



ORDINARY MEETING

AGENDA

12 APRIL 2022

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 12 April 2022 commencing at 9:00am for transaction of the enclosed business.

In line with section 277E of the Local Government Regulation 2012, it has been determined that it is not practicable for the public to attend Council meetings in person at the current time. Until further notice, Council meetings will instead be livestreamed online.

A handwritten signature in black ink, appearing to be "C. P.", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
7 April 2022

Next Meeting Date: 26.04.22

Please note:

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

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1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening prayer delivered by Pastor Don McCall from Calvary Lutheran Church

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Mayor, Councillor Tony Williams tendered his apology and will not be in attendance

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 22 March 2022

Minutes of the Special Meeting held 28 March 2022

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 COUNCILLOR DISCRETIONARY FUND - CENTRAL QUEENSLAND ANIMAL SOCIETY INC.

File No: 8295
Attachments: Nil
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Evan Pardon - Chief Executive Officer
Author: Nicole Semfel - Executive Support Officer

SUMMARY

Mayor Tony Williams, Councillor Neil Fisher and Councillor Grant Mathers are requesting approval for a donation from their Councillor Discretionary Fund to Central Queensland Animal Society Inc.

OFFICER'S RECOMMENDATION

THAT Council approves the allocation of \$50 from Mayor Tony Williams, \$50 from Councillor Neil Fisher and \$500 from Councillor Grant Mathers out of their Councillor Discretionary Funds to Central Queensland Animal Society Inc. towards ongoing vet costs.

BACKGROUND

Central Queensland Animal Society Inc. have applied for funding through Councillor Discretionary allocation to assist with ongoing vet costs for adoption animals as well as their last litter program for desexing and microchipping to prevent unwanted litters.

Mayor Tony Williams and Councillor Neil Fisher would like to donate the remainder of their Councillor Discretionary Funds of \$50.00 each. Councillor Grant Mathers would like to donate \$500.00 out of his Councillor Discretionary Fund. Council approval is required to provide funding to the same organisation for the same purpose.

9.2 COUNCILLOR DISCRETIONARY FUND - ROCKHAMPTON HORTICULTURAL SOCIETY INC - COUNCILLOR NEIL FISHER

File No: 8295
Attachments: Nil
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Evan Pardon - Chief Executive Officer
Author: Nicole Semfel - Executive Support Officer

SUMMARY

Councillor Neil Fisher is seeking approval from Council to donate \$200.00 from his Councillor Discretionary Fund to the Rockhampton Horticultural Society Inc.

OFFICER'S RECOMMENDATION

THAT Council approve a donation of \$200.00 from Councillor Neil Fisher's Councillor Discretionary Fund to the Rockhampton Horticultural Society Inc for prize money for the Rockhampton Horticultural Show.

BACKGROUND

Councillor Neil Fisher is declaring that he is the Patron of the Rockhampton Horticultural Society Inc and is therefore seeking Council approval for the donation of \$200.00 from his Councillor Discretionary fund towards prize money for the Rockhampton Agricultural Show.

10 OFFICERS' REPORTS

10.1 COMMUNITY ASSISTANCE PROGRAM - ROUND 3

File No:	12535
Attachments:	Nil
Authorising Officer:	Doug Scott - Acting General Manager Community Services
Author:	Kerri Dorman - Administration Supervisor

SUMMARY

Round 3 of the 2021/2022 Community Assistance Program closed on Monday 28 February 2022 with a total of 19 applications received. Six under the Minor Scheme, five under the Grants Scheme, five under the Major Scheme, two applications deemed ineligible and one withdrawn. Accordingly, 16 applications have been assessed and recommendations for funding are presented for Council consideration.

OFFICER'S RECOMMENDATION

THAT Council approves the Assessment Panel's recommended allocation of funding from the 3rd Round of the Community Assistance Program for the following:

Applicant	Purpose of Grant/Sponsorship	Amount
Minor Sponsorship Scheme		
Playgroup Queensland	Messy Play Matters – (Minor)	\$1,660.50
Rockhampton BMX Club Inc	Rockhampton BMX Club Open Day – “Rocky Rumble 2022”	\$3,000.00
Rockhampton Golf Club Inc	Ian Weigh Toyota Pro Am	\$5,000.00
Rockhampton Tennis Association Inc	97 th Town & Country Team Doubles Championship	\$2,375.00
RockyStart Inc	Romp In the Park 2022	\$1,000.00
Uniting Care Queensland T/a Lifeline	Lifeline Bookfest	\$4,000.00
Community Grants Scheme		
310 Social Hub Association Inc	Installation of Defibrillator at 310 Club Hall - (Grants)	\$1,088.64
Fitzroy Parish UCA	Community Hub – Air Conditioning and Computer	\$1,648.50
Golden Mount Shooters Association Inc	Benches and Shade Cloth	\$1,536.80
Narnia Kindergarten and Preschool	Interactive Whiteboard – Replacement	\$3,378.65
St Vincent de Paul Society - Rockhampton Homeless Hostel	Rockhampton Homeless Hostel – New Oven	\$6,202.00

Applicant	Purpose of Grant/Sponsorship	Amount
Major Sponsorship Scheme		
Golden Mount Festival Inc	Golden Mount Festival 2022	\$10,000.00
RACQ Capricorn Helicopter Rescue Service	CBD Christmas Fair 2022	\$15,000.00
Ridgeland and District Sporting and Agricultural Association	Ridgeland Show 2022	\$10,000.00
Ridgeland Campdraft and Rodeo Association Inc	Ridgeland Campdraft	\$9,500.00
Rockhampton Dance Festival Inc	Rockhampton Dance Festival 2022	\$12,500.00
Total		\$87,890.09

COMMENTARY

Round three of the Community Assistance Program for the 2021 - 2022 financial year closed on 28 February 2022. Applications were assessed for 16 events/projects for the requested amount of \$87,890.09

- 6 related to minor sponsorship
- 5 related to grant funding for capital/equipment projects
- 5 related to major sponsorship

Assessment

In accordance with the adopted Policy and Procedure applications received were assessed against the following criteria with an average funding amount recommended from the four independent assessments undertaken:

Minor Sponsorship Scheme

- Applicant's capacity to undertake the event including any experience with similar events and ability to obtain relevant approvals and permissions:
- Wide community need for the event and how this was determined:
- Community outcomes expected from the event, including number of participants'
- Positive promotional outcomes for the local area; and
- Value for money, including realistic budget and cost recovery, with quotes for all items to be funded.

Community Grants Scheme

- Community need for the project and potential for use by other groups;
- Community outcomes expected from the project, including any positive promotion of the local area; and
- Value for money with realistic scope and at least two quotes for all works

Major Sponsorship Scheme

- Applicant's capacity to undertake the event including any experience with similar events, relevant approvals and permissions required;
- Community need or desire for the event and how this was determined::
- Economic and community outcomes anticipated from the event;
- Number of participants, including out of area visitors; and
- Value for money, including realistic budget with projected cost recovery, and quotes for items of expenditure.

PREVIOUS DECISIONS

No previous decisions.

BUDGET IMPLICATIONS

Independent assessment by a panel of 4 have indicated an average sponsorship amount for each of the projects/events, which is within Council's Community Assistance Program Operational Budget, as well as taking into consideration the community value of events and projects.

LEGISLATIVE CONTEXT

Administered under the Grants and Minor Sponsorship Policy and Procedure.

LEGAL IMPLICATIONS

No legal implications for this non-Council project.

STAFFING IMPLICATIONS

No staffing implications for this non-Council project.

RISK ASSESSMENT

Non-Council projects therefore risk assessment will be conducted by the organising bodies.

Successful applicants will be required to contact Council's Rocky Advanced Events Supervisor for COVID-19 requirements pertaining to their event.

CORPORATE/OPERATIONAL PLAN

1.4.1 – Streamline Council's funding for community not for profit organisations to ensure fairness and equity.

CONCLUSION

Upon assessment of the information provided in the application against the rating tool it is recommended Council approve the Assessment Panel's recommended allocation for each event/project. A copy of the applications will be supplied separately should Councillors request, along with the rating tool as adopted by Council and spreadsheet of recommendations.

10.2 D/69-2020 - NEGOTIATED DECISION NOTICE FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MANUFACTURING LIQUID FERTILISER (UREA-AMMONIUM NITRATE) AND ENVIRONMENTALLY RELEVANT ACTIVITY 7 - CHEMICAL MANUFACTURING

File No: D/69-2020

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

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Acting General Manager Community Services

Author: Amanda O'Mara - Principal Planning Officer

SUMMARY

Development Application Number: D/69-2020

Applicant: Lake Fox Properties Pty Ltd

Real Property Address: Lot 102 on RP604012

Common Property Address: 162 Middle Road, Gracemere

Area of Site: 27,520 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Medium Impact Industry Zone

Planning Scheme Overlays: Airport Environs Overlay
Creek Catchment Flood Overlay (Planning Areas 1 and 2)

Approval Sought: Negotiated Decision Notice for Development Permit D/69-2020 for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate) and Environmentally Relevant Activity 7 – Chemical Manufacturing

Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Special Industry (manufacturing liquid fertiliser - urea-ammonium nitrate) and Environmentally Relevant Activity 7 – Chemical Manufacturing, made by Lake Fox Properties Pty Ltd, located at 162 Middle Road, Gracemere - described as Lot 102 on RP604012, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use for a Special Industry (manufacturing liquid fertiliser - urea-ammonium nitrate) and Environmentally Relevant Activity 7 – Chemical Manufacturing
Reasons for Decision	a) The proposed development is located in an established industrial area, and advances the strategic intent of the Gracemere Industrial Area by diversifying the range of industrial uses accommodated in the locality;

	<p>b) The proposed development will not adversely affect the safety, amenity and well-being of sensitive land uses in proximity to the subject site with appropriate mitigation measures conditioned to prevent environmental harm to the local environment and sensitive land uses;</p> <p>c) The production of urea ammonium-nitrate (UAN) does not require the use of any dangerous goods or involve chemical reactions. The ammonium-nitrate solution used to manufacture UAN at the subject site is not combustible and is completely dissolved in water – meaning that there are no visible particles of ammonium-nitrate in the solution;</p> <p>d) The chemical manufacturing process has been assessed by the Department of Environment and Science and approved under the provisions of the Environmental Protection Act 1994 as part of an Environmental Authority;</p> <p>e) The proposed use does not compromise the strategic framework in the Rockhampton Region Planning Scheme 2015;</p> <p>f) 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;</p> <p>g) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>h) 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>	
<p>Assessment Benchmarks</p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Medium Impact Industry Zone Code; • Access, Parking and Transport Code; • Flood Hazard Overlay Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
<p>Compliance with assessment benchmarks</p>	<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>	
	<p>Assessment Benchmark</p> <p>Medium Impact Industry Zone Code (PO3)</p>	<p>Reasons for the approval despite non-compliance with benchmark</p> <p>The proposal involves the construction of a wall (eastern and western sides), which will exceed a length of fifteen (15) metres. The length of this wall will be approximately 18.5 metres, and is not built directly against another wall.</p> <p>The proposed shed is designed to</p>

		<p>contribute towards a high standard of amenity and reflects the operational needs of the proposed Transport Depot. The ancillary office, which is attached to the shed, is also oriented towards the Douglas Street road frontage, ensuring that the development contributes towards an attractive streetscape.</p>
	(PO7)	<p>The proposed development does not incorporate landscaping on the Douglas Street road frontage.</p> <p>While no landscaping is proposed, the site is located in an existing industrial area and the proposed built form is consistent with the existing development pattern surrounding the site, particularly along Douglas Street. Further, the proposed development involves the construction of a single shed, which does not require landscape elements to screen the intensity of the proposed built form, given its small-scale nature.</p>
	<p>Access, Parking and Transport Code (PO5)</p>	<p>The proposed plan of development does not specify a location for the provision of on-site car parking.</p> <p>The area of the site is approximately 2.7 hectares. The applicant has indicated that there will be no permanent staff associated with the use. It is considered that there is sufficient space on-site, accounting for the proposed office and shed, for parking and vehicle manoeuvring. The proposed development will also involve a maximum of fifteen (15) heavy vehicle movements per day. It has been demonstrated that there is sufficient space on-site for the parking of these vehicles, and also their manoeuvring within the site. Therefore, there is not expected to be any on-street car parking to occur on Douglas Street which would adversely affect the safety or functionality of this road network.</p>
	<p>Landscape Code (PO1)</p>	<p>The proposed development does not incorporate any landscaping treatments.</p> <p>While no landscaping is proposed, the site is located in an existing industrial area and the proposed built form is consistent with the existing development pattern surrounding the site, particularly along Douglas Street. Further, the proposed development involves the construction of a single shed, which does not require landscape elements to screen the intensity of the proposed built form, given its small-scale nature.</p>
<p>Matters raised in submissions</p>	<p>Issue</p>	<p>How matter was dealt with</p>
	<p>Location of the proposed development in proximity to</p>	<p>The proposed development is located within the Gracemere Industrial Area, which is an</p>

