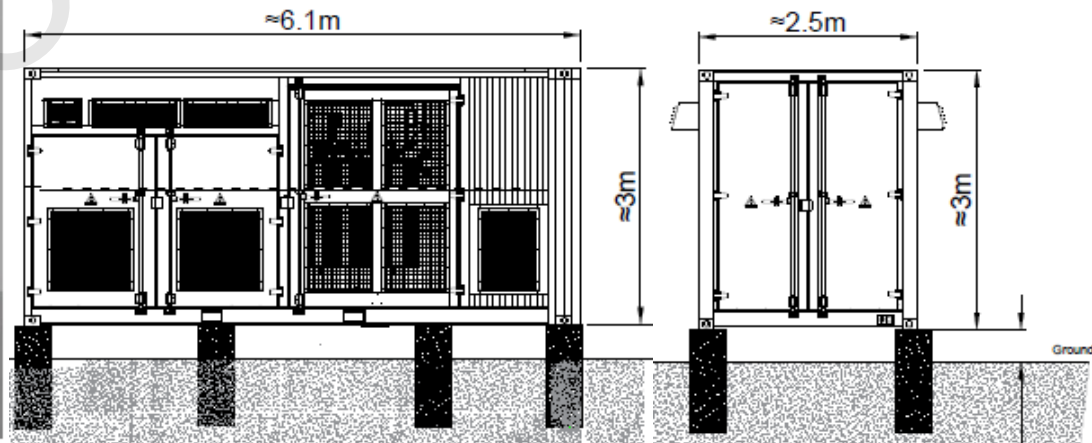


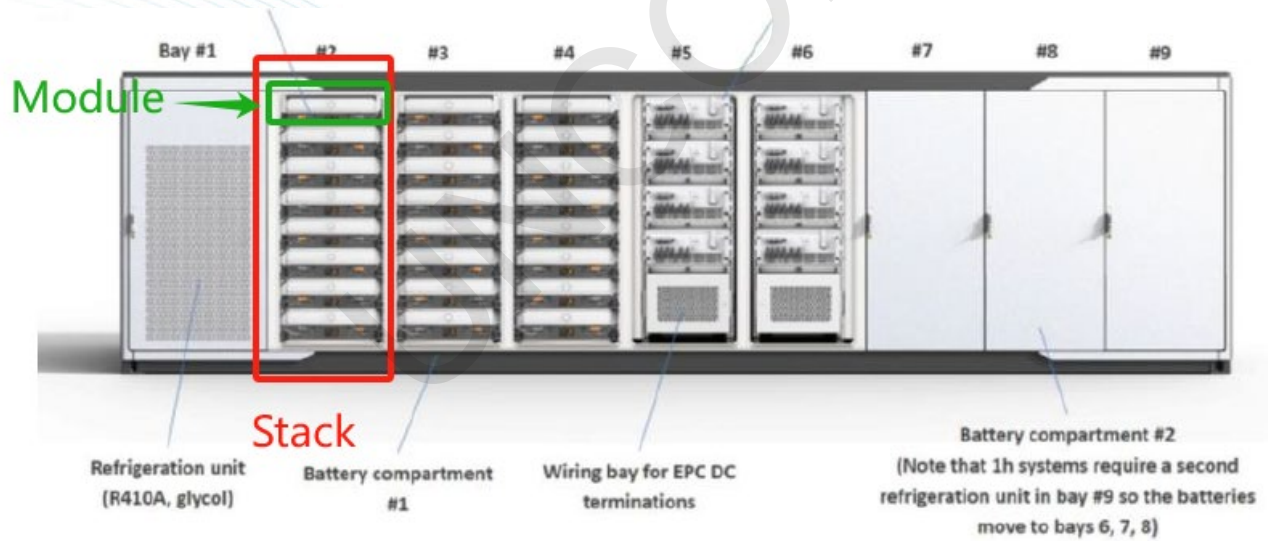
