



# **ORDINARY MEETING**

## **MINUTES**

**13 JUNE 2017**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY 13 JUNE 2017 COMMENCING AT 9.03 AM**

**1 OPENING****2 PRESENT**

## Members Present:

The Mayor, Councillor M F Strelow (Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor S J Schwarten  
Councillor A P Williams  
Councillor R A Swadling  
Councillor N K Fisher

## In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr M Rowe – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Mr S Waters – General Manager Regional Development and Aviation  
Mr R Cheesman – General Manager Corporate Services  
Ms A Cutler – Finance Manager  
Mr A Collins – Manager Program Delivery  
Mr D Stevenson – Manager Corporate and Technology Services  
Mr S Gatt – Manager Planning & Regulatory Services  
Mr B Truscott – Coordinator Strategic Planning  
Mr D Morrison – Executive Coordinator to the Mayor  
Mr C Wyatt – Senior Strategic Planner  
Ms A O'Mara – Senior Planning Officer  
Mr T Gardiner – Senior Planning Officer  
Mr B Diplock – Planning Officer  
Mr B Koelmeyer – Planning Officer  
Ms P Fry – Grants Officer  
Ms E Brodel – Media Officer  
Ms C Steinberger – Media Officer  
Ms S Friske – Acting Senior Governance Support Officer

**3 APOLOGIES AND LEAVE OF ABSENCE****4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Neil Fisher disclosed a conflict of interest in respect of Item 16.5 – Strategic Property Acquisition from the previous minutes due to casual employment. Councillor Fisher considered his position and advised he will not take part in the vote.

09:04AM Councillor Fisher left the meeting.

**COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 23 May 2017 be taken as read and adopted as a correct record.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Swadling

**MOTION CARRIED**

09:05AM Councillor Fisher returned to the meeting.

The opening prayer was presented by Pastor Rob Edwards from Calvary Lutheran Church.

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

9:11am Councillor Rutherford attended the meeting

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Smith disclosed a conflict of interest in respect of Item 11.2 - D/18-2017 - Development Application for a Material Change of Use for Renewable Energy Facility (solar park) due to a relation's ownership of the property.

**6 BUSINESS OUTSTANDING**

Nil

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## 7 PUBLIC FORUMS/DEPUTATIONS

### 7.1 D/162-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION, SHOP, SHOWROOM AND FOOD AND DRINK OUTLET

**File No:** D/162-2015  
**Attachments:** Nil  
**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services  
**Author:** Thomas Gardiner - Planning Officer

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#### SUMMARY

*Council is in receipt of a development application for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd Trustee under instrument 709957847, on land described as Lot 24 on SP191047, Parish of Murchison, located at 337-341 Yaamba Road, Park Avenue.*

*Mr Peter Cahill on behalf of Glenwaye Pty Ltd has requested the opportunity to present a deputation at the Ordinary Council meeting.*

#### COUNCIL RESOLUTION

THAT the deputation by Matthew Brown of Urbis on behalf of Glenwaye Pty Ltd be received.

**Moved by:** Councillor Schwarten

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

**8 PRESENTATION OF PETITIONS**

Nil

## 9 COMMITTEE REPORTS

### 9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE- 26 MAY 2017

#### **COUNCIL RESOLUTION**

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 26 May 2017 as circulated, be received and that the recommendations contained within these minutes be adopted.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Smith

**MOTION CARRIED**

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

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.1 INTERIM MANAGEMENT REPORT 2016/17**

**File No:** 8151

**Attachments:**

1. **Audit and Business Improvement Committee Briefing Note**
2. **RRC Interim Management Letter**

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer

**Author:** Alicia Cutler - Manager Finance

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**SUMMARY**

*Council's auditors, Thomas Noble and Russell (TNR) have finalised the Interim Management Report for the 2016/2017 audit.*

**COMMITTEE RECOMMENDATION**

THAT the Interim Management Report prepared by Thomas Noble and Russell (TNR) for the 2016/2017 audit be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.2 FINANCE SECTION UPDATE**

**File No:** 8151  
**Attachments:** 1. Summary Budget Management Report- April 2017 - Ordinary Council  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Alicia Cutler - Manager Finance

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**SUMMARY**

*Finance Manager providing information around the upcoming 2016/17 financial results.*

**COMMITTEE RECOMMENDATION**

THAT the report containing an update on the Finance Section be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.3 VALUATION SUMMARY 2016/17**

**File No:** 8151  
**Attachments:** 1. Summary Expert Table  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Alicia Cutler - Manager Finance

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**SUMMARY**

*A report is provided on the impact of the Asset Valuations for the upcoming Financial Reporting Period ended 30 June 2017.*

**COMMITTEE RECOMMENDATION**

THAT the report be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.4 RELATED PARTIES****File No:** 8151**Attachments:**

1. Related Party Disclosure Policy
2. List of Related Party Transactions
3. Extract from Shell Financial Statements 2016-17

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer**Author:** Alicia Cutler - Manager Finance

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**SUMMARY**

*Further to information provided to previous committees, a report is provided to provide detail in respect of Council's plans to capture Related Party transactions for disclosure in Council's Annual Report for the period ended 30 June 2017.*

**COMMITTEE RECOMMENDATION**

THAT the report be received and feedback be incorporated where possible.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.5 SHELL FINANCIAL REPORT 2016/17**

**File No:** 8151  
**Attachments:** 1. Shell Financial Statements 2017-2018  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Alicia Cutler - Manager Finance

---

**SUMMARY**

*In readiness for the annual Financial Report for 2016/17 and in accordance with the agreed audit timetable a 'Shell' Financial Report for 2016/17 has been compiled. Preparation of the Shell Financial Report enables early consideration of reporting and disclosure requirements of any new or amended accounting standards and / or other proposed changes to the Financial Report.*

**COMMITTEE RECOMMENDATION**

THAT the Shell Financial Report and information as per this report be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.6 INDEX ASSESSMENT**

**File No:** 8151  
**Attachments:** Nil  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Alicia Cutler - Manager Finance

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**SUMMARY**

*This report reviews the fair value assessments of the asset classes not being revalued in the current year and the recommended treatment.*

**COMMITTEE RECOMMENDATION**

THAT the report be received and the concepts discussed in regards to the indexing of Buildings and Stormwater be approved.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.7 ANNUAL AUDIT PLAN 2017-2020**

**File No:** 5207

**Attachments:** 1. Annual Audit Plan 2017-2020 endorsed by  
CEO

**Authorising Officer:** John Wallace - Chief Audit Executive  
Evan Pardon - Chief Executive Officer

**Author:** Kisane Ramm - Senior Risk and Assurance Advisor

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**SUMMARY**

*The proposed Annual Audit Plan 2017-2020 is submitted for the Committee's review.*

**COMMITTEE RECOMMENDATION**

THAT the Annual Audit Plan, as attached to the report, be "received".

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.8 AUDIT PLAN PROGRESS**

**File No:** 5207  
**Attachments:** 1. Audit Plan Progress  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The progress of the Annual Audit Plan is presented for the information of the Committee.*

**COMMITTEE RECOMMENDATION**

THAT the report be received and that progress and impacts be noted.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.9 AUDITS COMPLETED-REVENUE DEVELOPER CONTRIBUTIONS**

**File No:** 5207  
**Attachments:** 1. BDO Audit Report  
2. Internal Audit Report  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The planned audit for Revenue – Developer Contributions Internal Controls, is provided for the information of the committee.*

**COMMITTEE RECOMMENDATION**

THAT the report be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017**

**9.1.10 PLANNED ASSURANCE REVIEW OF - FIRE IN FRW BUILDINGS**

**File No:** 5207  
**Attachments:** 1. Fire In FRW Buildings  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The planned and completed review is presented to the Committee.*

**COMMITTEE RECOMMENDATION**

THAT the report be received.