	<p>sensitive land uses</p>	<p>established industrial area in the Rockhampton region. The subject site is located in the Medium Impact Industry Zone under the <i>Rockhampton Region Planning Scheme 2015</i>. While the subject site is located in proximity to several sensitive land uses (including residences and the Waraburra State School) the proposed development is not expected to affect the safety and well-being of these uses.</p> <p>The chemical manufacturing process (for the production of liquid fertiliser) has been assessed by the Department of Environment and Science (DES), as the use involves an Environmentally Relevant Activity (ERA). DES has issued an Environmental Authority (EA) permit, which approves the activity subject to conditions, under the provisions of the <i>Environmental Protection Act 1994</i>. The conditions imposed by DES specifically prevent any impacts to nearby sensitive land uses which may affect their amenity, safety and well-being, or cause environmental harm. These include the following:</p> <ul style="list-style-type: none"> • Chemical storage and manufacturing must only take place within the enclosed shed and bunded slab; • Odour or airborne contaminants must not cause an environmental nuisance to any sensitive or commercial place; • Contaminants must not be released to land and water. <p>The EA Permit also contains several additional conditions relating to the safe and efficient management of the ERA and prevention of environmental harm (ref: EA0002454).</p> <p>Council has also assessed the proposed development and its proximity to sensitive land uses. The application made to Council is specifically for the production of liquid fertiliser (Urea Ammonium-Nitrate). Its production involves the mixing of an Ammonium-Nitrate Solution (ANSOL) with prilled urea. The ANSOL which will arrive at the site is not combustible, and is completely dissolved in water – meaning that there are no visible particles of Ammonium-Nitrate in an aqueous solution. The ANSOL product is not classified as a “dangerous good” under the Australian Dangerous Goods Code for transport by road and rail.</p> <p>The proposed development does not involve the storage of prilled Ammonium-Nitrate which is used to manufacture</p>
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		<p>explosives. Prilled Ammonium-Nitrate is a security sensitive material which is monitored and regulated by the Department of Natural Resources, Mines and Energy because of its potential to manufacture explosives. The ANSOL which will be present at the subject site is not in prilled form and cannot be used to manufacture explosives.</p> <p>Appropriate design measures and on-site management practices have also been implemented to prevent impacts to sensitive land uses and the local environment. These measures include the following:</p> <ul style="list-style-type: none"> • Transporting chemicals to the site in sealed containers, such as ISO tank containers or intermediate bulk containers; • Transferring raw chemicals and manufactured UAN using a sealed fluid transfer system; • Manufacturing UAN inside a sealed mixing vessel; and • Storing manufactured UAN in sealed bulk storage tanks. <p>These measures have been assessed and approved by DES as part of the EA Permit under the provisions of the <i>Environmental Protection Act 1994</i>. Council considers these practices as appropriate in mitigating any risk for environmental harm to the local environment and nuisance to sensitive land uses in proximity to the site.</p>
	<p>Appropriateness of the proposed development within the Medium Impact Industry Zone</p>	<p>The purpose of the Medium Impact Industry Zone states that Special Industry uses are not to be located in this zone. Despite this, the zones purpose also states that the purpose of the Medium Impact Industry Zone will be achieved by accommodating a wide range of industrial uses which are likely to have off-site impacts. The proposed development is also considered to share similar characteristics and external impacts with existing Medium Impact Industry land uses which are located in proximity to the site.</p> <p>The proposed development is located in an established industrial area, which advances the consolidation of industrial uses on planned industrial land. The subject site has an extensive road frontage and access to Douglas Street, which is an Industrial Access Road and designated B-Double route. The established road network enables appropriate serviceability of the site. The proposed development will also contribute to the expansion and delivery of</p>

		<p>infrastructure to the area.</p> <p>The proposed development also aligns with the Specific Outcomes – Industrial (existing and future), contained in the Strategic Framework under the <i>Rockhampton Region Planning Scheme 2015</i>. The proposed development is considered an appropriate development outcome for the site as it ensures the consolidation of industrial uses on planned industrial land, and has good access to key transport networks. It also advances the overarching intent of the Gracemere Industrial Area – which is to be established as a major regional industrial area – by diversifying the range of industrial uses accommodated in this area. The Strategic Framework also states that new, large-scale and intensive industrial uses (including Special Industry land uses) will be encouraged to establish in the Gracemere Industrial Area.</p> <p>Regard was also given to locating the proposed development on land zoned “Special Industry” or “High Impact Industry”, within or in proximity to the Gracemere Industrial Area.</p> <p>The proposed development is not appropriately located in the Special Industry zoned area which accommodates the Stanwell Power Station. This is because the proposed development is not an integral part of the operation of the Stanwell Power Station, nor does it provide a direct service to its operation. Similarly, the proposed development is not appropriately located within the Bajool Explosives Reserve – which is also located in the Special Industry Zone. As the proposed development has no relationship with the manufacturing of explosives, it is not appropriate for development within this gazetted area.</p> <p>High Impact Industry zoned land to the west of the Gracemere Overpass and surrounding Kabra was also determined not to be appropriate to accommodate the proposed development. This is because the transport infrastructure fronting those sites is not sufficient to accommodate the vehicular traffic generated from the development, with many of those sites not having appropriate access to B-Double / Road Train (Type 1) routes.</p> <p>Further, the proposed development will be fully contained within the proposed industrial building as conditioned by the Department of Environment and Science (DES) as part of the Environmental Authority (EA). The proposed land use is not expected to have any impacts on the surrounding environment. This is supported by an Environmental Report that provides an</p>
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		<p>overview of the potential impacts. A further assessment was undertaken by DES who have issued an EA which approves the associated Environmentally Relevant Activity for chemical manufacturing. The proposed development does not conflict with the surrounding land uses, nor does it compromise the intent of the Medium Impact Industry Zone.</p>
	<p>Explosive nature of Ammonium-Nitrate</p>	<p>Ammonium Nitrate will arrive on-site in solution (ANSOL) and will always remain in solution. It will then be immediately further diluted by adding up to 9kL of potable water. The process simply involves the mixing of products using an agitator in a large mixing tank. There is no chemical reaction involved, and no possibility of ANSOL drying out during this process, or while in storage as a finished fertiliser. The proposed development does not involve the storage of prilled Ammonium-Nitrate which is used to manufacture explosives. Further, staffing is commensurate with the process involved.</p> <p>The ANSOL will not be stored on-site. ANSOL will arrive in an ISO container on trucks from Gladstone, and be pumped into the mixing tank immediately upon arrival. Urea is then added in measured quantity, and an agitator mixes the product until the Urea is completely dissolved in solution. The process is completely contained, and there is no risk of unintended chemical contact with ANSOL.</p> <p>In the cases of Beirut, Oklahoma and the World Trade Centre bombings, all involved prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is a designated Security Sensitive Explosive. This is in contrast with the ANSOL product prescribed for the manufacture of fertiliser. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate.</p>
	<p>Auditing and monitoring of 'environmental conditions</p>	<p>The proposed chemical manufacturing activity is an Environmentally Relevant Activity (ERA) under the provisions of the <i>Environmental Protection Act 1994</i>. The Department of Environment and Science (DES) has assessed the application, and on 18 August 2020 issued an Environmental Authority (EA) (ref: EA002454), which prescribes conditions to protect the receiving environment.</p> <p>DES is responsible for monitoring and auditing of environmental conditions prescribed under the EA permit. Condition G8 of the EA Permit requires monitoring to be undertaken in the manner prescribed by DES to investigate a complaint of environmental nuisance. Condition G1 of the permit also states that any breach of</p>

		<p>environmental conditions must be reported to DES as soon as practicable. The EA also includes conditions to monitor releases of stormwater from the bunded bulk UAN storage area to ensure there is no impact on the receiving environment. Any non-compliance with activities associated with the ERA and the EA Permit are the responsibility of DES.</p> <p>In regards to whether the approval is “open-ended”, and allows other activities to operate under the EA and Development Permit. The Development Permit will specifically be for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)). Any change to the use, being an increase in the scale and intensity of the operation, will trigger a separate development application. Any approval from Council does not permit the manufacturing of bulk explosives. This would be subject to a separate development application to Council.</p> <p>Further, should the applicant seek to undertake a separate Environmentally Relevant Activity (ERA) on the subject site, then this would require a new application for an Environmental Authority to DES. This would also require a further development approval from the State Government.</p>
	Storage and quantities of Ammonium-Nitrate on site	<p>Only an Ammonium-Nitrate solution (ANSOL) will be used during the manufacturing process. ANSOL will arrive on-site in ISO containers as required for batching, and will then be decanted directly into the mixing tank shortly after its arrival, ready for the mixing process to start immediately. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate. The proposed development is restricted to manufacture up to 5,000 tonnes of fertiliser per annum under the Environmental Authority Permit (condition G2).</p>
	Water supply contamination	<p>The proposed shed, which will accommodate the manufacturing of Urea Ammonium-Nitrate (UAN), will have a secondary containment system. The concrete hardstand area adjoining the shed, which will accommodate the manufactured UAN in holding tanks, will also be bunded. These proposed measures have been designed to prevent any potential spills from the proposed development from entering the local watercourse which will negate the risk of water contamination for the surrounding Gracemere community. These systems and measures have been assessed and reviewed by the Department of Environment and Science (DES) as part of the Environmental Authority (EA).</p>

		<p>There are also several on-site management practices proposed which will prevent any water contamination from occurring. These include the following:</p> <ul style="list-style-type: none"> • Transporting chemicals to the site in sealed containers, such as ISO tank containers or intermediate bulk containers; • Transferring raw chemicals and manufactured UAN using a sealed fluid transfer system; • Manufacturing UAN inside a sealed mixing vessel; and • Storing manufactured UAN in sealed bulk storage tanks. <p>The EA Permit also contains conditions to prevent any risk of water contamination. This includes ensuring that contaminants are not released to any waters (condition W1) and contaminants are not to be released to groundwater (condition W2). The proposed development does not involve the washing of mixing VATs and other storage containers on-site – eliminating the risk of groundwater contamination. The EA Permit also requires any chemical storage or manufacturing activities to occur within the enclosed shed and bunded slab (condition G2).</p> <p>Council has also included a condition which prevents washing of plant equipment and vehicles on-site unless an approved washdown bay is constructed to prevent contamination to the local stormwater system. This condition was also included as part of the concurrent Development Permit for the Transport Depot located on the same site (ref: D/45-2020).</p> <p>Further, there are not expected to be any emissions produced from the proposed development which will affect local water supply. Manufacturing UAN is a completely sealed process and does not result in any point-source emissions from the process.</p>
	<p>Dust pollution</p>	<p>Vehicle movements associated with the proposed development are considered to be relatively minor. Most vehicle movements will be associated with the coinciding Transport Depot which will occur on the same site. The Transport Depot was approved by Council, and is a consistent form of development within the Medium Impact Industry Zone (ref: D/45-2020). This Development Permit includes a condition requiring the applicant to surface treat vehicle manoeuvring areas to Council's satisfaction to ensure that there is no</p>

		<p>significant impact on the amenity to the surrounding area due to the emission of dust or sediment laden water. This will also be assessed as part of a future Operational Works application which is a requirement of that Development Permit. For consistency, Council has also included these conditions as part of this current development application (ref: D/69-2020). Council has also imposed development conditions relating to dust mitigation.</p> <p>The UAN manufacturing process will not carry any risk of dust generation, given that the entire process will be conducted within a fully enclosed manufacturing shed which will be constructed on a concrete pad. There will be no other airborne pollution associated with the manufacturing process, with the Environmental Authority Permit restricting the release of odours and airborne contaminants (condition A1).</p>
	Noise pollution	<p>The proposed chemical manufacturing activity is an Environmentally Relevant Activity (ERA) that the Department of Environment and Science (DES) has assessed for potential impacts on the acoustic environment under the provisions of the <i>Environmental Protection Act 1994</i>. DES has included conditions in the Environmental Authority (EA) Permit which ensure the protection of the acoustic environment. The applicant will be required to operate in accordance with the conditions of the EA Permit.</p> <p>Council has also included a condition relating to nuisance monitoring, in the event that Council is in receipt of a genuine complaint of noise nuisance.</p>
	Odour issues	<p>UAN is described as having a slight ammonia smell when in very close proximity of the product. The fully contained design of the mixing process, and bulk storage of the finished UAN product, will ensure that any odour is contained. The entire manufacturing process is fully contained within the industrial building.</p>
	Road-Train and B-Double Access	<p>The western portion of Douglas Street is not designated as a B-Double or Road Train (RT1) route. This restriction commences from the western-most side of Lot 103 on RP604012. B-Doubles or Road Trains accessing the subject site for the proposed development will only be able to do so from the eastern side of Douglas Street. Similarly, Council has also imposed a condition restricting B-Doubles and Road Trains (RT1) to egress to the "right" only, onto Douglas Street. This will restrict vehicles from traversing to the western corridor of Douglas Street.</p>

		<p>B-Doubles or Road Trains (RT1) traversing through the western portion of Douglas Street, fronting the residential properties is not permitted. The transport route for the proposed development will be to and from the Capricorn Highway, via the Gracemere Overpass onto Somerset Road, onto Macquarie Street and Douglas Street where access is gained into the subject site. Transport (B-Doubles and Road Trains (RT1)) vehicles will not access the western end of Douglas Street.</p>
	Location of site adjoining a Transport Depot	<p>The Ammonium-Nitrate solution (ANSOL) is pumped from an ISO container into the mixing tank, shortly after arrival on-site. There is no storage of ANSOL on-site.</p> <p>The Environmental Authority (EA) also requires the applicant to undertake all chemical storage and chemical manufacturing within the enclosed shed and bunded slab (condition G2). This will prevent any contamination to the adjoining Transport Depot.</p> <p>The proposed development does not involve the washing of mixing VATs and other storage containers on-site – eliminating the risk of groundwater contamination. Council has also included a condition which prevents washing of plant equipment and vehicles on-site unless an approved washdown bay is constructed to prevent contamination to the local stormwater system. This condition was also included as part of the concurrent Development Permit for the Transport Depot located on the same site (ref: D/45-2020).</p> <p>The applicant consulted with the adjoining property owner who operates the Transport Depot (Emerald Carrying Company). The adjoining owner was satisfied that the proposed development was low risk. They also provided a properly-made submission, which emphasised their support for the proposed development. Council has also conditioned the applicant to construct a one (1) metre high concrete block wall and bund Emerald Carrying Company side of the wall.</p>
	Clearing trees	<p>The subject site is not mapped as containing vegetation which is of local or state environmental significance. A permit was not required to remove these trees from the site.</p>
	Security of the development	<p>The cases of Beirut, Oklahoma and the World Trade Centre bombings, all involved prilled Ammonium-Nitrate. Prilled Ammonium-Nitrate is in solid form and is designated as a Security Sensitive Product which is used by industry for manufacturing explosives. No prilled Ammonium-Nitrate, or</p>