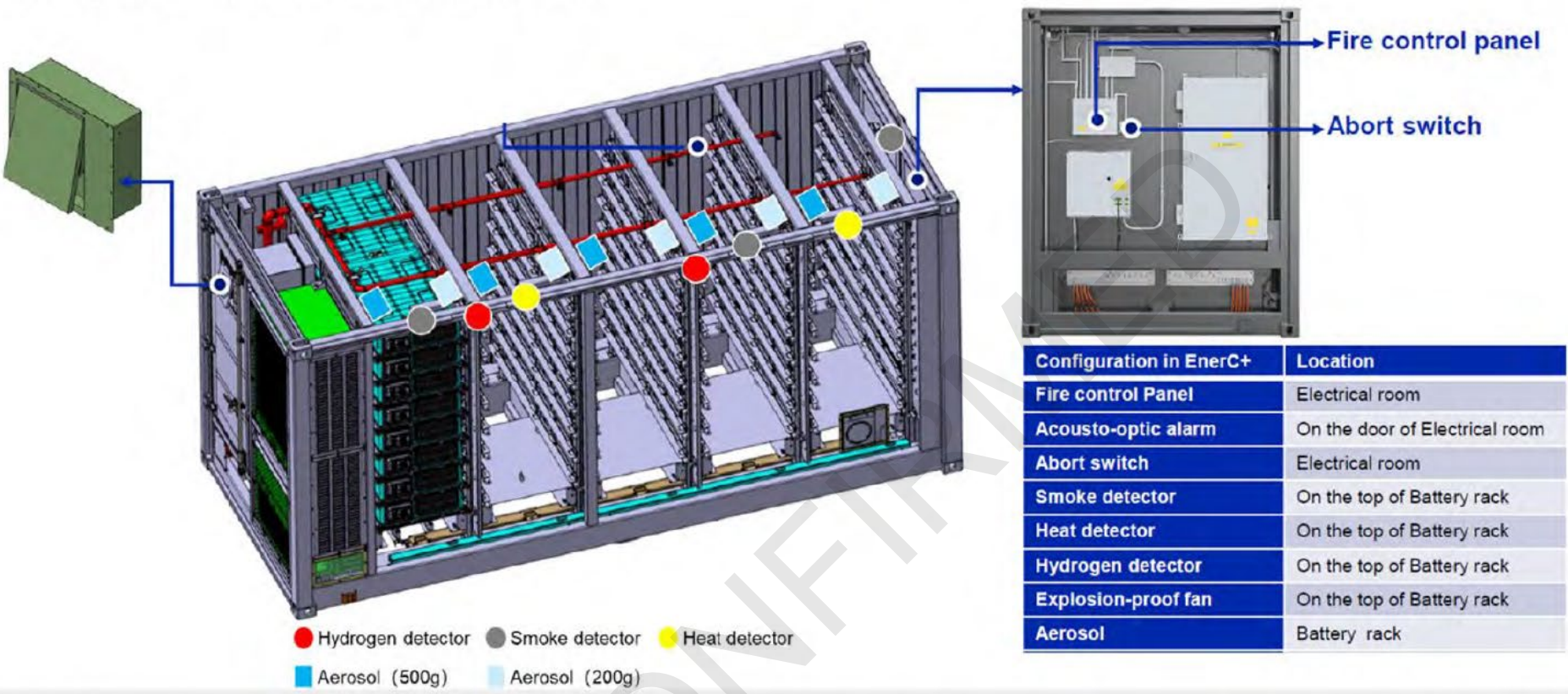
Muted Green