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**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.11 BUSINESS IMPROVEMENT-ACTION PROGRESS REPORT**

<b>File No:</b>	<b>5207</b>
<b>Attachments:</b>	<b>1. May 2017 - Quarterly Business Improvement Activity - Action Progress Report</b>
<b>Authorising Officer:</b>	<b>Evan Pardon - Chief Executive Officer</b>
<b>Author:</b>	<b>John Wallace - Chief Audit Executive</b>

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**SUMMARY**

*This quarterly Business Improvement Activity – Action Progress Report is presented to the Committee for overview and action.*

*The attached report is a requirement of the Local Government Regulation – S211 (1) (b) (ii) and must be presented at least twice a year by Regulation.*

*The attached report is a requirement of the IPPF (International Professional Practices Framework) – This requires the CAE to ‘establish and maintain a system to monitor the disposition of results communicated to management’. The attached action progress report and its periodic highest level reporting to executive management and the ABIC comprises that ‘system’. The system captures all known audits and consulting activity where recommendations for improvement have been identified, and is therefore a coordinated organisation-wide reporting approach.*

*Additional IPPF requirements to have a ‘follow-up process’ include allocating a component of each Annual Audit Plan to cover follow up audits (e.g. see 2016-5 Internal Audit Report – Business Improvement Review of Effectiveness – Follow-Up Reviews of Audit Recommendations). The results of these reviews may in turn be re-introduced into the attached report as in (e.g. 1101-5 and 1101-11 being ‘reopened’ by internal audit following a re-assessment). It is not possible for IA to follow up on all completed actions, and review items are therefore generally selected on a sample basis. Some specialist external reviews may also separately require another external review to confirm implementation effectiveness.*

**COMMITTEE RECOMMENDATION**

THAT the report be received and actions accepted by the Committee. Additionally the Committee supports the separation of the register as discussed in the body of the report.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.12 INVESTIGATION AND LEGAL MATTERS AS AT 30 APRIL 2017**

**File No:** 5207  
**Attachments:** 1. Legal Matters as at 30 April 2017  
**Authorising Officer:** Tracy Sweeney - Manager Workforce and Strategy  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Travis Pegrem - Coordinator Industrial Relations and Investigations

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**SUMMARY**

*Coordinator Industrial Relations and Investigations presenting an update of financial year to date Investigative Matters and the current Legal Matters as at 30 April 2017.*

**COMMITTEE RECOMMENDATION**

THAT the update of investigative and legal matters for Rockhampton Regional Council be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.13 LOSS/THEFT ITEMS - OCTOBER 2016 - APRIL 2017**

**File No:** 3911

**Attachments:** 1. Loss/Theft Report - 1 October 2016 to 30 April 2017

**Authorising Officer:** Drew Stevenson - Manager Corporate and Technology Services  
Ross Cheesman - Deputy Chief Executive Officer

**Author:** Kellie Anderson - Coordinator Property and Insurance

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**SUMMARY**

*Presenting details of the Loss/Theft register for the period 1 October 2016 to 30 April 2017.*

**COMMITTEE RECOMMENDATION**

THAT the Committee 'receives' the Loss/Theft Report for the period 1 October 2016 to 30 April 2017.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.14 CHAIR UPDATE - PLACEHOLDER - URGENT BUSINESS**

**File No:** 5207  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The Chair will update the Committee on general matters of importance.*

**COMMITTEE BRIEFING**

THAT the Chair provided a verbal brief and that the upcoming meetings be indicated as 9 February 2018 and 25 May 2018.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.15 PLACEHOLDER - CEO UPDATE**

**File No:** 5207  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The CEO may update the Committee on matters of importance and interest*

**COMMITTEE RECOMMENDATION**

THAT the CEO's standard update to the Committee be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.16 BUSINESS OUTSTANDING TABLE FOR AUDIT AND BUSINESS IMPROVEMENT COMMITTEE**

**File No:** 10097  
**Attachments:** 1. Business Outstanding Table  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Meetings. The current Business Outstanding table for the Audit and Business Improvement Committee is presented for member's information.*

**COMMITTEE RECOMMENDATION**

THAT the Business Outstanding Table for the Audit and Business Improvement Committee be received.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.17 RISK REGISTERS - QUARTERLY UPDATE AS AT 3 MARCH 2017**

<b>File No:</b>	<b>8780</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li><b>1. Potential and Current Risk Exposure Profile as at 3 March 2017</b></li><li><b>2. Comparison of Current and Potential Exposure Risk Ratings Broken Down by Level of Consequence as at 3 March 2017</b></li><li><b>3. Corporate Risk Register - Quarterly Update as at 3 March 2017</b></li><li><b>4. Operational Risk Register as at 3 March 2017</b></li></ol>
<b>Authorising Officer:</b>	<b>John Wallace - Chief Audit Executive Evan Pardon - Chief Executive Officer</b>
<b>Author:</b>	<b>Kisane Ramm - Senior Risk and Assurance Advisor</b>

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**SUMMARY**

*Submission of the quarterly risk register updates, as at 3 March 2017, for the Committee's consideration.*

**COMMITTEE RECOMMENDATION**

THAT the quarterly risk register updates as at 3 March 2017, as presented in the attachments to this report, be "received" by the Committee.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.18 ERM SOFTWARE UPDATE**

**File No:** 12177

**Attachments:** 1. **ERM Software Solution Recommendation to ISSG**

**Authorising Officer:** **John Wallace - Chief Audit Executive**  
**Evan Pardon - Chief Executive Officer**

**Author:** **Kisane Ramm - Senior Risk and Assurance Advisor**

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**SUMMARY**

*Provision of an update on the status of the Enterprise Risk Management (ERM) software project.*

**COMMITTEE RECOMMENDATION**

THAT the enterprise risk management software update, as presented in the attachment to this report, be “received”.

**Recommendation of the Audit and Business Improvement Committee, 26 May 2017****9.1.19 EMAIL SCAM SIMULATION AWARENESS AND TRAINING**

**File No:** 8780  
**Attachments:** 1. Phriendly Phishing Information Sheet  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Drew Stevenson - Manager Corporate and Technology Services

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**SUMMARY**

*Council regularly reviews its cyber security preparedness including information and communications technology cyber security hardware and software, system protections (content filtering) and training targeting user behaviour, and cyber insurance policies. This report provides an update on the recent email scam awareness training program and baseline 'phishing' email results.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receives this Email Scam Simulation Awareness and Training baseline report and supports the ongoing email phishing campaign.