		<p>explosives, are used in the production of UAN liquid fertiliser. The proposed development does not involve the storage or handling of prilled Ammonium-Nitrate.</p> <p>Further, the site will be fully fenced and compliant with <i>Australian Standard AS1725</i>. Site security will also include video surveillance.</p>
	Commencement of Operational Work on the site	<p>The subject site was also the subject of a correlating Development Application for a Transport Depot (ref: D/45-2020). The application was approved, subject to conditions, on 18 August 2020.</p> <p>The unsealed pavement area, which involved clearing the site, will be used to store trucks and other vehicles associated with the approved Transport Depot. The Development Permit for the Transport Depot (ref: D/45-2020), includes conditions requiring the applicant to obtain further Operational Works permits for access and parking. This is accompanied by additional conditions requiring that all parking areas, including the unsealed pavement area, be designed and constructed in accordance with the <i>Capricorn Municipal Development Guidelines</i> and <i>Australian Standard AS2890 "Parking Facilities"</i>.</p>
	Relationship to the Transport Depot on the subject site	<p>A Transport Depot was recently approved on the subject site (reference: D/45-2020). A Transport Depot is defined as the use of the premises for storing vehicles, or machinery that are used for a commercial or public purpose. The intent is for the Transport Depot use, to operate in conjunction with the proposed development on the subject site.</p> <p>The proposed Transport Depot will primarily use the unsealed pavement area identified on the proposed plan. The shed includes an ancillary office which may be used by staff associated with the Transport Depot (e.g. staff sign-in register, storage of general equipment). The main shed and uncovered slab will accommodate all activities associated with the Special Industry use.</p> <p>As part of Council's information request for the current application (reference: D/69-2020), the applicant was asked to clarify whether any fuelling of vehicles associated with the Transport Depot would occur on the site. The applicant's response confirmed that no refuelling of vehicles will occur on the subject site.</p>
	Bushfire Hazard	<p>The subject site is not identified as containing a Bushfire Hazard under the current planning scheme. Sites adjoining, or in close proximity to, the subject site also do not contain any identified bushfire hazard. A Bushfire Hazard Assessment was not</p>

		required as part of the assessment of the current development application. The closest bushfire hazard identified on the planning scheme maps are approximately four (4) kilometres to the west, and six (6) kilometres to the south of the subject site. Bushfire Hazard is not expected to cause any risk to the proposed development, nor the amenity of surrounding residences as a consequence of the proposed development.
	Effect on property values surrounding the site	Property values are not a planning ground.
	Tourism and revenue stream	The proposed development is not considered to cause any implications on tourism or revenue stream for the Gracemere locality. The subject site is located in the Medium Impact Industry Zone which accommodates a wide range of industrial uses.
Matters prescribed by regulation	<ul style="list-style-type: none"> (i) <i>The State Planning Policy – Part E;</i> (ii) <i>The Central Queensland Regional Plan;</i> (iii) <i>The Rockhampton Region Planning Scheme 2015; and</i> (iv) The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT to reflect the above changes, Lake Fox Properties Pty Ltd, be issued with a Negotiated Decision Notice:

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, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;

- (iii) Sewerage Works;
 - (iv) Water Works (if required – refer Condition 6.3);
 - (v) Stormwater Works; and
 - (vi) Roof and Allotment Drainage;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Rev
Site Plan	Design + Architecture	July 2020	SK-002	9
Proposed Floor Plan	Design + Architecture	22 July 2020	SK-003	9
Proposed Shed Slab & Bunded Storage Slab	Mitcon Projects	9 July 2020	MCP-RO-STDG-001	A
Stormwater Management Plan	McMurtrie Consulting Engineers	22 November 2019	032-19-20	B
Stormwater Management - Detention Basin	McMurtrie Consulting Engineers	20 July 2020	0321920-9001	C
Swept Paths for western and eastern access	McMurtrie Consulting Engineers	25 June 2020	032-19-20	

- 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 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved

plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

- 3.3 The southern side of Douglas Street must be widened for the full frontage of the site to an Industrial Access standard, including kerb and channel and drainage. The alignment of the new kerb and channel must be consistent with that of the new section of kerb and channel at the Macquarie Street end of Douglas Street. If the egress movements of a B-double / Road Train cannot be accommodated within the sealed area of the roadway, it will be necessary to provide localised widening on the northern side of Douglas Street to accommodate these turn movements.
- 3.4 Alternatively, to conditions 3.1, 3.2 and 3.3 the owner may pay a contribution to Council towards the construction of the broader Douglas Street upgrade works equal to the amount of the frontage works (\$203,859.09). This payment must be made in the form of a Bank Guarantee with full payment of \$203,859.09 made at two (2) years from the date of this approval or when the works are completed, whichever is sooner.
- Note: Council has agreed to cover the cost of the cross drainage works (\$82,686.99) in Douglas Street fronting the site.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- 4.4 A new access must be constructed at the eastern end of Lot 102 on RP604012, suitable for B-double vehicles, in accordance with the approved plans (refer to condition 2.1).
- 4.5 A second new access must be constructed at the western end of Lot 102 on RP604012, suitable for road train vehicles, in accordance with the approved plans (refer to condition 2.1), prior to any road train vehicles accessing the site.
- 4.6 B-double and Road Train (RT1) egress from the site must be limited to 'right out' only.
- 4.7 All vehicles must ingress and egress the development in a forward gear.
- 4.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.9 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"*.

5.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 All sewerage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability)*

Act 2008, Plumbing and Drainage Act 2002 and the provisions of a Development Permit for Operational Works (sewerage works).

- 6.3 The development must be connected to Council's reticulated sewerage network within 24 months of the commencement of use.

6.0 PLUMBING AND DRAINAGE WORKS

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

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

- 6.3 The development must be connected to Council's reticulated water network. Should it be necessary to extend the reticulated Council network to facilitate this, an Operational Works application (water works) will be required for these works.

- 6.4 A new water connection point must be provided. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

- 6.5 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.

- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

- 6.7 A temporary ablution block and above ground tank is permitted however the development must be connected to Council's reticulated sewerage network within 24 months from the commencement of use.

- 6.8 Any wastewater holding tank must be de-sludged / pumped out frequently and must be disposed of by a licensed contractor to an approved waste disposal facility.

7.0 STORMWATER WORKS

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

- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

- 7.3 All stormwater 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, concentrating or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

- 7.5 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.

- 7.6 The detention basin/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:

- 7.6.1 be suitable to the climate and incorporate predominately native species;
- 7.6.2 maximise areas suitable for on-site infiltration of stormwater;
- 7.6.3 incorporate shade trees; and
- 7.6.4 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).

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.4 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.

9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.3 All site works must be undertaken to ensure that there is:
 - 9.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 9.3.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 9.3.3 a lawful point of discharge to which the approved works drain during construction phase.

Easements will be required over any other land to accommodate the flows.

10.0 BUILDING WORKS

- 10.1 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*.
- 10.2 All electrical and telecommunication services and utilities connected to the property,

including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.

11.0 ELECTRICITY

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

12.0 TELECOMMUNICATIONS

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

12.2 The conduits, pipes and cables required by this condition are located on private land and therefore ownership of the conduits, etc. will be with the owner of the land or a carrier that uses the conduit to carry its cables.

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

12.4 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use :-

NBN a 'Certificate of Practical Completion',

Telstra a-"Telecommunications Agreement/Provisioning Letter",

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

13.0 ASSET MANAGEMENT

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

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

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

14.0 ENVIRONMENTAL

14.1 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.

- 14.2 The 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.

15.0 ENVIRONMENTAL HEALTH

- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 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 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 15.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 15.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 15.7 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.
- 15.8 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 15.8.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 15.8.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 15.8.3 waste bags and ties.
- 15.9 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be

hosed or swept to any stormwater drainage system, roadside gutter or waters.

16.0 OPERATING PROCEDURES

16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Douglas Street.

16.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.

16.3 All un-sealed surface treatments must be operated and maintained in a manner so that there is no significant impact 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.

16.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:

16.4.1 the area is kept in a clean and tidy condition;

16.4.2 fences and screens are maintained;

16.4.3 no waste material is stored external to the waste storage area/s;

16.4.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and

16.4.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*.

16.5 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

16.6 Landscaping is required along as much of the frontage of Douglas Street as practicable. The landscaping must include tree and shrub species that are drought tolerant.

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 Partnerships website www.datsip.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 food preparation, 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. Works in Road Reserve Permit

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

NOTE 6. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 7. Infrastructure Charges Notice

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

BACKGROUND

Council at its meeting on 13 October 2020, approved a Development Application for a Special Industry (manufacturing liquid fertiliser - urea-ammonium nitrate) and Environmentally Relevant Activity 7 – Chemical Manufacturing located at 162 Middle Road, Gracemere.

In accordance with section 75 of the *Planning Act 2016*, the applicant has made 'change representations' about a matter stated in the development approval. The applicant has proposed to make the following changes to the development approval:

- a) Condition 3.0 (inclusive) – payment of a contribution as an alternative to constructing the road works;
- b) Condition 4.4 – the western vehicle access to be constructed at the stage where road train use is required;
- c) Condition 6.3 – payment of a contribution as an alternative to constructing the water infrastructure works; and
- d) Condition 10.3 – removal of the requirement for a concrete block wall.

PLANNING ASSESSMENT

TOWN PLANNING COMMENTS

The applicant has requested the following changes to the conditions of approval:

Condition 3.0 (inclusive)

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and

relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

- 3.3 The southern side of Douglas Street must be widened for the full frontage of the site to an Industrial Access standard, including kerb and channel and drainage. The alignment of the new kerb and channel must be consistent with that of the new section of kerb and channel at the Macquarie Street end of Douglas Street. If the egress movements of a B-double / Road Train cannot be accommodated within the sealed area of the roadway, it will be necessary to provide localised widening on the northern side of Douglas Street to accommodate these turn movements.

Summary of request:

The applicant requests that the conditions be amended to include an option that will enable the developer to pay a contribution to Council towards the construction of the broader Douglas Street upgrade works.

After further correspondence, Council and the applicant have come to an agreement on a contribution amount and payment terms towards the construction of the broader Douglas Street upgrade works equal to the amount of the frontage works of \$203,859.09 made at two (2) years or when the works are completed, whichever is sooner.

Recommendation:

This Condition is to be amended to the following:

Alternatively, to conditions 3.1, 3.2 and 3.3 the owner may pay a contribution to Council towards the construction of the broader Douglas Street upgrade works equal to the amount of the frontage works (\$203,859.09). This payment must be made in the form of a Bank Guarantee with full payment of \$203,859.09 made at two (2) years from the date of this approval or when the works are completed, whichever is sooner.

Note: Council has agreed to cover the cost of the cross drainage works (\$82,686.99) in Douglas Street fronting the site.

Condition 4.4

Two (2) new accesses to the development must be provided in accordance with the approved plans (refer Condition 2.1). Summary of request:

The applicant has requested that this condition is amended to allow for the staging and construction of the western vehicle access prior to facilitating road train vehicular access to the site. This is because the western vehicle access is proposed to be constructed only once the need for road train use and access is required.

Recommendation:

This Condition is to be amended to the following:

A new access must be constructed at the eastern end of Lot 102 on RP604012, suitable for B-double vehicles, in accordance with the approved plans (refer to condition 2.1).

An additional condition is to be added:

A second new access must be constructed at the western end of Lot 102 on RP604012, suitable for road train vehicles, in accordance with the approved plans (refer to condition 2.1), prior to any road train vehicles accessing the site.

Condition 6.3

- 6.3 The development must be connected to Council's reticulated water network. Should it be necessary to extend the reticulated Council network to facilitate this, an Operational Works application (water works) will be required for these works.

Summary of request:

The applicant requests that the condition be amended to include an option that will enable the developer to pay a contribution to Council towards the required works, with the water connection to be completed at the same time as the broader Douglas Street upgrades.

After further consultation, the applicant has indicated that they have been in consultation with a neighbouring property and may split the cost of extending the water main.

Recommendation:

This Condition is to remain unchanged.

Condition 10.3 and Condition 2.1 (approved plans)

- 3.1 A one (1) metre high concrete block wall must be constructed as shown on the approved Site Plan (reference SK-002, Revision 10, as amended in red by Council). A bund must be constructed on the side of the wall facing Lot 96 on SP314608 and Lot 97 on RP604012 to protect diesel from the adjoining Transport Depot from encroaching into the ANSOL manufacturing site.

Summary of request:

The applicant has requested to delete this condition. The applicant states that all of the operational and hardstand areas on the subject site are fully bunded. Their representation also notes that the adjoining premises (Lots 96 and 97 on SP314608) consist of substantial hardstand which drains away from the joint property boundary, with a further landscaped garden abutting the boundary fence. The developer has provided an appropriate containment mechanism (bunding) to contain any spill within their operational areas, and to ensure that spillage external to their operational areas cannot enter.

Recommendation:

This Condition is to be deleted and the Site Plan (as amended by Council) Revision 10 be replaced with Revision 9 within Condition 2.1.

MATTERS FOR CONSIDERATION

This request has been assessed by Council's planning officers and other technical staff, as required. The assessment has been conducted in accordance with the provisions of the Planning Act 2016 and Development Assessment Rules. Regard has been given to the relevant State Planning Policy; Council's Planning Scheme; and other general policies, procedures and documents as considered relevant.

An assessment of the change representations has been undertaken and it has been determined that the proposed changes are generally consistent with the original approval, legislative requirements, and the assessment benchmarks prescribed in the statutory instrument which were in effect when the development application for the development approval was properly made.

CONCLUSION

The applicant's change representations are considered reasonable and recommended for approval.