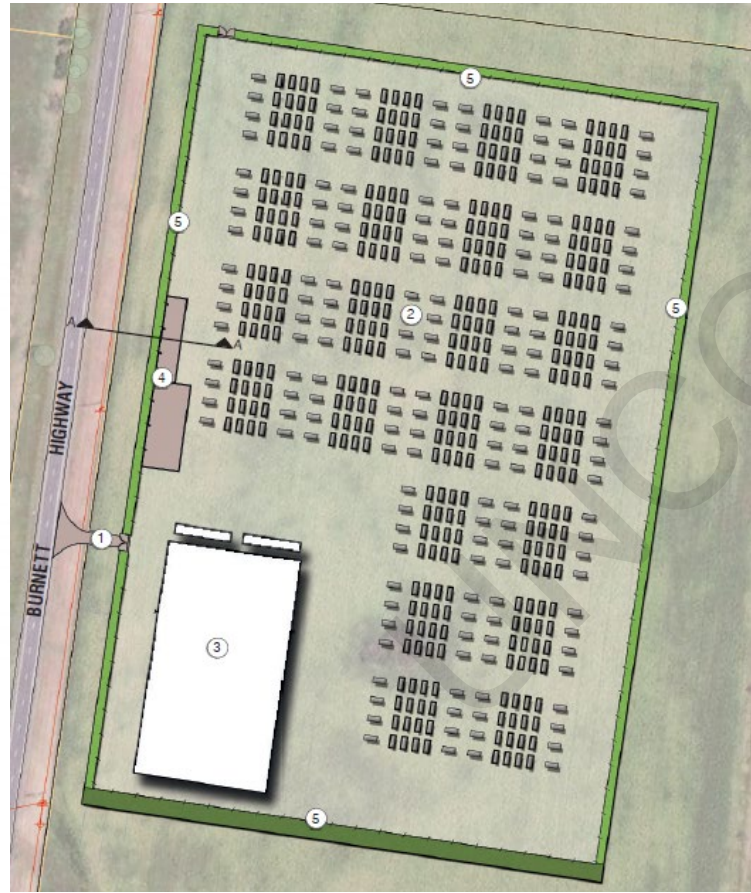
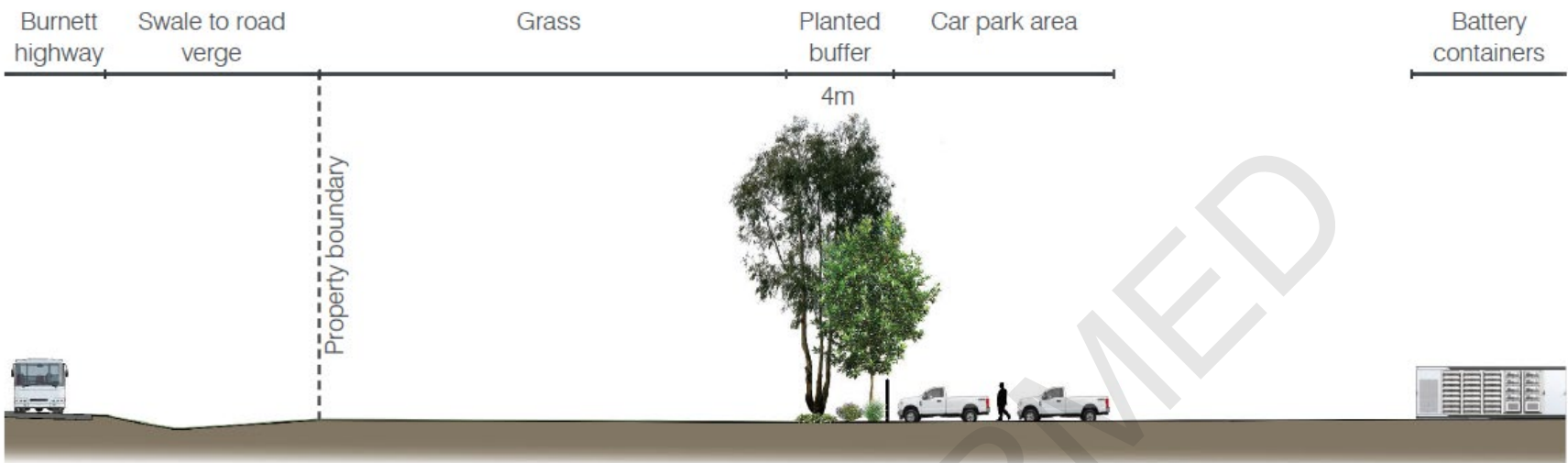
TYPICAL ENERGY STORAGE CONTAINER



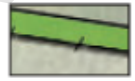
TYPICAL MVPS CONTAINER







LANDSCAPE CONCEPT PLAN



Planted buffer (4m wide,
2 rows of tree planting)



Planted buffer (8m wide,
4 rows of tree planting)