**9.2 PLANNING AND REGULATORY COMMITTEE MEETING - 6 JUNE 2017****COUNCIL RESOLUTION****COUNCIL RESOLUTION**

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 6 June 2017 as circulated, be received and that the recommendations contained within these minutes be adopted.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Williams

**MOTION CARRIED**

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

**Recommendation of the Planning and Regulatory Committee, 6 June 2017****9.2.1 D/162-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION, SHOP, SHOWROOM AND FOOD AND DRINK OUTLET**

**File No:** D/162-2015  
**Attachments:** Nil  
**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services  
**Author:** Thomas Gardiner - Planning Officer

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**SUMMARY**

*Council is in receipt of a development application for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd Trustee under instrument 709957847, on land described as Lot 24 on SP191047, Parish of Murchison, located at 337-341 Yaamba Road, Park Avenue.*

*The application is to be presented to the Planning and Regulatory Committee meeting on 6 June 2017.*

*Mercy Health and Aged Care (submitter) has requested the opportunity to have a deputation with the Council at the Planning and Regulatory Committee meeting.*

**COMMITTEE RECOMMENDATION**

THAT the deputation by Mercy Health and Aged Care be 'received'.

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**Recommendation of the Planning and Regulatory Committee, 6 June 2017****9.2.2 D/162-2015 - MATERIAL CHANGE OF USE FOR SERVICE STATION, SHOP, SHOWROOM AND FOOD AND DRINK OUTLET**

**File No:** D/162-2015

**Attachments:**

1. Locality Plan
2. Landscape Concept Plan
3. Site Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Thomas Gardiner - Planning Officer

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**SUMMARY**

*Development Application Number:* D/162-2015

*Applicant:* Glenwaye Pty Ltd trustee under instrument 709957847

*Real Property Address:* Lot 24 on SP191047, Parish of Murchison

*Common Property Address:* 337-341 Yaamba Road, Park Avenue

*Area of Site:* 2.686 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Specialised Centre Zone, Yaamba Road Precinct

*Planning Scheme Overlays:* Steep Land Overlay – 15-20% slope  
Steep Land Overlay – 20-25% slope  
Steep Land Overlay – 25%+ slope

*Existing Development:* Two (2) Retail Showrooms

*Existing Approvals:* Development Permit (D-R/971-2005) for Retail Showrooms and Reconfiguring a Lot (Boundary Realignment)  
Development Permit (D-R/163-2009) for Reconfiguring a Lot (one lot into three lots including an access easement) (Lapsed)

*Approval Sought:* Development Permit for a Material Change of Use for Service Station, Shop, Showroom, and Food and Drink Outlet

*Level of Assessment:* Impact Assessable

*Submissions:* Three (3) properly made submissions

*Referral Agency(s):* Department of Infrastructure, Local Government and Planning

*Infrastructure Charges Area:* Charge Area 1

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*Application Progress:*

<i>Application Lodged:</i>	<i>2 December 2015</i>
<i>Acknowledgment Notice issued:</i>	<i>15 December 2015</i>
<i>Request for Further Information sent:</i>	<i>22 December 2015</i>
<i>Request for Further Information responded to:</i>	<i>14 June 2016</i>
<i>Submission period commenced:</i>	<i>1 July 2016</i>
<i>Submission period end:</i>	<i>22 July 2016</i>
<i>Council request for additional time:</i>	<i>20 April 2017</i>
<i>Government Agency Response:</i>	<i>4 April 2017</i>
<i>Last receipt of information from applicant:</i>	<i>2 April 2017</i>
<i>Statutory due determination date:</i>	<i>20 June 2017</i>

**COMMITTEE RECOMMENDATION**

That pursuant to s7.6 and s40 *Council Meeting Procedures* the matter be referred to Council on 13 June 2017 for consideration.

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**Recommendation of the Planning and Regulatory Committee, 6 June 2017**
**9.2.3 D/18-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR RENEWABLE ENERGY FACILITY (SOLAR PARK)**

**File No:** D/18-2017

**Attachments:**

1. Locality Plan
2. Development Plan
3. Landscape Plan

**Authorising Officer:** Amanda O'Mara - Senior Planning Officer  
Michael Rowe - General Manager Community Services

**Author:** Brandon Diplock - Planning Officer

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**SUMMARY**

*Development Application Number:* D/18-2017

*Applicant:* Eco Energy World Australia Pty Ltd on behalf of Maranbah Solar Pty Ltd C/- RPS Australia East Pty Ltd

*Real Property Address:* Lot 742 Cherryfield Road, Gracemere

*Common Property Address:* Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe

*Area of Site:* 706.22 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Agricultural Land Classification Overlay  
Biodiversity Waterways Overlay  
Bushfire Hazard Overlay  
Infrastructure Corridors (Elec Transmission)  
Mining Leases Overlay  
Steep Land Overlay  
Transport Noise Corridor

*Existing Development:* Not Applicable

*Existing Approvals:* Not Applicable

*Approval Sought:* Development Permit for a Material Change of Use for Renewable Energy Facility (solar park)

*Level of Assessment:* Impact Assessable

*Submissions:* One (1) properly made

*Referral Agency(s):* Department of Infrastructure, Local Government and Planning, and Powerlink Queensland

*Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	21 February 2017
<i>Acknowledgment Notice issued:</i>	6 March 2017

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<i>Submission period commenced:</i>	<i>23 March 2017</i>
<i>Submission period end:</i>	<i>13 April 2017</i>
<i>Council request for additional time:</i>	<i>12 May 2017</i>
<i>Government Agency Response:</i>	<i>21 March 2017</i>
<i>Last receipt of information from applicant:</i>	<i>19 April 2017</i>
<i>Statutory due determination date:</i>	<i>16 June 2017</i>

**COMMITTEE RECOMMENDATION**

That pursuant to s7.6 and s40 *Council Meeting Procedures* the matter be referred to Council on 13 June 2017 for consideration.

**Recommendation of the Planning and Regulatory Committee, 6 June 2017****9.2.4 COMMITTEE REPORT DELEGATIONS - APRIL 2017**

**File No:** 7028  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

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**SUMMARY**

*This report outlines the development applications received in April 2017 and whether they will be decided under delegation or decided by Council.*

**COMMITTEE RECOMMENDATION**

THAT this report be received.

**Recommendation of the Planning and Regulatory Committee, 6 June 2017****9.2.5 SOLE SOURCE SUPPLIER APPROVAL**

**File No:** 10323  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
**Author:** Catherine Hayes - Coordinator Health and Environment

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**SUMMARY**

*This report seeks Council approval for sole source suppliers for specific vector control chemicals.*

**COMMITTEE RECOMMENDATION**

THAT Council approve the sole source supplies in accordance with s235(a) of the *Local Government Regulation 2012*.

**Recommendation of the Planning and Regulatory Committee, 6 June 2017****9.2.6 NEW DOG BREEDER LEGISLATION UNDERT THE ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008**

**File No:** 7896  
**Attachments:** Nil  
**Authorising Officer:** Michael Rowe - General Manager Community Services  
**Author:** Steven Gatt - Manager Planning & Regulatory Services

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**SUMMARY**

*The Queensland Government has introduced new laws that will promote the responsible breeding of dogs through the Animal Management (Protecting Puppies) and Other Legislation Amendment Act.*

*This impacts Local government regulatory functions that are responsible for managing cats and dogs within their local area under the Animal Management (Cats and Dogs) Act 2008 (the Act).*

*The new amendment targets dog breeders and suppliers through registration laws which are an extension of the animal management laws under the Act.*

**COMMITTEE RECOMMENDATION**

THAT Council approve the commencement of enforcement activities on the amendments to the Animal Management (Cats and Dogs) Act incorporating the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2008* from 31 July 2017.