**D/69-2020 - NEGOTIATED DECISION
NOTICE FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR SPECIAL INDUSTRY
(MANUFACTURING LIQUID
FERTILISER (UREA-AMMONIUM
NITRATE) AND ENVIRONMENTALLY
RELEVANT ACTIVITY 7 - CHEMICAL
MANUFACTURING**

Locality Plan

Meeting Date: 12 April 2022

Attachment No: 1

D/69-2020 - Locality Plan



A4 Page scale at 1: 4,024.41
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**D/69-2020 - NEGOTIATED DECISION
NOTICE FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR SPECIAL INDUSTRY
(MANUFACTURING LIQUID
FERTILISER (UREA-AMMONIUM
NITRATE) AND ENVIRONMENTALLY
RELEVANT ACTIVITY 7 - CHEMICAL
MANUFACTURING**

Site Plan

Meeting Date: 12 April 2022

Attachment No: 2

CONCEPT ONLY



LOCATION PLAN NOT TO SCALE

GENERAL NOTE:

- THESE DRAWINGS ARE PART OF A TOWN PLANNING APPROVAL APPLICATION AND SHOULD NOT BE USED FOR ANY OTHER REASON
- THESE DRAWINGS ARE APPROXIMATE AND HIGHLY CONCEPTUAL
- TRAFFIC/SURVEY/OPERATIONAL WORKS: AS PER CIVIL ENGINEER DOCUMENTS AND DRAWINGS IF REQUIRED
- CURRENT LOCATIONS AND BOUNDARY LINE ARE APPROXIMATE, RELEVANT SURVEY TO BE CONDUCTED BEFORE ANY DOCUMENTATION OR CONSTRUCTION
- REFER TO TOWNPLANNING APPLICATION AND OPERATIONAL WORKS DOCUMENTATION WHEN VIEWING THESE PLANS
- THESE DRAWINGS ARE CONCEPTUAL AND DO NOT REFLECT BUILDING APPROVAL, PLUMBING APPROVAL, OFRS APPROVAL OR DISABILITY REQUIREMENTS. CLIENT TO CONFIRM AND GET APPROVAL FROM RELEVANT AUTHORITIES

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A3 DRAWING NOTED CHANGES RELATE TO A3 DRAWINGS

drawing no: **SK-001** project no: **GG-035**



project: **PROPOSED INDUSTRIAL SHED**
 drawing title: **LOCATION PLAN**
 location: **LOT NO. 102 RP604012**

REV	REVISIONS	DATE
1	PRELIMINARY	31/03/2019
2	PRELIMINARY	02/03/2020
3	PRELIMINARY	04/03/2020
4	PRELIMINARY	05/03/2020
5	PRELIMINARY	15/04/2020
6	PRELIMINARY	26/06/2020
7	PRELIMINARY	28/07/2020
8	PRELIMINARY	22/07/2020
9	PRELIMINARY	22/07/2020

PRELIMINARY SKETCH PLANS
 (The drawings are limited and cannot be considered 'as built'. They are not suitable for Building Applications, tender or construction purposes)
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ISSUED FOR **PRELIMINARY**

scale: 1:5000 rev: **9**
 date: JUL 20
 drawn: Author



AREA SCHEDULE

	PROPOSED SHED GFA	: 441 SQM
	PROPOSED UNCOVERED HARDSTAND	: 297 SQM
	PROPOSED UNSEALED PAVEMENT	: 13206 SQM
	PROPOSED UNCOVERED BUNDED SLAB	: 297 SQM

A3 DRAWING NOTED SCALES RELATE TO A3 DRAWINGS

drawing no: **SK-002** project no: **GG-035**



project: **PROPOSED INDUSTRIAL SHED**

drawing title: **SITE PLAN**

location: **LOT NO. 102 RP604012**

REVISIONS

REV	DESCRIPTION	DATE
1	PRELIMINARY	31/03/2019
2	PRELIMINARY	02/03/2020
3	PRELIMINARY	04/03/2020
4	PRELIMINARY	05/03/2020
5	PRELIMINARY	15/04/2020
6	PRELIMINARY	26/06/2020
7	PRELIMINARY	28/07/2020
8	PRELIMINARY	22/07/2020
9	PRELIMINARY	22/07/2020

PRELIMINARY REVIEW PLANS
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scale: 1:1000 rev: **9**

date: JUL 20
 drawn: AUTHOR

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10.3 D-R/242-2009 - MINOR CHANGE TO A DEVELOPMENT PERMIT FOR A RETAIL/COMMERCIAL COMPLEX (TWO STAGE SHOPPING CENTRE)

File No: D-R/242-2009

Attachments:

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

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Acting General Manager Community Services

Author: Brendan Standen - Senior Planning Officer

SUMMARY

Development Application Number: D-R/242-2009

Applicant: Gracemere Shoppingworld Pty Ltd

Real Property Address: Lots 1 and 2 on SP247119, Lot 3 on R2647 and Lot 1 on RP616842

Common Property Address: 1-19 McLaughlin Street, Lot 1 McLaughlin Street, 22-24 O'Shanesy Street and 26-28 O'Shanesy Street, Gracemere

Area of Site: 63,258m²

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zone: Town Zone – Commercial Precinct

Planning Scheme Overlays: Aircraft Affected Areas Overlay

Existing Development: Lot 2 on SP247119 – Gracemere Shoppingworld (Stage One);
Lot 1 on SP247119 – Service Station

Approval Sought: Change Application (Minor)

Referral Agency(s): Not Applicable

Infrastructure Charges Area: Charge Area 1

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the Change Application (Minor) to Development Permit D-R/242-2009 for Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre), made by Gracemere Shoppingworld Pty Ltd, located at 1-19 and Lot 1 McLaughlin Street and 22-24 and 26-28 O'Shanesy Street, Gracemere, described as Lot 1 and Lot 2 on SP247119, Lot 3 on R2647 and Lot 1 on RP616842, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Minor Change to Development Permit D-R/242-2009 for a Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre)
Reasons for	Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that

Decision	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.
Assessment Benchmarks	The proposed development was assessed against the following assessment benchmarks of the <i>Fitzroy Planning Scheme 2005</i> : <ul style="list-style-type: none"> • Town Zone Code; • Development Standards Code; • Commercial Development Code; and • Economic Resources Overlays Code - Aircraft Affected Areas Overlay.
Compliance with assessment benchmarks	The minor change application was assessed against all of the assessment benchmarks listed above and wholly complies without exception.
Relevant Matters	Nil
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Fitzroy Planning Scheme 2005</i>; and • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the Change Application (Minor) to Development Permit D-R/242-2009 for Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre), made by Gracemere Shoppingworld Pty Ltd, located at 1-19 and Lot 1 McLaughlin Street and 22-24 and 26-28 O'Shaney Street, Gracemere, described as Lot 1 and Lot 2 on SP247119, Lot 3 on R2647 and Lot 1 on RP616842, Council resolves to Approve the application subject to the following conditions:

STAGE ONE – SUPERMARKET, JUNIOR DISCOUNT DEPARTMENT STORE, SPECIALITY SHOPS AND KIOSKS

1.0 ADMINISTRATION

1.1 The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Masterplan – Stage 1 Supermarket DA	7282 DA101 Rev. P10	August 2008
Elevations	7282A DA20 Rev. A	7 July 2011
Control Plan - EComm	WA200	20 August 2021
Pick Up Department – Sheet 2	WA384	23 June 2021
Drive Thru/Direct to Boot	20GCT0278-01	17 August 2021
Swept Path Analysis Drive Thru/Pick-Up Bay	20GCT0278-02	17 August 2021
Swept Path Analysis Commercial Vehicle Bay	20GCT0278-03	17 August 2021

1.2 Where there is any conflict between conditions of this decision notice and details

- shown on the approved plans, the conditions of approval must prevail.
- 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
 - 1.5 All conditions, works, and requirements of this approval for this Stage must be satisfied, undertaken and completed to the satisfaction of Council prior to the commencement of use.
 - 1.6 The following further development permits are required prior to the commencement of any works on the site:
 - 1.6.1 Operational Works:
 - i) Road Works;
 - ii) Access and Parking;
 - iii) Sewerage Works;
 - iv) Water Works;
 - v) Stormwater Works;
 - vi) Roof and Allotment Drainage;
 - vii) Site Works; and
 - viii) Landscaping.
 - 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 This approval for stage one is valid for a period of four (4) years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions within four (4) years the approval will lapse.
 - 1.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
 - 1.10 The maintenance of all works constructed under this approval, or any subsequent Development Permit for Operational Works, must remain the sole responsibility of the developer until such time as all works are accepted ‘off maintenance’ by Council.
 - 1.11 ‘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 approved prior to the issue of a Development Permit for Building Works.
- 2.0 **ROAD WORKS**
- 2.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
 - 2.2 All road works and associated stormwater drainage system works must be designed generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 1.1).
 - 2.3 The engineering design of all new roads and associated stormwater drainage systems, both internal and external to the site, submitted as part of any application for a Development Permit for Operational Works (Road Works) must be prepared

and certified by a registered professional engineer.

- 2.4 All road widenings, intersection alignments, associated kerb and channel and drainage works along O'Shanesy Street for stage one, must be designed and constructed along the frontage as indicated on the endorsed plans (refer to Condition 1.1). O'Shanesy Street must be reconstructed to separate the school set down and parking area from traffic accessing and passing the shopping centre site.
- 2.5 Design and construct all necessary connections with the existing road network including intersections generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 1.1).
- 2.6 A dual use pathway, 2.0 metres wide, must be constructed along the full frontage of the site for McLaughlin and O'Shanesy Streets, relevant to stage one in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to condition 1.1). Details of the footpath must be provided with any application for a Development Permit for Operational Works (road works).
- 2.7 A dual use pathway, 2.0 metres wide, must be constructed, in conjunction with stage one, from the development site to connect with the existing footpath fronting the Gracemere State Primary School in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to condition 1.1). Details of the footpath must be provided with any application for a Development Permit for Operational Works (road works) for this stage of the development
- 2.8 Road signage and pavement markings must be installed in accordance with the Manual of Uniform Traffic Control Devices.
- 2.9 All new roads and intersections, and any modifications to existing roads or intersections, must be provided with road and public space lighting in accordance with the Australian Standard AS1158 suite of standards.
- 2.10 All areas of any existing or proposed road reserve disturbed as a consequence of road works, or any other works, must be suitably shaped, top soiled, turfed or hydromulched, or similarly treated, and maintained to the satisfaction of Council.
- 2.11 The owner must ensure that any damage to infrastructure including public pathways, kerb and channel and the like caused as a result of the development is repaired or reinstated to the standard required for similar new works.
- 3.0 ACCESS AND PARKING
- 3.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 3.2 All parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the Capricorn Municipal Development Guidelines (including standard drawings), Australian Standard AS2890, Australian Standard AS1428 and the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).
- 3.3 285 parking spaces and six (6) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 1.1), for this stage of the development.
- 3.4 All stormwater runoff from parking and access areas must be collected and drained to a lawful point of discharge.
- 3.5 A bus setdown area, including weather shelter must be designed and constructed at stage one of the development in accordance with the Public Transport Infrastructure Manual June 2007. The bus setdown area must be located adjacent to the specialty

shops. Details of the bus setdown area must be provided with any application for a Development Permit for Operational Works (access and parking) for this stage of the development.

- 3.6 Handrails must be provided in accordance with the approved plan 'Drive Thru/Direct to Boot' (refer to condition 1.1) and adequate clearances between the handrails and parking aisle must be provided to accommodate pedestrian, and associated shopping trolley passage.
- 3.7 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 4.2 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*.
- 4.3 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure.
- 4.4 A Trade Waste Permit must be obtained prior to the issue of a Development Permit for Building Works.
- 4.5 Should any proposed sewer connection points be located within trafficable areas, the jump-up must be raised to the finish surface level and provided with a brass cover.
- 4.6 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any works on the site.
- 5.2 The development must be connected to Council's reticulated water supply network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*. The connection must be located at a point nominated by Council.
- 5.3 The development must be provided with a master water meter at the property boundary and sub meters for each sole occupancy premises.
- 5.4 Water storage tanks and pumps must be located on site to provide adequate fire-fighting flows for the development.
- 5.5 Any construction works proposed in the vicinity of Council's existing water infrastructure must not adversely affect the integrity of the infrastructure.
- 5.6 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines, and sound Engineering practice.
- 6.3 All stormwater runoff from the subject site, and roofwater and water from paved surfaces, must be collected within the site and directed to a lawful point of discharge, in accordance with Council requirements, the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines. Design and construction must be in

- accordance with a Development Permit for Operational Works (stormwater works).
- 6.4 The application for a Development Permit for Operational Works (stormwater) must be accompanied by:
- 6.4.1 detailed assessment of total flows leaving the site and pipe sizing in accordance with the Capricorn Municipal Design Guidelines;
 - 6.4.2 details of any retention or detention proposed on site, including Q100 surface levels for any detained flows including overflow relief capacity and sizing;
 - 6.4.3 details of the capacity of the down-stream underground stormwater system and how it is able to handle the additional proposed development runoff.
- 6.5 Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure
- 6.6 Drainage easements must cater for the 100 year Average Recurrence Interval rainfall event. Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required.
- 7.0 SITE WORKS
- 7.1 A Development Permit for Operational Works (Site Works) must be obtained prior to the commencement of any works on the site.
- 7.2 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by an earthworks plan which clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 Any vegetation cleared from the site must not be burnt either on-site or off-site, and within sixty (60) days of clearing the cleared vegetation must be either:
- 7.3.1 mulched on-site and utilised on the subject land for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - 7.3.2 removed for disposal at a location approved by Council.
- 7.4 Filling work must not be undertaken on land with slopes greater than twenty-five (25) percent.
- 7.5 All structural filling must be in accordance with Australian Standard AS3798. Engineering drawings/specification must clearly indicate the location and depth of proposed filling. A testing strategy must be submitted as part of any application for a Development Permit for Operational Works (Site Works). Testing requirements must be generally in accordance with Section 8 of Australian Standard 3798.
- 7.6 All engineering drawings for Operational Works must be signed and certified by a registered professional engineer as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. A registered professional engineer must supervise the works on behalf of the Applicant. A certificate of construction compliance must be submitted by a registered professional engineer verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specification.
- 7.7 A registered professional engineer must issue to Council signed "as-constructed"

plans and a certificate verifying that the information contained within the drawings is true and accurate. These plans must be neatly presented in printed hard copy form and free from errors, omissions, mark ups, and/or hand written alterations/notes. Levels in the as-constructed plans must be based upon a minimum fourth-order Permanent Survey Mark.

7.8 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by:

7.8.1 reasonable investigations to determine the presence and extent of any existing filled ground on the subject land (site investigations must assess the degree of compaction and composition of any existing filled ground and an assessment of the adequacy of existing filled ground including the extent of any remedial works required); and

7.8.2 reasonable investigations and reasonable testing to ensure the subject land is free of contamination in accordance with the requirements of the *Contaminated Land Act 1991*.

8.0 BUILDING

8.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.

8.2 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.

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

8.4 Any reflective material must have a level of light reflectivity of no more than twenty (20) percent and a level of heat transmission of not less than twenty (20) percent.

8.5 All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.

8.6 Prior to occupation of the building, submit to Council a certificate from a licenced surveyor to demonstrate the completed building does not exceed twelve (12) metres above natural ground level, in accordance with the approved plans.

9.0 LANDSCAPING

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

9.2 The landscape plan must include, but is not limited to, the following:

9.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:

- i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
- ii) the extent of soft and hard landscape proposed;
- iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;

- iv) underground and overhead services;
 - v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - vi) details of landscape structures including areas of deep planting; and
 - vii) specification notes on mulching and soil preparation.
- 9.2.2 A “Planting Plan” and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs; and
 - (iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden.
- 9.3 All landscaping work associated with this stage of the development must be completed prior to the commencement of use.
- 9.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme.
- 9.5 The landscape plan must include a minimum 2.5 metre wide landscaped buffer along the McLaughlin Street and O’Shanesy Street frontages of stage one.
- 9.6 As per the approved plan ‘Control Plan – eComm’ (refer to condition 1.1), landscaping in this area must be established within both the ‘modified existing garden bed(s)’ and the ‘new garden bed’ as follows:
- 9.6.1 Designed in accordance with the *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*;
 - 9.6.2. Plant species utilised must be selected from sources in the *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy* and must include at least fifty (50) per cent locally native species; and
 - 9.6.2 Must include groundcovers at a density rate of between 0.5 metres to one (1) metre.
- 10.0 ELECTRICITY AND TELECOMMUNICATION
- 10.1 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.
- 10.2 Provide street lighting and public space lighting in accordance with the relevant Australian Standards.
- 11.0 CONTRIBUTIONS/COSTS
- 11.1 Contributions must be paid to Council prior to the issue of a Development Permit for Building Works.