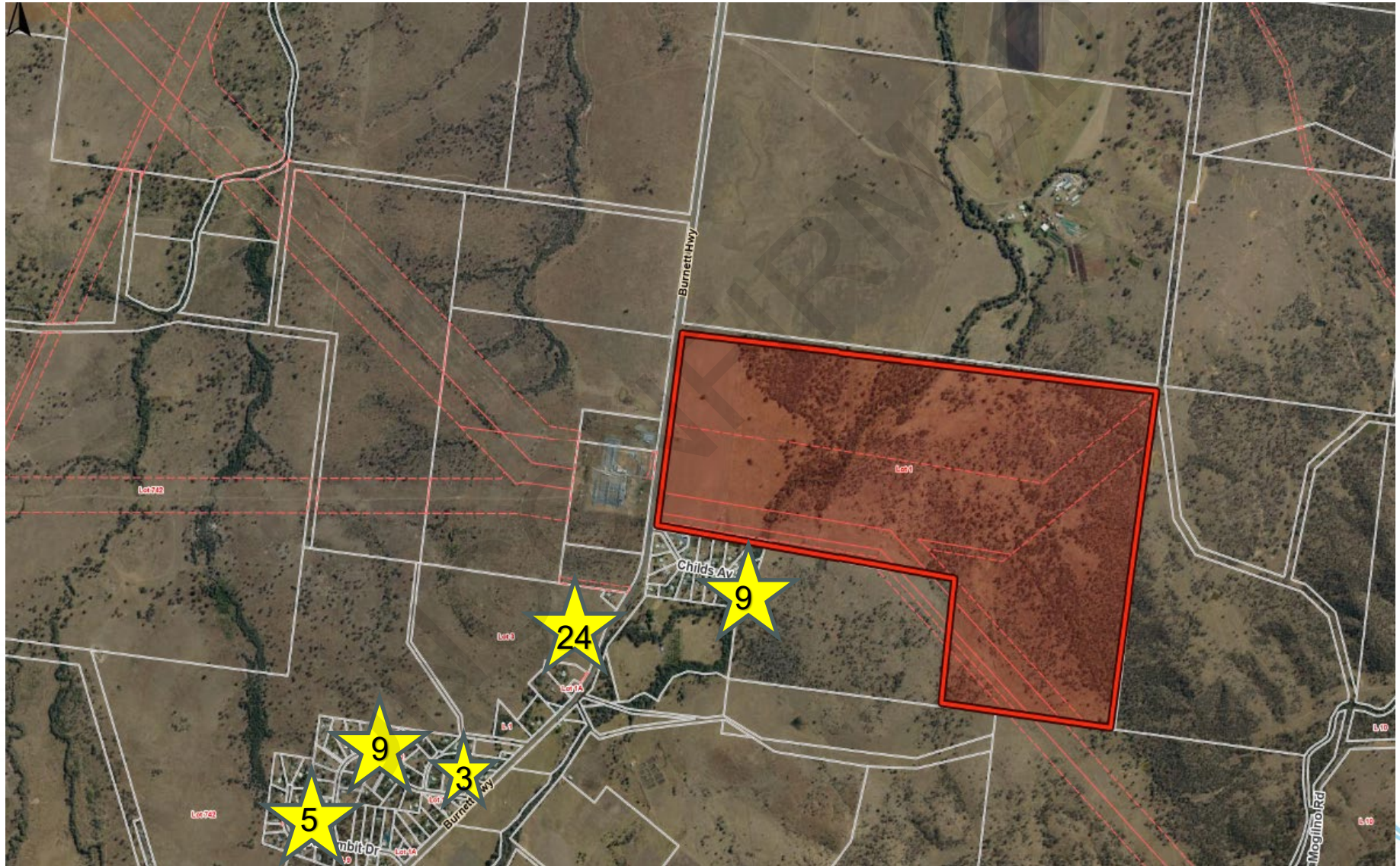
No Landscape Screening



With Mature Screening (5 years)



Public notification



Grounds for Approval

- The development generally complies with the provisions included in the applicable Planning Scheme codes.
- Technical reporting provided by the Applicant demonstrates the proposal can appropriately manage external impacts, subject to reasonable and relevant conditions.
- The development is not anticipated to compromise the Strategic Framework of the *Rockhampton Region Planning Scheme 2015* and where conflicts have been identified, regard to relevant matters is considered to outweigh those conflicts.
- Therefore, the development application is recommended for approval.

NOTICE OF MOTION - COUNCILLOR ELLIOT HILSE





UNCOM