## 10 COUNCILLOR/DELEGATE REPORTS

### 10.1 LEAVE OF ABSENCE - COUNCILLOR ELLEN SMITH - 10 JULY TO 28 JULY 2017

**File No:** 10072  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Megan Careless - Executive Support Officer

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#### SUMMARY

*Councillor Ellen Smith is seeking leave of absence from Monday 10 July to Friday 28 July 2017 inclusive.*

#### COUNCIL RESOLUTION

THAT Councillor Smith be granted leave of absence from Monday 10 July to Friday 28 July 2017 inclusive.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Swadling

**MOTION CARRIED**

**10.2 LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON - THURSDAY 20 JULY TO FRIDAY 4 AUGUST 2017**

**File No:** 10072  
**Attachments:** Nil  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Megan Careless - Executive Support Officer

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**SUMMARY**

*Councillor Drew Wickerson is seeking leave of absence from Thursday 20 July 2017 to Friday 4 August 2017 inclusive.*

**COUNCIL RESOLUTION**

THAT Councillor Drew Wickerson be granted leave of absence from Thursday 20 July to Friday 4 August 2017 inclusive.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Schwarten

**MOTION CARRIED**

**10.3 LEAVE OF ABSENCE - COUNCILLOR NEIL FISHER - SUNDAY 25 JUNE TO SUNDAY 1 JULY 2017**

**File No:** 8294  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Megan Careless - Executive Support Officer

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**SUMMARY**

*Councillor Neil Fisher requesting leave of absence from Sunday 25 June to Sunday 1 July 2017 inclusive.*

**COUNCIL RESOLUTION**

THAT leave of absence be granted for Councillor Neil Fisher from Sunday 25 June to Sunday 1 July 2017 inclusive.

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

**MOTION CARRIED**

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## 11 OFFICERS' REPORTS

### 11.1 D/162-2015 - MATERIAL CHANGE OF USE FOR SERVICE STATION, SHOP, SHOWROOM AND FOOD AND DRINK OUTLET

**File No:** D/162-2015

**Attachments:**

1. Locality Plan
2. Landscape Concept Plan
3. Site Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Thomas Gardiner - Planning Officer

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#### SUMMARY

*Development Application Number:* D/162-2015

*Applicant:* Glenwaye Pty Ltd trustee under instrument 709957847

*Real Property Address:* Lot 24 on SP191047, Parish of Murchison

*Common Property Address:* 337-341 Yaamba Road, Park Avenue

*Area of Site:* 2.686 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Specialised Centre Zone, Yaamba Road Precinct

*Planning Scheme Overlays:* Steep Land Overlay – 15-20% slope  
Steep Land Overlay – 20-25% slope  
Steep Land Overlay – 25%+ slope

*Existing Development:* Two (2) Retail Showrooms

*Existing Approvals:* Development Permit (D-R/971-2005) for Retail Showrooms and Reconfiguring a Lot (Boundary Realignment)  
Development Permit (D-R/163-2009) for Reconfiguring a Lot (one lot into three lots including an access easement) (Lapsed)

*Approval Sought:* Development Permit for a Material Change of Use for Service Station, Shop, Showroom, and Food and Drink Outlet

*Level of Assessment:* Impact Assessable

*Submissions:* Three (3) properly made submissions

*Referral Agency(s):* Department of Infrastructure, Local Government and Planning

*Infrastructure Charges Area:* Charge Area 1

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*Application Progress:*

<i>Application Lodged:</i>	<i>2 December 2015</i>
<i>Acknowledgment Notice issued:</i>	<i>15 December 2015</i>
<i>Request for Further Information sent:</i>	<i>22 December 2015</i>
<i>Request for Further Information responded to:</i>	<i>14 June 2016</i>
<i>Submission period commenced:</i>	<i>1 July 2016</i>
<i>Submission period end:</i>	<i>22 July 2016</i>
<i>Council request for additional time:</i>	<i>20 April 2017</i>
<i>Government Agency Response:</i>	<i>4 April 2017</i>
<i>Last receipt of information from applicant:</i>	<i>2 April 2017</i>
<i>Statutory due determination date:</i>	<i>20 June 2017</i>

**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd trustee under instrument 709957847, located at 337-341 Yaamba Road, Park Avenue, described as Lot 24 on SP191047, Parish of Murchison, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal is largely consistent with the intent of the Specialised Centre Zone as it accommodates predominantly retail functions, being showrooms and a service station, with food and drink outlets that are highway focussed and serve visitors to the centre;
- b) The dominance of the two (2) large showrooms proposed coincides with the intent of the Yaamba Road precinct as a destination for 'homemaker' and other bulky goods;
- c) The large supermarket is the only inconsistent land use associated with the proposal as it has a Gross Floor Area greater than 500 square metres. Despite this, the supermarket is unlikely to compromise the economic viability of existing retail centres as it is of a scale and intensity which is less than that of existing shopping centres located in proximity to the site on Yaamba Road and Moores Creek Road;
- d) The scale of the proposal is such that it is considered to provide a convenience shopping function for the immediate neighbourhood, particularly for the residential areas situated to the northern side of Moores Creek Road;
- e) The development will not compromise the role and function of Yaamba Road as the main thoroughfare, as the proposal predominantly fronts towards Moores Creek Road and is of an intensity less than that of the scale of surrounding retail centres on Yaamba Road;
- f) The proposal will not undermine the viability or role of other centres as it provides for predominantly showrooms, which contrasts to surrounding retail centres which are predominantly for shops;
- g) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- h) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built

environment and infrastructure, community facilities, or local character and amenity;  
and

- i) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenway Pty Ltd trustee under instrument 709957847, located at 337-341 Yaamba Road, Park Avenue, described as Lot 24 on SP191047, Parish of Murchison, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 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.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, 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.
- 1.4 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, 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) Access and Parking Works;
- (ii) Sewerage Works;
- (iii) Water Works;
- (iv) Stormwater Works;
- (v) Roof and Allotment Drainage Works;
- (vi) Site Works; and
- 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 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	ASK-00018, Revision P03	20 August 2015
Proposed Elevations	ASK-00019, Revision P01	20 October 2015
Boundary Wall Sections	ASK-00020, Revision P00	20 October 2015
Landscape Concept Plan	SK01, Revision D	3 March 2016
Stormwater Management Plan	CG140505	27 July 2016
Water and Sewer Strategy Layout Plan	R2016013-001-CI-SK02, Revision 2	21 March 2016
Noise Impact Study	14147, Issue A	6 November 2015

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

3.0 ACCESS AND PARKING WORKS

- 3.1 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 site.
- 3.2 All 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).
- 3.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.
- 3.4 A new access to the development must be provided from Moores Creek Road close to the western property boundary (refer to condition 2.1).
- 3.5 Access to the development via Moores Creek Road and Yaamba Road must be limited to 'left in, left out' only.
- 3.6 All vehicles must ingress and egress the development in a forward gear.
- 3.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard 2890.2 "Parking Facilities - Off Street Commercial Facilities"*.
- 3.8 A minimum of 313 parking spaces must be provided on-site.
- 3.9 Universal access parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.10 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans which demonstrate the turning movements/swept paths of the largest design vehicle to access the site including refuse collection vehicles.