The contributions must be paid in accordance with the Council Policy rates at the date of payment. The following table sets out the contributions required to be paid:

<u>Policy</u>	<u>Contribution</u>	<u>Current Total*</u>
LPP1/96	Water Supply Headworks	\$12,823.45
LPP1/96	Sewerage Headworks	\$8,922.80
	Stormwater Drainage	\$12,507.00*

*Council reserves the right to review same in accordance with the policies and rates and charges current at the time of payment. The applicant will be required to pay for 52.66 Equivalent Persons (EP) at the rates current at the time of payment.

+ At the time of payment this amount will be increased by the Road and Construction Index for Queensland with the December 2008 quarter being the base.

- 11.2 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.
- 11.3 '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 commence of the use or the release of the Building Format Plan, whichever occurs the sooner. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.
- 12.0 ENVIRONMENTAL
- 12.1 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- i) water quality and drainage;
 - ii) erosion and silt/sedimentation management;
 - iii) acid sulphate soils;
 - iv) fauna management;
 - v) vegetation management and clearing;
 - vi) top soil management;
 - vii) interim drainage plan during construction;
 - viii) construction programme;
 - ix) geotechnical issues;
 - x) weed control;
 - xi) bushfire management;
 - xii) emergency vehicle access;
 - xiii) noise and dust suppression; and
 - xiv) waste management.
- 12.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- i) objectives;
 - ii) site location / 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.
- The erosion and sediment control plan must incorporate detailed plans, control

measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

- 12.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 12.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in McLaughlin Street, O'Shanesy Street or the Capricorn Highway.
- 13.2 All waste storage areas must be surrounded by a fence/screen, at least 1.8 metres in height, that obstructs from view the contents of the bin compound by any member of the public from any public place.
- 13.3 All waste containers must be:
- 13.3.1 stored within the bin enclosure area;
 - 13.3.2 securely covered at all times; and
 - 13.3.3 maintained in a clean condition and in good repair.

STAGE TWO – DISCOUNT DEPARTMENT STORE, SUPERMARKET, 2 MINI MAJOR, SPECIALTY SHOPS AND KIOSKS

14.0 ADMINISTRATION

- 14.1 The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan – Stage 2	16326 DA10 Rev A	22 December 2021
Site Plan – Stage 2 Basement Carparking	16326 DA12 Rev A	22 December 2021
Elevations	16326 DA20 Rev A	3 March 2022

- 14.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 14.3 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 of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 14.4 The Developer is responsible for ensuring compliance with this Approval and the Conditions of the Approval by an employee, agent, contractor or invitee of the Developer.
- 14.5 All conditions, works, and requirements of this approval for this Stage must be satisfied, undertaken and completed to the satisfaction of Council prior to the commencement of use.
- 14.6 The following further development permits are required prior to the commencement of any works on the site:

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- 14.6.1 Operational Works:
- i) Road Works;
 - ii) Access and Parking;
 - iii) Sewerage Works;
 - iv) Water Works;
 - v) Stormwater Works;
 - vi) Roof and Allotment Drainage;
 - vii) Site Works; and
 - viii) Landscaping.
- 14.6.2 Plumbing and Drainage Works; and
- 14.6.3 Building Works.
- 14.7 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.
- 14.8 This approval for stage two is valid for a period of 14 years from the day the approval takes effect. If the use has not commenced in accordance with the approved conditions by 17 August 2024, the approval will lapse.
- 14.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 14.10 The maintenance of all works constructed under this approval, or any subsequent Development Permit for Operational Works, must remain the sole responsibility of the developer until such time as all works are accepted 'off maintenance' by Council.
- 14.11 '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 approved prior to the issue of a Development Permit for Building Works.
- 15.0 ROAD WORKS
- 15.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any works on the site.
- 15.2 All road works and associated stormwater drainage system works must be designed generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 14.1).
- 15.3 The engineering design of all new roads and associated stormwater drainage systems, both internal and external to the site, submitted as part of any application for a Development Permit for Operational Works (Road Works) must be prepared and certified by a registered professional engineer.
- 15.4 All road widenings, intersection alignments, associated kerb and channel and drainage works along O'Shanesy Street for stage two, must be designed and constructed along the frontage as indicated on the endorsed plans (refer to Condition 14.1). O'Shanesy Street must be reconstructed to separate the school set down and parking area from traffic accessing and passing the shopping centre site.
- 15.5 Design and construct all necessary connections with the existing road network including intersections generally in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to Condition 14.1).
- 15.6 A dual use pathway, 2.0 metres wide, must be constructed along the full frontage of the site for O'Shanesy Street, relevant to stage two in accordance with the Capricorn Municipal Development Guidelines (including standard drawings) and the endorsed plans (refer to condition 14.1). Details of the footpath must be provided with any
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application for a Development Permit for Operational Works (road works).

- 15.7 Road signage and pavement markings must be installed in accordance with the Manual of Uniform Traffic Control Devices.
- 15.8 All new roads and intersections, and any modifications to existing roads or intersections, must be provided with road and public space lighting in accordance with the Australian Standard AS1158 suite of standards.
- 15.9 All areas of any existing or proposed road reserve disturbed as a consequence of road works, or any other works, must be suitably shaped, topsoiled, turfed or hydromulched, or similarly treated, and maintained to the satisfaction of Council.
- 15.10 The owner must ensure that any damage to infrastructure including public pathways, kerb and channel and the like caused as a result of the development is repaired or reinstated to the standard required for similar new works.

16.0 ACCESS AND PARKING

- 16.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 16.2 All parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the Capricorn Municipal Development Guidelines (including standard drawings), Australian Standard AS2890, Australian Standard AS1428 and the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 14.1).
- 16.3 635 parking spaces and three (3) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 14.1), for this stage of the development.
- 16.4 The total parking provision for the whole development must be 916 parking spaces and nine (9) motorcycle spaces. The total parking provision must be constructed prior to the commencement of stage two of the development.
- 16.5 All stormwater runoff from parking and access areas must be collected and drained to a lawful point of discharge.
- 16.6 The 'Entry Only' access point from O'Shanesy Street must only be used by business. The existing 'No Entry Buses Excepted' signage must be retained. Internal T intersection associated with this access ramp must be line-marked and suitable signage must be installed to satisfy this requirement.

17.0 SEWERAGE WORKS

- 17.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any works on the site.
- 17.2 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*.
- 17.3 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure.
- 17.4 A Trade Waste Permit must be obtained prior to the issue of a Development Permit for Building Works.
- 17.5 Should any proposed sewer connection points be located within trafficable areas, the jump-up must be raised to the finish surface level and provided with a brass cover.
- 17.6 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

18.0 WATER WORKS

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

- 18.2 The development must be connected to Council's reticulated water supply network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*. The connection must be located at a point nominated by Council.
- 18.3 The development must be provided with a master water meter at the property boundary and sub meters for each sole occupancy premises.
- 18.4 Water storage tanks and pumps must be located on site to provide adequate fire-fighting flows for the development.
- 18.5 Any construction works proposed in the vicinity of Council's existing water infrastructure must not adversely affect the integrity of the infrastructure.
- 18.6 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.

19.0 STORMWATER WORKS

- 19.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.
- 19.2 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines, and sound Engineering practice.
- 19.3 All stormwater runoff from the subject site, and roofwater and water from paved surfaces, must be collected within the site and directed to a lawful point of discharge, in accordance with Council requirements, the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines. Design and construction must be in accordance with a Development Permit for Operational Works (stormwater works).
- 19.4 The application for a Development Permit for Operational Works (stormwater) must be accompanied by:
- 19.4.1 detailed assessment of total flows leaving the site and pipe sizing in accordance with the Capricorn Municipal Design Guidelines;
 - 19.4.2 details of any retention or detention proposed on site, including Q100 surface levels for any detained flows including overflow relief capacity and sizing;
 - 19.4.3 details of the capacity of the down-stream underground stormwater system and how it is able to handle the additional proposed development runoff.
- 19.5 Any filling or changes to the site proposed as part of any Development Permit for Operational Works must not adversely impact on any adjoining or downstream land, drainage systems, or any Council infrastructure.
- 19.6 Drainage easements must cater for the 100 year Average Recurrence Interval rainfall event. Provide drainage easements, free of cost and compensation in Council's favour, over any drainage works on the land should such be required.

20.0 SITE WORKS

- 20.1 A Development Permit for Operational Works (Site Works) must be obtained prior to the commencement of any works on the site.
- 20.2 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by an earthworks plan which clearly identifies the following:
- 20.2.1 the location of cut and/or fill;
 - 20.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 20.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 20.2.4 details of any proposed access routes to the site which are intended to be

- used to transport fill to or from the site; and
- 20.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 20.3 Any vegetation cleared from the site must not be burnt either on-site or off-site, and within sixty (60) days of clearing the cleared vegetation must be either:
- 20.3.1 mulched on-site and utilised on the subject land for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- 20.3.2 removed for disposal at a location approved by Council.
- 20.4 Filling work must not be undertaken on land with slopes greater than twenty-five (25) percent.
- 20.5 All structural filling must be in accordance with Australian Standard AS3798. Engineering drawings/specification must clearly indicate the location and depth of proposed filling. A testing strategy must be submitted as part of any application for a Development Permit for Operational Works (Site Works). Testing requirements must be generally in accordance with Section 8 of Australian Standard 3798.
- 20.6 All engineering drawings for Operational Works must be signed and certified by a registered professional engineer as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. A registered professional engineer must supervise the works on behalf of the Applicant. A certificate of construction compliance must be submitted by a registered professional engineer verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specification.
- 20.7 A registered professional engineer must issue to Council signed "as-constructed" plans and a certificate verifying that the information contained within the drawings is true and accurate. These plans must be neatly presented in printed hard copy form and free from errors, omissions, mark ups, and/or hand written alterations/notes. Levels in the as-constructed plans must be based upon a minimum fourth-order Permanent Survey Mark.
- 20.8 Any application for a Development Permit for Operational Works (Site Works) must be accompanied by:
- 20.8.1 reasonable investigations to determine the presence and extent of any existing filled ground on the subject land (site investigations must assess the degree of compaction and composition of any existing filled ground and an assessment of the adequacy of existing filled ground including the extent of any remedial works required); and
- 20.8.2 reasonable investigations and reasonable testing to ensure the subject land is free of contamination in accordance with the requirements of the *Contaminated Land Act 1991*.
- 21.0 **BUILDING**
- 21.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 21.2 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 21.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the 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'.

- 21.4 Any reflective material must have a level of light reflectivity of no more than twenty (20) percent and a level of heat transmission of not less than twenty (20) percent.
- 21.5 All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- 21.6 Prior to occupation of the building, submit to Council a certificate from a licenced surveyor to demonstrate the completed building does not exceed twelve (12) metres above natural ground level, in accordance with the approved plans.
- 22.0 LANDSCAPING
- 22.1 A Development Permit for Operational Works (landscaping) must be obtained prior to the commencement of any works on the site.
- 22.2 The landscape plan must include, but is not limited to, the following:
- 22.2.1 A plan documenting the "Extent of Works" and supporting documentation which includes:
- i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);
 - ii) the extent of soft and hard landscape proposed;
 - iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - iv) underground and overhead services;
 - v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - vi) details of landscape structures including areas of deep planting; and
 - vii) specification notes on mulching and soil preparation.
- 22.2.2 A "Planting Plan" and supporting documentation which includes:
- i) trees, shrubs and groundcovers to all areas to be landscaped;
 - ii) position and canopy spread of all trees and shrubs;
 - iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and
 - iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 22.3 All landscaping work associated with this stage of the development must be completed prior to the commencement of use.
- 22.4 The landscaped areas must be subject to an ongoing maintenance and replanting programme.
- 22.5 The landscape plan must include a minimum 2.5 metre wide landscaped buffer along the McLaughlin Street and O'Shanesy Street frontages of stage two.
- 23.0 ELECTRICITY AND TELECOMMUNICATION
- 23.1 Provide underground electricity and telecommunication connections to the proposed development to the requirements of the relevant authority.
- 23.2 The use must not commence unless and until each tenancy has been provided with live electricity and telecommunication connections in accordance with the requirements of the relevant authority.

23.3 Provide street lighting and public space lighting in accordance with the relevant Australian Standards.

24.0 CONTRIBUTIONS/COSTS

24.1 Deleted.

24.2 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.

24.3 '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 commence of the use or the release of the Building Format Plan, whichever occurs the sooner. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

25.0 ENVIRONMENTAL

25.1 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- i) water quality and drainage;
- ii) erosion and silt/sedimentation management;
- iii) acid sulphate soils;
- iv) fauna management;
- v) vegetation management and clearing;
- vi) top soil management;
- vii) interim drainage plan during construction;
- viii) construction programme;
- ix) geotechnical issues;
- x) weed control;
- xi) bushfire management;
- xii) emergency vehicle access;
- xiii) noise and dust suppression; and
- xiv) waste management.

25.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- i) objectives;
- ii) site location / 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.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

25.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

25.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

26.0 OPERATING PROCEDURES

26.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in McLaughlin Street, O'Shanesy Street or the Capricorn Highway.

26.2 All waste storage areas must be surrounded by a fence/screen, at least 1.8 metres in height, that obstructs from view the contents of the bin compound by any member of the public from any public place.

26.3 All waste containers must be:

26.3.1 stored within the bin enclosure area;

26.3.2 securely covered at all times; and

26.3.3 maintained in a clean condition and in good repair.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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 Natural Resources, Mines and Water's website www.nrm.qld.gov.au/cultural_heritage/index.html.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the Workplace Health and Safety legislation.

NOTE 3. Dust Control

It is the developer's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 4. Sedimentation Control

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 5. Noise During Construction And Noise In General

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

NOTE 6. General Safety Of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

NOTE 7. Gracemere Water Supply and Sewerage Planning

Reports Reference should be made to the current Gracemere Water Supply and Sewerage Planning Reports, including any addendum reports, when determining the servicing requirements of this development. All works identified within these reports required for the servicing of this development shall be designed and constructed at the developer's expense.

NOTE 8. Signage

Advertising on the site shall be in accordance with the requirements set out in Fitzroy Shire Council (Control of Signs) Local Law No. 9.

NOTE 9. Amended Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the Change Application (Minor) to Development Permit D-R/242-2009 for Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre), made by Gracemere Shoppingworld Pty Ltd, located at 1-19 and Lot 1 McLaughlin Street and 22-24 and 26-28 O'Shaney Street, Gracemere, described as Lot 1 and Lot 2 on SP247119, Lot 3 on R2647 and Lot 1 on RP616842, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$1,952,295.50

BACKGROUND/PROPOSAL

The Applicant, Gracemere Shoppingworld Pty Ltd, has submitted a Change Application (minor) relating to development approval D-R/242-2009, being a Development Permit for Material Change of Use for 'Retail/Commercial Complex (Two-Stage Shopping Centre)'. The minor change relates to a proposed reconfiguration of Stage 2 of the approved development, which includes an increase in the Gross Floor Area (GFA) of the development and extension of it onto two (2) lots not forming part of the original development approval. The change is in response to changing demands and requirements for retail and commercial space in Gracemere.

Stage Two of the development is approved over the vacant western portion of Lot 2 on SP247119 (1-19 McLaughlin Street, Gracemere). Stage Two as approved includes 16,688m² floor area including a discount department store (DDS), supermarket, minor major department stores, speciality shops and a kiosk. The proposed changes notably include:

- Encroachment of the development into Lot 3 on R2647 and Lot 1 on RP616842, which are located to the west of Lot 2 on SP247119.

- A smaller discount department store to align with expected incoming tenant requirements. It is proposed to decrease the size of the DDS from 7,880m² to 6,000m².
- Adjustments to the floorplates of the two (2) larger minor major department stores to align with expected incoming tenant requirements. It is proposed to change the size of each tenancy from 700m² and 135m² to 1,300m² and 1,000m².
- Total increase in floor area from 16,688m² to 17,545m² (857m²/ 5% increase), noting mall areas is not included in GFA calculations.
- A revised food outlet offer surrounded by a centralised seating area in a wider mall.
- The introduction of external dining areas and landscaping, adjacent to the bus stop, to provide greater level of activity and casual surveillance around the proposed realigned southern entrance into the shopping centre.
- On-site car parking will be increased commensurate with the increased demand from the additional GFA

The Applicant has provided updated proposal plans and a Traffic Impact Assessment in support of the change application.

As an overview of the approval history of the development to date:

- Original Development Approval 10 August 2010
- Amended Development Approval 5 December 2011
- Extension Application Approval 10 May 2016
- Extension Application Approval 29 May 2020
- Minor Change Approval 28 September 2021

The above approval history, aside from the extension applications that ensure the original development approval remains current through to 2024, is of no consequence to proposed change application relating to Stage Two.

SITE AND LOCALITY

The subject site includes four lots totalling 63,528m²: Lots 1 and 2 on SP247119, Lot 3 on R2647 and Lot 1 on RP616842. The subject site is effectively an “island” of lots, bound by the Capricorn Highway to the North, McLaughlin Street to the East, O’Shanesy Street to the South and Hower Street to the West.

Lot 1 on SP247119 is improved by a service station. The eastern portion of Lot 2 on SP247119 is improved by Stage 1 of Gracemere Shoppingworld, with the western portion currently vacant pending development of Stage 2. Lot 3 is vacant and Lot 1 on RP616842 is used for outdoor sales.

The surrounding area includes a combination of land use activities, which are appropriately reflected in the zoning of the land under the current *Rockhampton Region Planning Scheme 2015 (v2.2)*. The subject site, including land to the east and west, is included in the District Centre Zone. The southern side of O’Shanesy Street is zoned Community Facilities and Low-Medium Density Residential. There are parcels of land zoned Low Impact Industry further to the east and west along the Capricorn Highway.

PLANNING ASSESSMENT

The Change Application was made under section 78 of the *Planning Act 2016* (the Planning Act). The Applicant has sought a minor change to the development approval. The following matters require consideration in the planning assessment of the minor change application:

- (1) The change application meets the requirements of section 79 of the Planning Act;
- (2) The change application meets the definition of ‘minor change’ in Schedule 2 of the Planning Act; and

- (3) The change application is assessed in accordance with section 81 of the Planning Act.

In respect to the first two matters, the change application meets the requirements of section 79 of the Planning Act and the change is considered to constitute a ‘minor change’ as outlined in **Table 1** and **Table 2** below.

TABLE 1 – MINOR CHANGE CRITERIA

MINOR CHANGE CRITERIA		RESPONSE
(i) <i>Would not result in substantially different development; and</i>		Complies – Refer to Table 2 .
(ii) <i>If a development application for the development, including the change, were made when the change application is made would not cause-</i>	(A) <i>The inclusion of prohibited development in the application; or</i>	Complies – The proposed change does not result in prohibited development identified under the <i>Planning Regulation 2017</i> (the Planning Regulation).
	(B) <i>Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</i>	Complies – There were referral agencies for the development application.
	(C) <i>Referral to an extra referral agency, other than to the chief executive;</i>	Complies – The proposed change would not result in referral to an extra referral agency if a development application for the development, include the change, were made when the change application was made.
	(D) <i>A referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or</i>	Complies – A referral agency in assessing the application is not required to have regard to a matter other than a matter the referral agency would have assessed the development application.
	(E) <i>Public notification if public notification was not required for the development application.</i>	Complies – The development application required Impact Assessment and was subject to public notification.

Schedule 1 of the Development Assessment Rules (the DA Rules) provides guidance for what *may* constitute “substantially different development”. An assessment of the proposed change against Schedule 1 of the DA Rules is included in **Table 2**.

Importantly, there is no universal test for “substantially different development” despite the guidelines. It is a question of fact and degree, and an exercise of discretion. Therefore, although the proposed change does not comply with all criteria it does not by default become substantially different development.

TABLE 2 – SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA

SUBSTANTIALLY DIFFERENT DEVELOPMENT CRITERIA	RESPONSE
(a) <i>Involves a new use; or</i>	Complies – Proposed change does not involve a new use.
(b) <i>Results in the application applying to a new parcel of land; or</i>	Does not comply – The proposed change includes two (2) new parcels of land at the

	<p>western end of the block of land bound by the Capricorn Highway, McLaughlin Street, O'Shanesy Street and Hower Street.</p> <p>The Planning and Environment Court has previously made decisions that development over new parcels of land not included in the original development approval does not result in substantially different development. In this instance the new parcels of land have no adjoining land owners (aside from a vacant lot owned by the Applicant), are in the same Zone as the remainder of the development and are not considered to introduce any new noticeable impacts external to the site.</p>
(c) <i>Dramatically changes the built form in terms of scale, bulk and appearance; or</i>	<p>Complies – The proposed change in built form is not considered dramatic in the context of the whole shopping centre development.</p> <p>The proposed change maintains the overall appearance of the development, which is a shopping centre with an internalised pedestrian mall.</p> <p>The inclusion of external dining fronting O'Shanesy Street will assist in activating that frontage of the development and reducing the perceived bulk of the built form.</p>
(d) <i>Changes the ability of the proposed development to operate as intended; or</i>	<p>Complies – The proposed change does not affect the ability of the shopping centre to function for that purpose.</p>
(e) <i>Removes a component that is integral to the operation of the development; or</i>	<p>Complies – No components integral to the function of the shopping centre are being changed or removed.</p>
(f) <i>Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	<p>Complies – The proposed development maintains the same access arrangement as originally approved. Despite the increase in GFA of the development, the impacts are negligible, supported by a Traffic Impact Assessment.</p>
(g) <i>Introduces new impacts or increases the severity of known impacts; or</i>	<p>Complies – The proposed change will not result in any new impact or severity of known impacts. The Applicant has provided a Traffic Impact Assessment in support of the change application, which demonstrate negligible impacts as a result of the change.</p>
(h) <i>Removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	<p>Complies – No incentive or offset is being removed.</p>
(i) <i>Impacts on infrastructure provisions.</i>	<p>Complies – The proposed change is within the capacity of the existing trunk infrastructure network, as determined by Council's development assessment engineers.</p>

In respect to the third matter, the change application has been assessed in accordance with section 81 of the Planning Act. Notably, it has been assessed against the relevant provisions of the *Fitzroy Shire Planning Scheme 2005* by Council planning, engineering, environmental health, and other technical officers.

The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning

Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments

Support, subject to conditions.

Public and Environmental Health Comments

Support, subject to conditions.

Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

TOWN PLANNING COMMENTS

The Applicant proposes the following changes to conditions in response to the changes outlined earlier in this report:

PROPOSED CHANGE			RECOMMENDATION												
<p>14.1 <i>The approved development must be completed and maintained generally in accordance with the following approved drawings and documents, except where amended by the conditions of this permit:</i></p> <table border="1"> <thead> <tr> <th><i>Plan/Document Name</i></th> <th><i>Plan Number</i></th> <th><i>Dated</i></th> </tr> </thead> <tbody> <tr> <td>Site Plan – Stage 2</td> <td>7282A DA10 Rev. G 16326 DA10 Rev A</td> <td>July 2011 22 December 2021</td> </tr> <tr> <td>Site Plan – Stage 2 Basement Carparking</td> <td>7282A DA12 Rev. E 16326 DA12 Rev. A</td> <td>July 2011 22 December 2021</td> </tr> <tr> <td>Elevations</td> <td>7282A DA20 Rev. A 16326 DA20 Rev A</td> <td>7 July 2011 3 March 2022</td> </tr> </tbody> </table>			<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>	Site Plan – Stage 2	7282A DA10 Rev. G 16326 DA10 Rev A	July 2011 22 December 2021	Site Plan – Stage 2 Basement Carparking	7282A DA12 Rev. E 16326 DA12 Rev. A	July 2011 22 December 2021	Elevations	7282A DA20 Rev. A 16326 DA20 Rev A	7 July 2011 3 March 2022	<p>That Council supports the proposed change for the reasons outlined in the 'Planning Assessment' section of this report. The changes to the plans reflect the extent of changes outlined earlier in this report.</p>
<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>													
Site Plan – Stage 2	7282A DA10 Rev. G 16326 DA10 Rev A	July 2011 22 December 2021													
Site Plan – Stage 2 Basement Carparking	7282A DA12 Rev. E 16326 DA12 Rev. A	July 2011 22 December 2021													
Elevations	7282A DA20 Rev. A 16326 DA20 Rev A	7 July 2011 3 March 2022													
<p>16.3 585 635 parking spaces and three (3) motorcycle spaces must be provided on site generally in accordance with the endorsed plans (refer to condition 14.1), for this stage of the development.</p>			<p>That Council supports the proposed change for the reasons outlined in the 'Planning Assessment' section of this report. The increase in on-site car parking is commensurate with the increased demand resulting from an increase in GFA.</p>												
<p>16.4 The total parking provision for the whole development must be 870 916 parking spaces and nine (9) motorcycle spaces. The total parking provision must be constructed prior to the commencement of stage two of the development.</p>			<p>That Council supports the proposed change for the reasons outlined in the 'Planning Assessment' section of this report. The change to Condition 16.4 reflects the increase in on-site car parking across the site to accommodate the increase in GFA for Stage Two.</p>												

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule	Column 1A Use (QPP)	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Commercial (Retail)	Shopping Centre	Area 1	153	per m ² of GFA			\$1,813,050.00
	(0 – 30,000sq m GFA)				8.50	per m ² of impervio us area	\$181,245.50
Total							\$1,994,295.50
Less Credit							\$42,000
TOTAL CHARGE							\$1,952,295.50

This is based on the following calculations:

Stage One

- (a) A charge of \$3,910.00 for Impervious Area being 460 square metres (roof area, hardstand areas, access, and parking areas);

Stage Two

- (b) A charge of \$1,813,050.00 for Gross Floor Area being 11,850 square metres (shopping centre including discount department store, junior discount department store, supermarket extension, specialty shops, kiosk and amenities – GFA excludes 'a mall' i.e. internal walkways); and
- (c) A charge of \$177,335.50 for Impervious Area being 20,863 square metres (roof area, hardstand areas, access, and parking areas).
- (d) A credit of \$42,000 for Lot 3 on R2647 and Lot 1 on RP616842.

Therefore, a total charge of \$1,952,295.50 is payable and will be reflected in an Amended Infrastructure Charges Notice for the development.