- 3.11 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by an acceptable solution to 'facilitate access to the proposed Service Station for vehicles travelling from the east' within the site internal road network. This must be designed and signed by a suitably qualified RPEQ engineer and must include detailed and scaled plans which demonstrate the turning movements/swept paths of the largest vehicle to access the Service Station.
- 3.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"* and *Australian Standard AS2890.1 "Parking Facilities – Off-street Car Parking"*.
- 3.13 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.
- 3.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*.
- 3.16 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles* and in accordance with the Council's Planning Scheme requirements. The location of the bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.

#### 4.0 SEWERAGE WORKS

- 4.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
- 4.3 The development must be connected to Council's reticulated sewerage network.
- 4.4 The proposed new sewerage main between the existing western sewerage access chamber at the Moores Creek Road reserve and the boundary of the subject site will be owned by Council. All other proposed new sewerage mains and access chambers must be owned and maintained by the property owner and at no cost to Council.
- 4.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 4.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.

#### 5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All 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, the Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 The development must be connected to Council's reticulated water network.
- 5.4 The proposed 150 millimetre diameter water main must be constructed within the Moores Creek Road reserve on Council's standard alignment as per the *Capricorn Municipal Development Guidelines* and must be connected to the existing 100 millimetre diameter water main located at Kerr Street. This non-trunk infrastructure is

conditioned under Section 665 of the *Sustainable Planning Act 2009*.

- 5.5 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 5.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 5.7 The applicant must ensure adequate fire fighting protection is available from the existing/proposed hydrant within the Yaamba Road/Moores Creek Road reserve and also from the On-site fire fighting equipment for the proposed development. Should adequate protection not be achievable, an upgrade of On-site fire fighting equipment, internal pillar hydrants, water tanks, and pumps may be required. The fire fighting requirements for the proposed development must be designed by a suitably qualified (RPEQ) Hydraulic Engineer.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A separate Plumbing and Drainage Permit must be obtained prior to commencement of any Plumbing and Drainage works on site.
- 6.2 All internal plumbing and sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and Council's Plumbing and Drainage Policies.
- 6.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 6.4 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. These areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit. As an alternative to a washdown facility, a bin exchange or a fully contained commercial bin cleaning service (provided no wastewater is discharged from the site to the sewerage network) is acceptable.
- 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 on the site.
- 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 adjoining land or infrastructure in comparison to the pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure.
- 7.4 The proposed width reduction of existing stormwater easement B (Easement B on SP 191047) is not approved and the current width and profile of the existing stormwater easement must be maintained.
- 7.5 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2014 – Water Quality*.

- 7.6 The proposed development must achieve no increase in peak stormwater runoff for a selected range of storm events up to and including the one in one hundred year storm event (100 year Average Recurrence Interval) for the post development condition.
- 7.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 7.8 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that;
- 7.8.1 All content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Healthy waters guidelines*, and sound engineering practice;
- 7.8.2 The Stormwater discharge is drained to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
- 7.8.3 Each part of the lot is self draining;
- 7.8.4 The potential pollutants in stormwater discharged from the site are managed in accordance with current best industry practices and in accordance with *State Planning Policy 2014 – Water Quality*.
- 7.8.5 The stormwater management plan is accompanied by full calculations, including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy.
- 7.8.6 It includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of exiting drainage systems to implement the proposed drainage strategy.
- 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 site.
- 8.2 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 8.3 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
- 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 9.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

- 9.2.5 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.
- 9.3 Any proposed filling within the existing stormwater easement B (Easement B on SP 191047) must not restrict, impair or change the natural flow of runoff water within the stormwater easement, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.4 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.5 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 9.6 The structural design of all retaining walls above one (1) metre in height must be separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.
- 9.7 All site works must be undertaken to ensure that there is:
- 9.7.1 A lawful point of discharge to which the developed flows from the land drain. Easements will be required over any other land to accommodate the flows.
- 10.0 BUILDING WORKS
- 10.1 No buildings or structures are permitted within the existing stormwater easement B (Easement B on SP 191047) and the current width and profile of this easement must be maintained.
- 10.2 A detailed Waste Management Report must be submitted as part of the Operational Works application stage.
- 10.3 All waste storage areas must be:
- 10.3.1 Aesthetically screened from any frontage or adjoining property;
- 10.3.2 Surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the bin compound by any member of the public from any public place;
- 10.3.3 Of a minimum size to accommodate commercial type bins as outlined by waste management report in accordance with the *Environmental Protection (Waste Management) Regulations*.
- 10.4 Impervious paved and drained washdown areas to accommodate all refuse containers must be provided. These areas must be aesthetically screened from any road frontage or adjoining property and must be set back a minimum of two (2) metres from any road frontage. A suitable hosecock (with backflow prevention) and hoses must be provided at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement, in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit. As an alternative to a washdown facility, a bin exchange or a fully contained commercial bin cleaning service (provided no wastewater is discharged from the site to the sewerage network) is acceptable.
- 10.5 A minimum three (3) metre high acoustic barrier must be erected between the subject development site and adjacent residential properties located to the west of the development on Kerr Street, specifically lots 11, 12 and 13 on RP608913. The acoustic barrier must achieve a minimum superficial density of 18kg/m<sup>2</sup>, and must be constructed of appropriate materials and to Council's satisfaction to prevent the viewing of private open space from the Service Station use area.

- 10.6 A minimum four (4) metre high acoustic barrier must be erected along the common boundary between the rear of the two (2) Showrooms and adjoining Lot 25 on SP191047 in accordance with the approved plans (refer to condition 2.1).
- 10.7 A minimum three (3) metre high acoustic barrier must be erected along the common boundary between the proposed vehicle manoeuvring areas and the east of adjoining lot 25 on SP191047. The acoustic barrier must achieve a minimum superficial density of 18kg/m<sup>2</sup>, and must be constructed of appropriate materials and to Council's satisfaction.
- 10.8 A minimum three (3) metre high acoustic barrier must be erected between the subject development site and the undeveloped section of adjoining lot 25 on SP191047. The acoustic barrier must achieve a minimum superficial density of 18kg/m<sup>2</sup>, and must be constructed of appropriate materials and to Council's satisfaction.
- 10.9 The floor to ceiling height of the two (2) Showrooms must not exceed three (3) metres where the Showroom is located within three (3) metres of the common property boundary adjoining Lot 25 on SP191047 in accordance with the approved plans (refer to condition 2.1). The height of the roof must not exceed 3.8 metres in height in accordance with the approved plans (refer to condition 2.1).
- 10.10 All external elements, such as air conditioners and associated equipment, must be screened from public view, to Council's satisfaction.
- 11.0 LANDSCAPING WORKS
- 11.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscaped areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 11.2 The landscaped areas must be subject to:
- 11.2.1 a watering and maintenance plan during the establishment moment; and
  - 11.2.2 an ongoing maintenance and replanting programme.
- 11.3 Council approval must be obtained prior to the removal of or interference with street trees located on Council land in accordance with Council's street tree policy.
- 12.0 ELECTRICITY
- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 13.0 TELECOMMUNICATIONS
- 13.1 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.
- 13.2 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- Note: The *Telecommunications Act 1997* (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

Note: For telecommunications services, written evidence must be in the form of either a “Telecommunications Infrastructure Provisioning Confirmation” where such services are provided by Telstra or a “Notice of Practical Completion” where such services are provided by the NBN.

#### 14.0 ASSET MANAGEMENT

- 14.1 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.
- 14.2 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.
- 14.3 ‘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 Manual for Submission of Digital As Constructed Information.

#### 15.0 ENVIRONMENTAL HEALTH

- 15.1 The hours of operations for the development site, excluding the Service Station, must be limited to:
- (i) 0700 hours to 2200 hours on Monday to Sunday.
- Note: The Service Station will operate twenty-fours (24) hours, Monday to Sunday.
- 15.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 “Control of the obtrusive effects of outdoor lighting”*.
- 15.3 Noise emitted from the activity must not cause an environmental nuisance.
- 15.4 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by 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 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 15.7 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.

- 15.8 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.
- 16.0 OPERATING PROCEDURES
- 16.1 Access to, and use of, the loading area, associated with the proposed Supermarket, must be limited to between 0600 and 1700 hours, Monday to Friday (inclusive) only. Access to, and use of, this loading dock area must not occur on Saturday or Sunday or any public holiday.
- 16.2 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1800 Monday to Friday with no loading and/unloading on weekends. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 16.3 There is to be no overnight parking of trucks or heavy vehicles within the Service Station use area.
- 16.4 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 16.5 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 Moors Creek Road and Yaamba Road.
- 16.6 All waste storage areas must be:
- 16.6.1 kept in a clean and tidy condition; and
  - 16.6.2 maintained in accordance with *Environmental Protection Regulation 2008*.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 3. Property Fencing

Council will not be liable for any construction or maintenance to property fencing, specifically fencing along the property boundaries of Lot 11, Lot 12 and Lot 13 on RP608913 and Lot 25 on SP191047.

NOTE 4. General Safety Of Public During Construction

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

constructed on a road.

NOTE 5. Infrastructure Charges Notice

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

**RECOMMENDATION C**

That in relation to the application for a Development Permit for a Material Change of Use for a Service Station, Shop, Showroom and Food and Drink Outlet, made by Glenwaye Pty Ltd trustee under instrument 709957847, located at 337-341 Yaamba Road, Park Avenue, described as Lot 24 on SP191047, Parish of Murchison, Council resolves to issue an Adopted Infrastructure Charges Notice for the amount of \$564,170.00.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Schwarten

**MOTION CARRIED**

Cr Fisher recorded his vote against the motion

09:37AM In accordance with s173(2) of the *Local Government Act 2009*, Councillor Smith disclosed a conflict of interest in respect of Item 8.2 - D/18-2017 - Development Application for a Material Change of Use for Renewable Energy Facility (solar park) due to a relative's ownership of the property. The Councillor considered her position, did not take part in the debate and left the meeting.

## 11.2 D/18-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR RENEWABLE ENERGY FACILITY (SOLAR PARK)

**File No:** D/18-2017

**Attachments:**

1. Locality Plan
2. Development Plan
3. Landscape Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Steven Gatt - Manager Planning & Regulatory Services  
Michael Rowe - General Manager Community Services

**Author:** Brandon Diplock - Planning Officer

### SUMMARY

*Development Application Number:* D/18-2017

*Applicant:* Eco Energy World Australia Pty Ltd on behalf of Maranbah Solar Pty Ltd C/- RPS Australia East Pty Ltd

*Real Property Address:* Lot 742 Cherryfield Road, Gracemere

*Common Property Address:* Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe

*Area of Site:* 706.22 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Agricultural Land Classification Overlay  
Biodiversity Waterways Overlay  
Bushfire Hazard Overlay  
Infrastructure Corridors (Elec Transmission)  
Mining Leases Overlay  
Steep Land Overlay  
Transport Noise Corridor

*Existing Development:* Not Applicable

*Existing Approvals:* Not Applicable

*Approval Sought:* Development Permit for a Material Change of Use for Renewable Energy Facility (solar park)

*Level of Assessment:* Impact Assessable

*Submissions:* One (1) properly made

Referral Agency(s): Department of Infrastructure, Local Government and Planning, and Powerlink Queensland

Infrastructure Charges Area: Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	<i>21 February 2017</i>
<i>Acknowledgment Notice issued:</i>	<i>6 March 2017</i>
<i>Submission period commenced:</i>	<i>23 March 2017</i>
<i>Submission period end:</i>	<i>13 April 2017</i>
<i>Council request for additional time:</i>	<i>12 May 2017</i>
<i>Government Agency Response:</i>	<i>21 March 2017</i>
<i>Last receipt of information from applicant:</i>	<i>19 April 2017</i>
<i>Statutory due determination date:</i>	<i>16 June 2017</i>

09:42AM Councillor Rutherford left the meeting.

09:43AM Councillor Rutherford returned to the meeting.

## **COUNCIL RESOLUTION**

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Renewable Energy Facility (solar park), made by Eco Energy World Australia Pty Ltd on Behalf of Maranbah Solar Pty Ltd, located at Lot 742 Cherryfield Road, Gracemere on land formally described as Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of 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) Stormwater Works;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Development Plan	Project No. 133759	February 2017
Landscape Concept Plan	L-00-01 Revision B	17 February 2017
Bushfire Hazard Assessment and Management Plan for the proposed Bouldercombe Solar Project, Rockhampton Region, Queensland	N/A	February 2017

- 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 proposed access within the unformed road reserve along the northern boundary must be constructed to a 'Rural Access' standard (i.e. a gravel road of 6.5 metres wide formation and pavement width) up to the second access point from the Burnett Highway.
- 3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

#### 4.0 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 in accordance with the approved site plan (refer to condition 2.1). They 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.
- 4.4 Internal access ways around the perimeter of the site area and a network of access ways must be constructed to allow fire fighting vehicles to access vegetated areas of the site area as per the recommendation of the submitted 'Bushfire Hazard Assessment and Management Plan' (refer to Condition 2.1).

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 If required, all sanitary drainage works in flood affected areas must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2, Sections 3 and 4* for flood affected areas.
- 5.2 If required, on-site sewerage treatment and disposal to be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

#### 6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) may be required prior to the commencement of any stormwater works required by this development approval.
- 6.2 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).
- 6.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions. Documentation is to be included in the Environmental Management Plan.
- 6.5 The Operational Works (stormwater works) application must include an assessment of how the development meets the stormwater design objectives as per the 'Water Quality' Code contained in the State Planning Policy 2016 and details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream land and existing upstream and downstream drainage systems. Documentation is to be included in the Environmental Management Plan.

- 6.6 Fencing across overland flow paths must be avoided unless provision is made for the conveyance of flow.
- 7.0 SITE WORKS
- 7.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.2 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.
- 8.0 LANDSCAPING WORKS
- 8.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 9.0 ELECTRICITY
- 9.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.2 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.
- 10.0 ASSET MANAGEMENT
- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.0 ENVIRONMENTAL
- 11.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
  - (ii) erosion and silt/sedimentation management;
  - (iii) fauna management;
  - (iv) vegetation management and clearing;
  - (v) top soil management;
  - (vi) interim drainage plan during construction;
  - (vii) construction programme;
  - (viii) geotechnical issues;
  - (ix) weed control;
  - (x) bushfire management;
  - (xi) emergency vehicle access;
  - (xii) noise and dust suppression; and

- (xiii) waste management.
- 11.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan (To be included in the Environmental Management 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.
- 11.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 11.4 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.
- 12.0 ENVIRONMENTAL HEALTH
- 12.1 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"*.
- 12.2 Noise emitted from the activity must not cause an environmental nuisance.
- 12.3 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.
- 12.4 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.
- 12.5 The activity must be conducted in accordance with a site based management plan approved by Council.
- 12.6 Where a vehicle washdown/inspection site is required on site in the future, full details of the facility including environmental controls will be required to be submitted to Council for consideration and assessment prior to instalment.
- 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 development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within any streets.
- 13.2 All waste storage areas must be:
- 13.2.1 kept in a clean and tidy condition; and
  - 13.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.
- 13.3 At the end of the operational lifespan of the development, the developer must decommission the use on the site and return the site to a rehabilitated rural state.