CONCLUSION

THAT the proposed Minor Change to Development Permit D-R/242-2009 for Material Change of Use for a Retail/Commercial Complex (two-stage shopping centre) complies with the provisions included in the applicable Planning Scheme codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D-R/242-2009 - MINOR CHANGE TO A
DEVELOPMENT PERMIT FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO STAGE SHOPPING CENTRE)**

Locality Plan

Meeting Date: 12 April 2022

Attachment No: 1

D-R/242-2009 - Locality Plan



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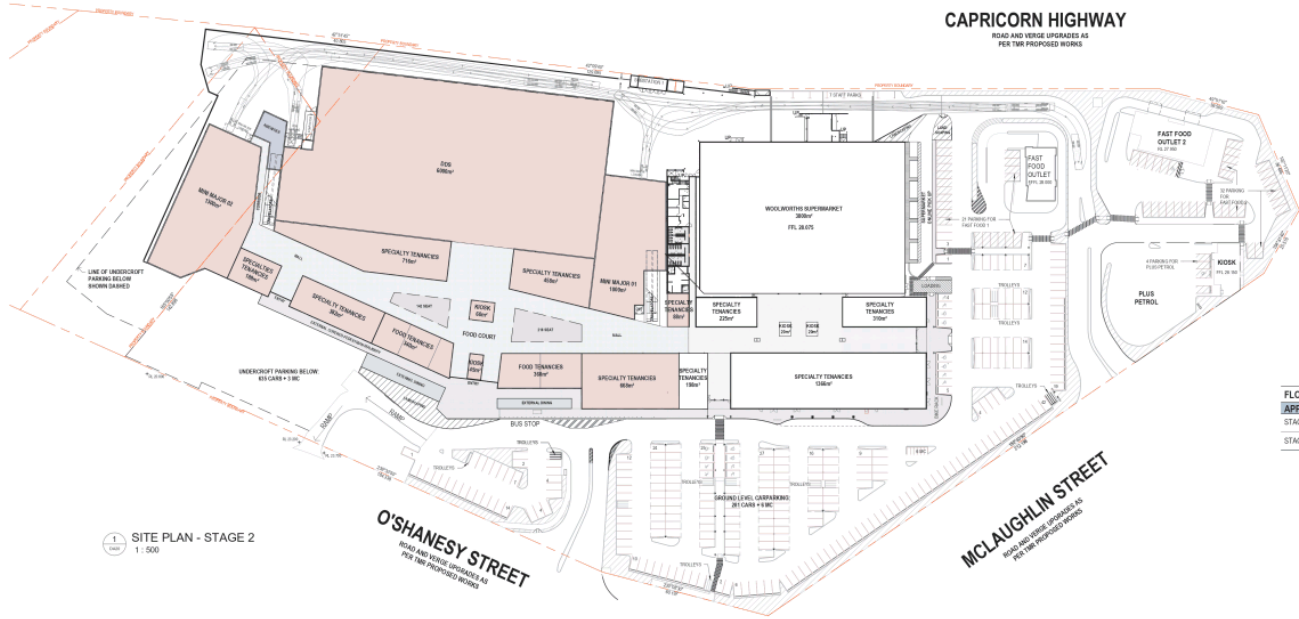


**D-R/242-2009 - MINOR CHANGE TO A
DEVELOPMENT PERMIT FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO STAGE SHOPPING CENTRE)**

Site Plan

Meeting Date: 12 April 2022

Attachment No: 2



1 SITE PLAN - STAGE 2
1:500



DEVELOPMENT SCHEDULE:
STAGE 1 + STAGE 2

DEPARTMENT	GLA
DISCOUNT DEPARTMENT STORE	6000m ²
SUPERMARKET	3800m ²
MINI MAJOR 01	1000m ²
MINI MAJOR 02	1300m ²
SPECIALTY SHOPS	5300m ²
KIOSKS	140m ²
TOTAL	17 540m²

PARKING	NUMBERS
RETAIL STAGE 1	281 CARS + 6 MC
RETAIL STAGE 2	635 CARS + 3 MC
RETAIL TOTAL	916 CARS + 9 MC
RETAIL RATIO	5.22/1000m ² GLA
FAST FOOD OUTLET 1	21 (SEPARATE APPROVAL)
FAST FOOD OUTLET 2	32 (SEPARATE APPROVAL)
FUEL OUTLET	4 (SEPARATE APPROVAL)

FLOOR AREA COMPARISON- GROSS LEASE AREA (GLA)

APPROVED	GLA	PROPOSED	GLA
STAGE 1	6520m ²	STAGE 1 (EXISTING)	6000m ²
STAGE 1 & 2	16 680m ²	STAGE 1 & 2 (PROPOSED)	17 540m ²

DATE: 03.12.2021
PROJECT: 16326 DA10 A

V ARCHITECTURE



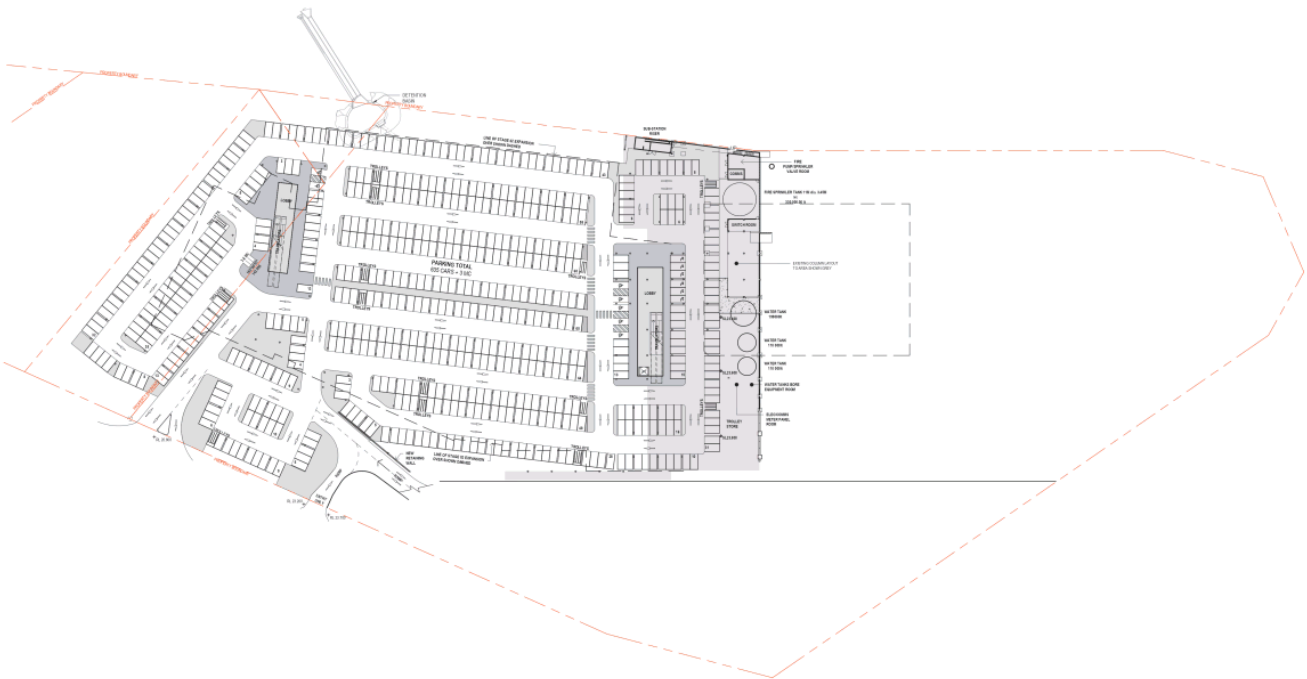
SCALE: 1:500
DATE: 03.12.2021
PROJECT: 16326 DA10 A

DEVELOPMENT APPLICATION

GRACEMERE SHOPPINGWORLD
16326 DA10 A
MCLAUGHLIN STREET, GRACEMERE

SITE PLAN - STAGE 2

16326 DA10 A
PROJECT NO: 16326 DA10 A



1 BASEMENT LEVEL - STAGE 2
1:500

DATE: 03.12.2021
PROJECT: GRACEMERE

ARCHITECTURE



SCALE
1:500
DATE: 03.12.2021
PROJECT: GRACEMERE

DEVELOPMENT APPLICATION
GRACEMERE
SHOPPINGWORLD
16326 DA12 A
M'LAUGHLIN STREET,
GRACEMERE

SITE PLAN - STAGE 2
BASEMENT
CARPARKING

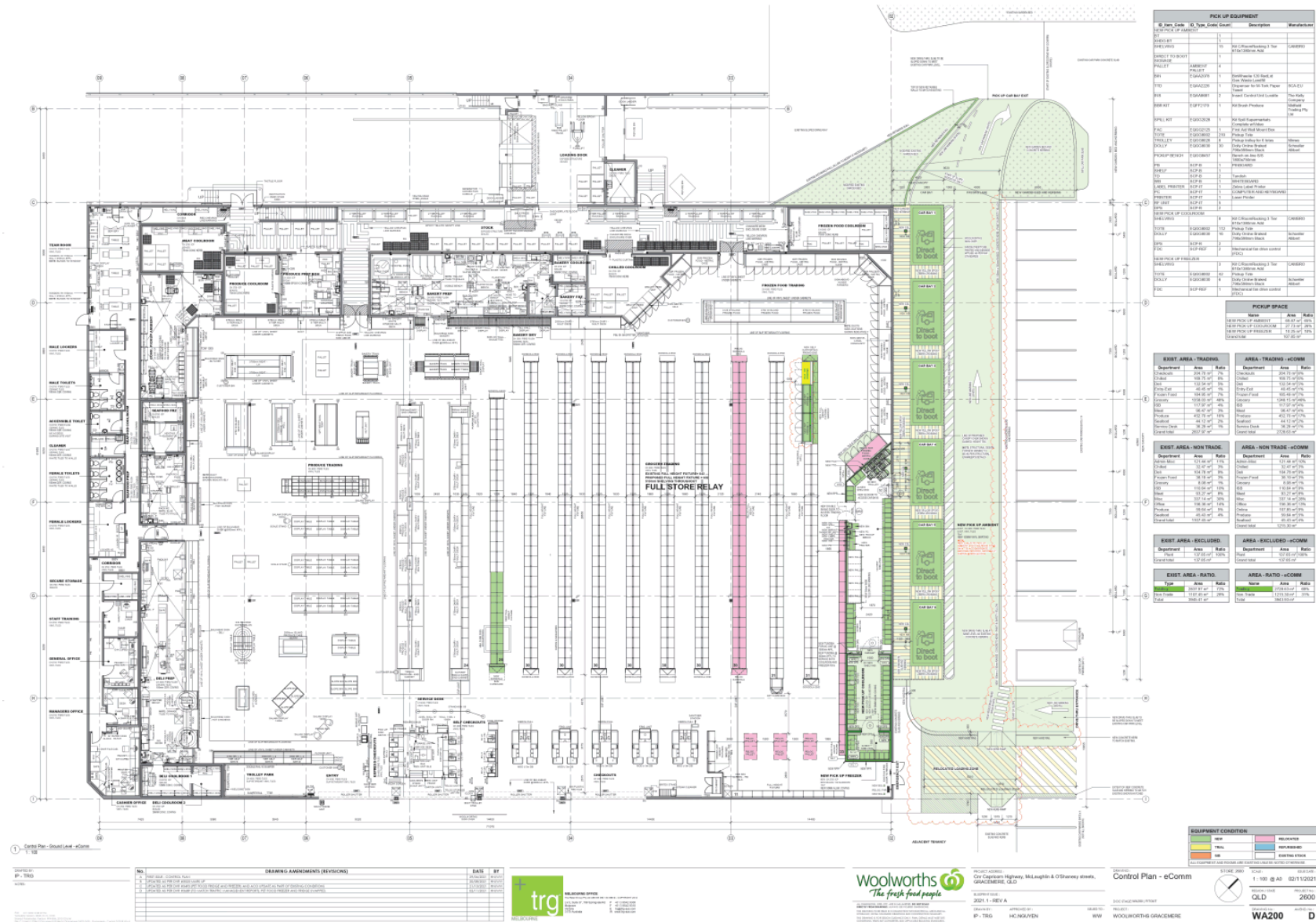
16326 DA12 A
PROJECT NO. SHEET NO.

**D-R/242-2009 - MINOR CHANGE TO A
DEVELOPMENT PERMIT FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO STAGE SHOPPING CENTRE)**

Floor Plan

Meeting Date: 12 April 2022

Attachment No: 3



**D-R/242-2009 - MINOR CHANGE TO A
DEVELOPMENT PERMIT FOR A
RETAIL/COMMERCIAL COMPLEX
(TWO STAGE SHOPPING CENTRE)**

Elevations Plan

Meeting Date: 12 April 2022

Attachment No: 4



ARCHITECTURE



McLAUGHLIN GROUP

DEVELOPMENT APPLICATION
GRACEMERE SHOPPINGWORLD
McLAUGHLIN STREET, GRACEMERE

ELEVATIONS
16326 DA20 A

10.4 PARLIAMENT MUTUAL ACCESS AGREEMENT

File No:	11979
Attachments:	1. Mutual Access Agreement ↓
Authorising Officer:	Evan Pardon - Chief Executive Officer
Author:	Emma Brodel - Senior Executive Assistant to the Mayor

SUMMARY

The purpose of this report is to present a proposal received from the Local Government Association of Queensland for Council to opt-in to a mutual access arrangement of facilities for its consideration and approval.

OFFICER'S RECOMMENDATION

THAT Council authorises Mayor Tony Williams to send written notice to the Local Government Association of Queensland confirming its participation in the Mutual Access Agreement between the Parliament of Queensland and the Local Government Association of Queensland.

COMMENTARY

Council has received an invitation from the Local Government Association of Queensland (LGAQ) to opt-in to a mutual access arrangement to the parliamentary precinct in Brisbane for Mayor, Councillors and Council's Chief Executive Officer, while providing reciprocal access to Council premises for Members of Parliament.

The agreement will deliver practical benefits for Council while conducting official business in Brisbane, particularly when meeting with Ministers or other external parties through accessing meeting room facilities within the parliamentary precinct at no cost. In exchange, Council will permit Ministers and State Members of Parliament reasonable access to Council premises to conduct meetings when visiting the Rockhampton Region.

Mutual access arrangements also exist for use of facilities within the parliamentary precinct and Council premises to conduct official events subject to the payment of any relevant fees and charges that may apply.

A copy of the Mutual Access Agreement between the Parliament of Queensland and the LGAQ is attached to this report.

In order to benefit from the proposed mutual access arrangements, Council is required to provide the Chief Executive Officer of LGAQ with written authorisation from the Mayor of its decision to participate in the agreement.

BACKGROUND

On behalf of its member councils, in 2020 the LGAQ reached formal agreement with the Speaker of the Queensland Parliament that provides for mutual access arrangements to the parliamentary precinct. It furthers our partners-in-government agreement that we have with the State Government.

There are currently 45 councils that have taken up that opportunity to date.

PREVIOUS DECISIONS

There are no previous decisions of Council relevant to the recommendation under consideration.

BUDGET IMPLICATIONS

The proposal under consideration will have no impact on Council's operating budget if authorised.

LEGISLATIVE CONTEXT

There is no relevant legislation applicable.

LEGAL IMPLICATIONS

There are no legal implications relevant to this matter

STAFFING IMPLICATIONS

There will be no implications to Council's staffing levels if Council adopts the proposed recommendation.

RISK ASSESSMENT

There are no notable risks that have been identified.

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2017-2022 - Productive partnerships with all levels of government and relevant stakeholders.

CONCLUSION

The proposal from LGAQ provides an opportunity for the Mayor, Councillors and Council CEO to undertake meetings at Parliament House at no cost in exchange for reciprocal usage of Council premises (as available) for Members of Parliament. It is recommended that Council confirming its participation in the Mutual Access Agreement as per the recommendation.

PARLIAMENT MUTUAL ACCESS AGREEMENT

Mutual Access Agreement

Meeting Date: 12 April 2022

Attachment No: 1

Mutual Access Agreement

Parties

Parliament of Queensland "Parliament"

Local Government Association of Queensland "LGAQ"

Preamble

Queensland is the most decentralised state in Australia, which poses challenges in providing access to democratic representation to all Queenslanders wherever they live.

Decentralisation poses challenges to Local Governments in accessing State Government decision makers in Brisbane to represent their communities.

Decentralisation poses challenges for State Members of Parliament to represent electors across large distances.