#### 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](http://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. General Safety Of Public During Construction

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

NOTE 4. Retention of vegetation

It is advised that part of the development site is mapped by the Department of Environment and Heritage Protection as containing Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <http://www.derm.qld.gov.au/vegetation/index.html>.

An inspection of the development site has identified the presence of the Endangered, Vulnerable or Near Threatened (EVNT) species which are protected under the Queensland *Nature Conservation Act 1992*. Any Endangered, Vulnerable or Near Threatened (EVNT) plant species located on the development site must not be damaged or destroyed without a permit from the Department of Environment and Heritage Protection.

#### RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Renewable Energy Facility (solar park), made by Eco Energy World Australia Pty Ltd on Behalf of Maranbah Solar Pty Ltd, located at Lot 742 Cherryfield Road, Gracemere on land formally described as Lot 742, 770 and 778 on LIV40192, Lot 1009 on LIV40267, Lot 2 on RP613051 and Lot 13 on LN424, Parish of Bouldercombe, Council resolves not to issue an Infrastructure Charges Notice.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED**

**11.3 PLANNING SCHEME ALIGNMENT AMENDMENT ADOPTION**

**File No:** RRPS-PRO-2017/001-01/03  
**Attachments:** Nil  
**Authorising Officer:** Robert Truscott - Coordinator Strategic Planning  
Scott Waters - General Manager Regional Development and Aviation  
**Author:** Cameron Wyatt - Senior Strategic Planner

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**SUMMARY**

*The purpose of this report is to adopt an alignment amendment to the Rockhampton Region Planning Scheme, to ensure that the planning scheme aligns with the new Planning Act 2016 which commences 3 July 2017.*

09:44AM Councillor Smith returned to the meeting.  
09:44AM Councillor Rutherford left the meeting.  
09:46AM Councillor Rutherford returned to the meeting.

**COUNCIL RESOLUTION**

THAT Council adopt the "Alignment amendment" to the Rockhampton Region Planning Scheme, to commence on 3 July 2017; and

THAT Council undertake the statutory requirements in accordance with the Alignment Amendment Rules made by the Planning Minister under section 293 of the Planning Act 2016 to commence the Alignment Amendment.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Schwarten  
**MOTION CARRIED**

**11.4 WORKS FOR QUEENSLAND PROJECT STEERING COMMITTEE - 24 MAY 2017**

**File No:** 12534  
**Attachments:** 1. Works for Queensland Project Steering Committee Minutes 24 May 2017 (Closed Session)  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Special Projects Officer

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**SUMMARY**

*A meeting of the Works for Queensland Project Steering Committee was held on Wednesday 24 May 2017 to discuss current status of the projects.*

**COUNCIL RESOLUTION**

THAT the Works for Queensland Project Steering Committee report be received.

**Moved by:** Councillor Williams  
**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

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**11.5 SMART CITIES AND SUBURBS PROGRAM FUNDING APPLICATION**

**File No:** 12534  
**Attachments:** 1. CBD Smart Parking Layout-Stages 1 and 2  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Penelope-Jane Fry - Grants Officer  
Drew Stevenson - Manager Corporate and Technology Services

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**SUMMARY**

*This report seeks Council's guidance on the location of the second stage of the CBD Parking Sensors and tables a proposed application to the Smart Cities and Suburbs Program.*

9:44AM Councillor Swadling left the meeting  
9:48AM Chief Executive Officer left the meeting  
9:48AM Councillor Swadling returned to the meeting  
9:50AM Chief Executive Officer returned to the meeting

**COUNCIL RESOLUTION**

THAT Council endorse the Stage 2 parking sensor layout as presented in the report; and  
THAT Council approve the proposed application to the Smart Cities and Suburbs Program, including the commitment of a cash co-contribution of \$125,000.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Schwarten

**MOTION CARRIED UNANIMOUSLY**

**11.6 AGE-FRIENDLY COMMUNITY GRANTS PROGRAM**

**File No:** 12534  
**Attachments:** Nil  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
Michael Rowe - General Manager Community Services  
**Author:** Penelope-Jane Fry - Grants Officer  
Cheryl Haughton - Manager Communities and Facilities

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**SUMMARY**

*This report tables a proposed application to the Queensland Government for funding from the 'Age-Friendly Community Grants Program'.*

**COUNCIL RESOLUTION**

THAT the Council endorse the proposed funding application to the Queensland Government for funding from the 'Age-Friendly Community Grants Program' for the following project:

- IT and High Tea: Raising Digital Awareness for disadvantaged and housebound Older Adults at the Rockhampton Regional Libraries

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

**11.7 2016-2017 REVISED BUDGET**

**File No:** 8785

**Attachments:**

1. **Financial Statements- 2016/17 March Revised Budget**
2. **2016/17 Summary of March Revised Budget**
3. **Proposed 2016/17 Revised Capital Expenditure- March**

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer

**Author:** Alicia Cutler - Manager Finance

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**SUMMARY**

*Manager Finance presenting a budget revision for the 16/17 Financial year.*

**COUNCIL RESOLUTION**

THAT Council adopt the amendment of the 16/17 Budget in accordance with S.170 of the Local Government Regulation 2012.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Schwarten

**MOTION CARRIED**

**11.8 PROPOSED TRUSTEE LEASE TO OPTUS (TELECOMMUNICATIONS CO-LOCATE) - PART OF 15 LUCAS STREET, GRACEMERE**

**File No:** 12406

**Attachments:**

1. Pre-planning report - 45 Lucas Street
2. Site Plan - 45 Lucas Street
3. Valuation - 45 Lucas Street

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer

**Author:** Kellie Anderson - Coordinator Property and Insurance

**SUMMARY**

*Reporting on a request received from Optus Mobile Pty Ltd to enter into a Freehold Lease over part of 45 Lucas Street, Gracemere for the purpose of constructing an equipment shelter adjoining the existing Telstra Lease.*

**COUNCIL RESOLUTION**

THAT pursuant to section 236 (1)(f) of the *Local Government Regulation 2012*, the Chief Executive Officer (Coordinator Property & Insurance) be authorised to negotiate a freehold Lease with Optus Mobile Pty Ltd over part of 45 Lucas Street, Gracemere, and area of approximately 18m<sup>2</sup>, subject to the following conditions:

1. The rental amount is to be \$10,000 per annum + GST, to be increased annually by 3%;
2. The total term of the Lease is to expire on the 31<sup>st</sup> January 2031, consistent with the expiry date of the adjoining Telstra lease;
3. The Lease is subject to the applicant obtaining all necessary approvals from Council and other Government agencies (if applicable); and
4. The applicant is responsible for all survey and registration costs, and Council's reasonable legal costs with regards to the Lease.