Parliament and the LGAQ acknowledge that by allowing reasonable access to:

- facilities within the Parliamentary Precinct in Brisbane for Mayors, Councillors and CEOs,
- facilities of consenting Local Governments for local Members of Parliament,

together the Parliament and the LGAQ can improve the quality of representation delivered to Queenslanders.

Definitions

Applicable LG Persons means Mayors, Councillors and CEOs of Local Governments who have issued a notice under Clause 31 of this Agreement.

Clerk means Clerk of the Legislative Assembly of Queensland.

CEO means Chief Executive Officer of a Local Government.

Council Chambers means the room where a Mayor and Councillor meet to conduct the business of a Local Government.

Councillor means a person who currently holds the office of Councillor in Local Government.

Electorate Officer means a person employed in the role of the same name by the Queensland Parliamentary Service.

Facility means either or both of the Parliamentary Precinct and Local Government Facilities.

Legislative Assembly means the chamber where Members sit and conduct the business of the aforesaid body as established under Section 1 of the *Constitution Act (Qld) 1867*.

Local Government means an elected body that is responsible for the good rule and local government of a part of Queensland under the *Local Government Act (Qld) 2009* and is a member of the LGAQ.

Local Government Caretaker Period means Caretaker Period as defined under the *Local Government Act (Qld) 2009*.

Local Government Premises means any structure which is used by a Local Government for the purposes of the administration of Local Government which a Local Government has a legal right to use and enjoy and is suitable for use for meetings and/or contains office facilities.

LGAQ means Local Government Association of Queensland.

Mayor means a person who currently holds the Office of Mayor in Local Government.

Member means a current Member of the Queensland Legislative Assembly.

Member's Electorate means the electoral district which a Member represents.

Meeting Rooms means the meeting rooms situated on level 5 of the Parliamentary Annexe and any other rooms nominated by the Speaker or Clerk.

Parliament means Parliament of Queensland

Parliamentary Annexe means the building on the Parliamentary Precinct titled as such.

Parliamentary Precinct means;

- (a) all land and improvements within the land reserved for House of Parliament in the county of Stanley, parish of North Brisbane, city of Brisbane described as lot 414 on plan SL8740, lot 437 on plan SL8601 and lot 704 on plan SL12303 registered in the department in which the *Land Act (Qld) 1994* is administered; or
- (b) any land or premises declared by the Governor in Council by gazette notice to be part of the parliamentary precinct for a stated period

The Parties means jointly and severally Parliament and the LGAQ.

Speaker means the Speaker of the Legislative Assembly of Queensland.

State Parliament Election Period means the period between the dissolution of the Legislative Assembly and the following election day.

Third Party means any person or entity that is not a party to this Agreement

Clauses

Authority

1. The Speaker's authority to enter this agreement is Section 5 & 50 of the *Parliamentary Service Act (Qld) 1988*.

2. The LGAQ represents its members through its Constitution. However, nothing in this agreement shall bind Local Governments unless a notice is lodged by a Local Government under clause 31.

Term

3. This agreement shall remain effective and in force for a period of 5 years from the date of execution of this Agreement.
4. The Parties shall each have the right to terminate this Agreement by written notice.
5. Such written notice shall indicate a termination date which is no earlier than 28 calendar days after the date the notice is received from the other party.
6. Amendments to this Agreement may be effected by mutual agreement of the Parties at any time during the term of the Agreement.
7. A suspension of the application of this Agreement may be made by mutual agreement of the Parties.

Rules around Access

8. The Parties in granting access under this agreement acknowledge that such access is only granted on a reasonable basis.

The Parties agree that the following requests for access are unreasonable:

- a. any request for access that requires the provision of resources by the host organisation that would otherwise not be made available in the normal operation of their Facility.
- b. any request for access that requires a restriction in the normal operation of the Parliamentary Precinct or the relevant Local Government Building.
- c. any request that would be contrary to provisions of *the Parliamentary Service Act (Qld) 1988*; the *Parliamentary Service By-Law 2013* and any other directions of the Speaker.

Access granted to Applicable LG Persons

9. The Parliament undertakes to grant access for Applicable LG Persons to the Parliamentary Precinct as guests of the Speaker.

Such access is granted only for the following purposes relating to the duties of Applicable LG Persons:

- a. Conduct meetings in Meeting Rooms in relation to their duties as Mayors, Councillors and CEOs
- b. Use of facilities for events relating to their Local Government, subject to the Local Government meeting standard costs for such an event that would be levied to third parties for the use of the facilities. (*e.g function room and equipment hire & catering costs*)

10. Access of Applicable LG Persons under Clause 9 is subject to any guidelines or policies as authorised by the Speaker or the Clerk.
11. No access will be granted to Applicable LG Persons to Level 8 and above of the Parliamentary Annexe, or any other personal offices of Members unless expressly invited by the Member who occupies the office.
12. Nothing in this agreement shall be construed as providing access for Applicable LG Persons to;
 - a. accommodation facilities in the Parliamentary Annexe.
 - b. access to the services of the Parliamentary Library.
13. Nothing in this agreement shall be construed as positive obligation on the Parliament to provide office facilities to Applicable LG Persons.

However, subject to availability, Applicable LG Persons may use Meeting Rooms outside of Parliament sitting weeks, using Local Government supplied and personal electronic devices, for work relating to their duties as Applicable LG Persons.
14. No access will be granted to Applicable LG Persons to any offices within the Parliamentary Precinct where the administration of Parliament takes place constantly during business hours.
15. Applicable LG Persons with access granted to the Parliamentary Precinct shall be entitled to use the guest Wi-Fi network on the Parliamentary Precinct.
16. Applicable LG Persons may access the Parliamentary Service Visitor Car Park in Car Park B on Gardens Point Road, subject to availability, and by complying with the regular booking process.
17. Applicable LG Persons shall be entitled to use the Parliamentary cafeteria.
18. Applicable LG Persons shall be entitled to be accompanied by a reasonable number of pre-approved support staff employed by the relevant Local Government on the Parliamentary Precinct.
19. Nothing in this agreement shall be construed as granting a right of access to the Legislative Assembly Chamber or the galleries thereof to Applicable LG Persons whilst the Legislative Assembly is sitting.
20. Notwithstanding any other term of this agreement, access shall not be granted to Applicable LG Persons during the Local Government Caretaker Period.

Access granted to Members

21. Subject to availability, the LGAQ warrants that Local Governments that have issued a notice under Clause 31 will grant access to Members to the Local Government Premises within the Member's electorate, for the following purposes relating to the duties of their offices;
 - a. Conduct meetings in relation to their duties as Members; and
 - b. Use of facilities for events relating to their duties as a Member subject to the Member meeting normal costs for such an event that would be levied to third parties for the use of the facilities. *(e.g function room and equipment hire & catering costs)*

22. Access of Members under Clause 21 is subject to any guidelines or policies as authorised by the relevant Local Government.

23. No access will be granted to a Member for any offices within a Local Government Premises where the administration of Local Government takes place constantly during business hours.

24. Nothing in this agreement shall be construed as providing access for Members to;

- a. Engaging accommodation facilities in Local Government Buildings; or
- b. access to any administrative or research services undertaken by staff of Local Government.

25. Nothing in this agreement shall be construed as a positive obligation on Local Government to provide office facilities to Members.

However, Members may use Local Government meeting rooms using Parliament and personal electronic devices for work relating to their duties as Members.

26. Members may access, where available, on site car parking when attending Local Government Premises under this agreement. Members must comply with the regular booking process for such car parking, where applicable.

27. Members with access granted to the Local Government Premises shall be entitled to use the guest Wi-Fi network, if present, on the said Local Government Premises.

This clause shall not in any way be construed for Local Government to ensure guest Wi-Fi facilities are present in Local Government Premises accessed by Members under this agreement.

28. Members shall be entitled to be accompanied by Electorate Officers when accessing Local Government Buildings.

29. Nothing in this agreement shall be construed as granting a right of access to Council Chambers or the galleries thereof to Members whilst a meeting of Mayor and Councillors is occurring.

30. Notwithstanding any other term of this agreement, access shall not be granted to Members during the State Parliament Election Period.

Local Government Opt In

31. A Local Government may elect to participate in the terms of this Agreement by sending written notice authorised by the relevant Mayor to the LGAQ Chief Executive Officer who will forward the notice to the Speaker.

32. A notice under Clause 31 becomes effective on the date it is received by the Office of the Speaker. Such notice will remain effective until revocation.

33. A notice under Clause 31 can be revoked by sending a written notice authorised by the Relevant Mayor to the LGAQ Chief Executive Officer who will forward to the Speaker. Such revocation will take effect on the date it is received by the Office of the Speaker.

- 34. For any given Local Government, when no notice is provided under Clause 31 the relevant Local Government shall not be entitled to any benefit from this agreement.
- 35. Members will not have any right under this agreement to access the Local Government Premises of a Local Government that has not provided notice under Clause 31 of this Agreement.

Review

- 36. The Parties agree to review the operation of this agreement 2 years after commencement of this agreement.

Costs of The Parties

- 37. Subject to clauses 9 (b) and 21 (b) the Parties agree that;
 - a. no cost will be levied to the Parties for the rights and permissions of access to facilities granted under this agreement.
 - b. no cost will be levied personally to Members or Applicable LG Persons for the rights and permissions of access to facilities granted under this agreement.

For the Local Government Association of Queensland

For the Parliament of Queensland



**Mr Greg Hallam AM
Chief Executive Officer**

DATE

10 September 2020



**Hon Curtis Pitt MP
Speaker**

DATE

10/09/2020

10.5 WORKERS MEMORIAL DAY

File No: 1392
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

The combined Unions of Rockhampton will be paying respects to workers who have lost their lives at work on the Official Queensland Workers Memorial Day being 28 April. Assistance has been sought from Council in this regard as well as donating a memorial.

OFFICER'S RECOMMENDATION

THAT Council retrospectively approve to support the conduct of this event up to \$1,000. In addition Council contribute \$1,000 towards a memorial at the Kershaw Gardens for the 2023 event.

COMMENTARY

The combined Unions of Rockhampton will be paying respects to workers who have lost their lives at work on the official Queensland Workers Memorial Day being 28 April at the Kershaw Gardens. They have extended the invitation to Mayor and Councillors as well as staff to attend a small function for up to an hour so as to pay respects.

Assistance has also been requested from Council to donate or contribute towards a small memorial to be placed in Kershaw Gardens where the Combined Unions and the community can pay tribute to honour these workers.

The Combined Unions have been advised that, if Council did approve, time will not permit a memorial to be in place for this year's event.

BACKGROUND

Not applicable.

PREVIOUS DECISIONS

No previous decisions.

BUDGET IMPLICATIONS

Funds will be provided from Workforce & Governance operational budget.

LEGISLATIVE CONTEXT

There is no relevant legislation applicable.

LEGAL IMPLICATIONS

There are no legal implications relevant to this matter.

STAFFING IMPLICATIONS

No staffing implications for this matter.

RISK ASSESSMENT

There are no notable risks that have been identified.

CORPORATE/OPERATIONAL PLAN

Not applicable.

CONCLUSION

While it is expected to be a low cost event, it is recommended that Council contribute up to \$1,000 towards the 2022 memorial event. Furthermore \$1,000 be contributed towards a small monument with the size and location at Kershaw Gardens to be approved by the CEO.

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - COUNCILLOR NEIL FISHER - TRAVEL APPROVAL

File No:	10072
Attachments:	Nil
Responsible Officer:	Emma Brodel - Senior Executive Assistant to the Mayor Damon Morrison - Manager Office of the Mayor

SUMMARY

Councillor Neil Fisher has indicated his intention to move the following Notice of Motion at the next Council meeting scheduled for Tuesday 12 April 2022, as follows:

COUNCILLOR'S RECOMMENDATION

THAT Councillor Neil Fisher seeks retrospective approval from Council to attend the Bowen Basin Mining Club meeting in Mackay on Thursday 31 March 2022

BACKGROUND

Councillor Neil Fisher is seeking retrospective approval to attend the following:

1. Bowen Basin Mining Club's March Luncheon at the Souths Leagues Club Mackay with Mayor Tony Williams, and;
2. Meeting with Bravus Mining and Resources CEO David Boshoff and management Ally Foley and Kate Campbell with Mayor Tony Williams at the Souths Leagues Club Mackay.

The Bowen Basin Mining Club provides the largest networking events in the Bowen Basin. Rockhampton Regional Council has had a highly visible presence at these events since 2012.

By attending, Rockhampton Regional Council is sending a message of support to the Rockhampton Regions resource industry businesses.

The key note speaker of this month's event is David Boshoff from Bravus Mining and Resources.

Mayor Tony Williams had requested Councillor Neil Fisher to reach out to Bravus Mining and Resources. After speaking with Bravus Mining and Resources' Ally Foley, a round table meeting with Bravus Mining and Resources management would be of value to Rockhampton Regional Council. The topics of discussion are as follows:

- Recruitment of Rockhampton based employees.
- Direct flight services between Rockhampton and Townsville.
- Proposed East-west flights from Rockhampton and Central West Queensland.

Associated costs shall be expended from the Councillor's Travel Expenses Allocation. This would include the \$95.00 registration for BBMC event, travel via vehicle and meals.

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

14 CLOSED SESSION

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT 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.

15.1 Consideration of Consultation on the Proposed Closure of the SmartHub

In accordance with section 254J(3)(c) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the local government's budget.

15.2 Proposed Minor Alteration to Organisational Structure

In accordance with section 254J(3)(b) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss industrial matters affecting employees.

15 CONFIDENTIAL REPORTS

15.1 CONSIDERATION OF CONSULTATION ON THE PROPOSED CLOSURE OF THE SMARTHUB

File No: 8785,12472

Attachments:

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4
5. Attachment 5
6. Attachment 6
7. Attachment 7
8. Attachment 8
9. Attachment 9
10. Attachment 10

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Marnie Taylor - Chief Financial Officer

In accordance with section 254J(3)(c) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the local government's budget.

SUMMARY

This report presents an overview of feedback in regards to the consultation on the proposed closure of the SmartHub as well as subsequent recommendations.

15.2 PROPOSED MINOR ALTERATION TO ORGANISATIONAL STRUCTURE**File No:** 289**Attachments:**

1. **Current Organisational Structure - July 2020**
2. **Proposed Organisational Structure - April 2022**

Authorising Officer: Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - Deputy Chief Executive Officer

In accordance with section 254J(3)(b) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss industrial matters affecting employees.

SUMMARY

This report is seeking Council approval to commence employee and union consultation on a proposed minor Organisational Structure alteration.

16 CLOSURE OF MEETING