That the Chief Executive Officer is authorised to provide Owner's Consent to Optus Mobile Pty Ltd for the purposes of submitting a Development Application and/or Building Application to install an equipment shelter on the proposed lease area.

THAT the rent be allocated to parkland on the corner of Allan Road and Gavial-Gracemere Road, Gracemere.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Williams

**MOTION CARRIED**

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**11.9 PROPOSED LEASE RENEWAL - 261 HOOK STREET**

**File No:** 8339  
**Attachments:** 1. 261 Hook Street Aerial  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Kellie Anderson - Coordinator Property and Insurance

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**SUMMARY**

*Coordinator Property & Insurance reporting on the proposed renewal of the Freehold Lease at 261 Hook Street.*

**COUNCIL RESOLUTION**

THAT pursuant to section 236 (1)(b)(ii) and section 236 (1)(c)(iii) of the *Local Government Regulation 2012* the Chief Executive Officer (Coordinator Property & Insurance) be authorised to negotiated and enter into a lease renewal to The Salvation Army (Queensland Property Trust) for 261 Hook Street, for a total term of up to 3 years under the current terms and conditions of the existing lease.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Williams

**MOTION CARRIED**

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**11.10 PLANNING SCHEME LOCAL GOVERNMENT INFRASTRUCTURE PLAN  
AMENDMENT ADOPTION**

**File No:** 11344  
**Attachments:** Nil  
**Authorising Officer:** Scott Waters - General Manager Regional Development  
and Aviation  
**Author:** Robert Truscott - Coordinator Strategic Planning

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**SUMMARY**

*The purpose of this report is to adopt a new Local Government Infrastructure Plan (LGIP) that has satisfied all statutory requirements for the preparation of a LGIP.*

10:19AM Chief Executive Officer left the meeting  
10:21AM Chief Executive Officer returned to the meeting

**COUNCIL RESOLUTION**

THAT Council commence a new Local Government Infrastructure Plan in accordance with approval given by the Minister for Infrastructure and Planning on 12 June 2017 to commence on 3 July 2017.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

## 14 URGENT BUSINESS QUESTIONS

### 14.1 INVESTIGATIONS OF SOLAR FARMS

File No: 12461

Authorising Officer: Evan Pardon – Chief Executive Officer

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#### SUMMARY

*Councillor Fisher tabled the motion that Council should investigate options around Solar Farm investments in the region.*

#### COUNCIL RESOLUTION

THAT a report be presented to Council to outline options for Solar Farms to be established within the Rockhampton Regional Council operations.

**Moved by: Councillor Fisher**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED UNANIMOUSLY**

## 15 CLOSED SESSION

In accordance with the provisions of section 275 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.

### COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 16.1 Tender acceptance for TEN12505 - Restoration and Remediation Works of the 'Touch of Paradise' lagoon system at Cedric Archer Park

This report is considered confidential in accordance with section 275(1)(c) (e), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget; AND contracts proposed to be made by it.

#### 16.2 Halford Street/ Frenchmans Creek Erosion

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 16.3 Related Parties

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 16.4 Organisational Structure

This report is considered confidential in accordance with section 275(1)(a) (h), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees ; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

**Moved by: Mayor Strelow**

**Seconded by: Councillor Wickerson**

**MOTION CARRIED**

### COUNCIL RESOLUTION

**10:20AM**

**THAT** pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

**Moved by: Councillor Smith**

**Seconded by: Councillor Rutherford**

**MOTION CARRIED**

10:24AM Mayor Strelow declared that the meeting be adjourned until 11.00AM

11:02AM The meeting resumed

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor A P Williams  
Councillor R A Swadling  
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr M Rowe – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Mr S Waters – General Manager Regional Development and Aviation  
Mr R Cheesman – General Manager Corporate Services  
Ms A Cutler – Finance Manager  
Mr A Collins – Manager Program Delivery  
Ms T Sweeney – Manager Workforce & Strategy  
Mr D Morrison – Executive Coordinator to the Mayor  
Ms E Brodel – Media Officer  
Ms S Friske – Acting Senior Governance Support Officer

Apology:

Councillor S J Schwarten

11:13AM Councillor Swadling left the meeting.

11:13AM Councillor Swadling returned to the meeting.

11:40AM Chief Executive Officer left the meeting

11:42AM Chief Executive Officer returned to the meeting

## COUNCIL RESOLUTION

12:13PM

**THAT** pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Swadling

**MOTION CARRIED**

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## 16 CONFIDENTIAL REPORTS

### 16.1 TENDER ACCEPTANCE FOR TEN12505 - RESTORATION AND REMEDIATION WORKS OF THE 'TOUCH OF PARADISE' LAGOON SYSTEM AT CEDRIC ARCHER PARK

**File No:** 12505  
**Attachments:** Nil  
**Authorising Officer:** Michael Rowe - General Manager Community Services  
**Author:** Margaret Barrett - Manager Parks

This report is considered confidential in accordance with section 275(1)(c) (e), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget; AND contracts proposed to be made by it.

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#### SUMMARY

*This report sets out the process followed in adjudicating and recommending the awarding of Tender Number 12505 – Restoration and Remediation Works of the 'Touch of Paradise' Lagoon System at Cedric Archer Park.*

#### COUNCIL RESOLUTION

THAT Council:

1. Accepts the tender submission from Bell's Plant Hire submission of \$1,364,201.82; and
2. Authorises the Contracts & Tenders Supervisor to conclude negotiations with the successful tenderer.

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Swadling

**MOTION CARRIED**

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**16.2 HALFORD STREET/ FRENCHMANS CREEK EROSION****File No:** 1171**Attachments:**

1. Halford Street showing creek location
2. Halford Street Design

**Authorising Officer:** Peter Kofod - General Manager Regional Services**Author:** David Bremert - Manager Civil Operations

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*Frenchmans Creek flows past a number of properties along Halford Street, Frenchville. The progressive erosion occurring along the eastern bank has blocked a popular pathway through the park and is threatening a number of neighbouring properties. The affected residents have raised their concerns with Council and have requested Council undertake works to restore the bank to prevent further erosion.*

**COUNCIL RESOLUTION**

THAT Council receives the report and reconfirms that the responsibility for embankment repairs is the adjoining landowner; and

THAT Council prepares a strategy for restoring and enhancing the environment and community use of Frenchmans Creek.

**Moved by:** Councillor Fisher**Seconded by:** Councillor Swadling**MOTION CARRIED**

**16.3 RELATED PARTIES****File No:** 8151**Attachments:**

1. **Related Party Disclosure Policy**
2. **Extract from Shell Financial Statements 2016-17**

**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer**Author:** Alicia Cutler - Manager Finance

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*The Related Party Disclosure policy was presented to Audit Committee for feedback. It is now presented to Council for adoption. This policy will ensure that Council can provide suitable disclosure for Related Party transactions in Council's Annual Report for the period ended 30 June 2017.*

**COUNCIL RESOLUTION**

THAT the Related Party Disclosure policy be adopted.

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

**16.4 ORGANISATIONAL STRUCTURE**

**File No:** 289  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(a) (h), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees ; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*The Chief Executive Officer is seeking Council consideration of the organisational structure to meet Council's operational needs.*

**COUNCIL RESOLUTION**

THAT Council adopt the Organisational Structure as attached to the report.

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

**MOTION CARRIED**

**17 CLOSURE OF MEETING**

There being no further business the meeting closed at 12:24pm.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE