



ORDINARY MEETING

MINUTES

27 JULY 2021

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 27 JULY 2021 COMMENCING AT 9:06AM**

1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr C Wyatt – Coordinator Strategic Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Mr B Koelmeyer – Senior Planning Officer
Mr J Bulwinkel – Supervisor Sports and Administration
Mr R Collins – Planning Assistant
Ms K Walsh – Committee Support Officer

Via Webex:

Mr G Bowden - Executive Manager Advance Rockhampton
Ms T Sweeney – Executive Manager Workforce and Governance
Mr A Russell – Manager Strategy and Planning
Mr D Scott – Manager Planning and Regulatory Services
Mr D Stevenson – Manager Corporate and Technology Services
Mr M Crow – Manager Infrastructure Planning
Mr S Harvey – Coordinator Infrastructure Planning
Ms A James – Strategic Planner
Ms K Roberts – Coordinator Property and Insurance
Ms E Drumm – Coordinator Disaster Management

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Neil Fisher.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 13 July 2021 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Kirkland

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting of 16 July 2021 be confirmed.

Moved by: Councillor Wickerson
Seconded by: Councillor Mathers

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Cherie Rutherford informed the meeting:

“I have a Declarable Conflict of Interest in Council Meeting Agenda - **Item 10.4 – Freehold Lease and Trustee Lease Renewals for Parks – Victoria Park Gymnastic and Trampoline Club**. This declarable conflict of interest arises as I coach voluntarily at the Victoria Park Gymnastic and Trampoline Club.

I wish to participate in this matter and acknowledge that eligible councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, whether I:

- May participate in the decision, including by voting on the matter: or
- Must leave the meeting, including any area set aside for the public and stay away while the eligible councillors discuss and vote on the matter.”

COUNCIL RESOLUTION

The table determined that Councillor Rutherford does not have a conflict of interest, and that it is in the public interest that Councillor Rutherford remains in the meeting, participates in the decision, including by voting on the matter.

Moved by: Councillor Wickerson
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Mathers, Wickerson, Smith, Kirkland and Latcham voted in the affirmative.

Councillor Rutherford did not participate in the vote.

Councillor Ellen Smith informed the meeting:

“I have a Declarable Conflict of Interest in Council Meeting Agenda – **Item 10.1 – 2022 Rockhampton Agricultural Show Public Holiday**. This declarable conflict of interest arises as I have performed the role of Ringmaster at the 2019 and 2021 Show and I have also been a member of the Horse Committee in 2019 and 2021.

I wish to participate in this matter and acknowledge that eligible councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, whether I:

- May participate in the decision, including by voting on the matter: or
- Must leave the meeting, including any area set aside for the public and stay away while the eligible councillors discuss and vote on the matter.”

COUNCIL RESOLUTION

The table determined that Councillor Smith does not have a declarable conflict of interest, and that it is in the public interest that Councillor Smith remains in the meeting, participates in the decision including by voting on the matter.

Moved by: Councillor Mathers
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Kirkland, Mathers, Latcham, Wickerson and Rutherford voted in the affirmative.

Councillor Smith did not participate in the vote.

Councillor Ellen Smith informed the meeting:

“I have a Declarable Conflict of Interest in Council Meeting Agenda – **Item 10.4 – Freehold Lease and Trustee Lease Renewals for Parks – Gracemere Hack and Pony Club Inc.** This declarable conflict of interest arises as I am a member and instructor at the Bouldercombe Pony Club which is a member of Zone 27, the same as Gracemere Pony Club.

I propose to leave and stay away from the place where the meeting is held while this matter is discussed and voted on.”

Councillor Shane Latcham informed the meeting:

“I have a Declarable Conflict of Interest in Council Meeting Agenda - **Item 10.4 – Freehold Lease and Trustee Lease Renewals for Parks – Athelstane Tennis Club Inc.** This declarable conflict of interest arises because I am a Trustee for a Trust of a Tennis Complex in North Rockhampton which is leased to a licenced Sports Club.

I proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.”

Councillor Shane Latcham informed the meeting:

"I have a Declarable Conflict of Interest in Council Meeting Agenda - **Item 10.6 – D/28-2021-Development Application for a Material Change of Use for a Club (Extension to Trading Hours) and Operational Works for an Advertising Device (Freestanding Sign)**. This declarable conflict of interest arises because I am a Trustee for a Trust of a Tennis Complex leased to a licenced Sports Club.

I proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on."

Councillor Ellen Smith informed the meeting:

"I have a Declarable Conflict of Interest in Council Meeting Agenda - **Item 10.4 – Freehold Lease and Trustee Lease Renewals for Parks – Athelstane Tennis Club Inc.** This declarable conflict of interest arises as my nephew Rhett McKinnon is employed by Tennis Queensland as a Development Officer and is associated with the Rockhampton Tennis Association.

I proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on."

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 PRESENTATION OF PETITIONS

Nil

8 COMMITTEE REPORTS

8.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 15 JULY 2021

COUNCIL RESOLUTION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 15 July 2021 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Councillor Kirkland

Seconded by: Councillor Latcham

MOTION CARRIED

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.1 CEO UPDATE**

File No: 5207
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The CEO will update the committee on any matters of importance.

COMMITTEE RECOMMENDATION

THAT the CEO's update be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.2 QAO BRIEFING PAPER AND INTERIM MANAGEMENT REPORT 2021**

File No: 9509
Attachments:
1. QAO Briefing Paper
2. QAO 2021 Interim Management Report
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

A Briefing Paper, together with the Interim Management Report from the Queensland Audit Office (QAO) are provided for Committee review.

COMMITTEE RECOMMENDATION

THAT the Queensland Audit Office Briefing Paper and Interim Management Report for 2021 be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.3 ASSET REVALUATION 2020/21**

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

SUMMARY

The purpose of this report is to inform the Audit and Business Improvement Committee regarding the Asset Revaluation for the 2020/21 reporting year.

Key items included are summary comments/highlights regarding the outcomes of the Airport, Bridges, and Roads (Stage 2) revaluations, indices analysis for 2020/21, and Buildings indexation applied as at 01/07/2020.

COMMITTEE RECOMMENDATION

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

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.4 FINANCE SECTION UPDATE**

File No: 8148
Attachments: 1. May Income Statement
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer providing a Financial Update on matters for the conclusion of the 2020/2021 Financial Year.

COMMITTEE RECOMMENDATION

THAT the Finance Section Update be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.5 SAFETY UPDATE**

File No: 4868
Attachments: Nil
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Tony Hauenschild - Coordinator Safety and Training

SUMMARY

Coordinator Safety & Training presenting an update on a number of safety matters for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the update on safety matters be 'received'.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.6 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

File No: 5207
Attachments: 1. Legal Matters Report as at 31 March 2021
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Travis Pegrem - Coordinator Workforce Relations and Ethics

SUMMARY

Coordinator Workforce Relations and Ethics presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.

COMMITTEE RECOMMENDATION

THAT the update of Investigative and Legal matters for Rockhampton Regional Council be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.7 LOSS / THEFT ITEMS - MARCH TO JUNE 2021**

File No: 3911
Attachments: 1. Loss/Theft Report - 1 March to 30 June 2021
Authorising Officer: Drew Stevenson - Manager Corporate and Technology Services
Ross Cheesman - Acting Chief Executive Officer
Author: Kellie Roberts - Coordinator Property & Insurance

SUMMARY

Presenting details of the Loss / Theft register for the period 1 March to 30 June 2021.

COMMITTEE RECOMMENDATION

THAT the Committee 'receives' the Loss/Theft Report for the period 1 March to 30 June 2021.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.8 FRAUD DATA ANALYSIS REPORT - 2020**

File No: 8780
Attachments: 1. Fraud and Corruption Analysis - Graphs
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Analysis of fraud and corruption data supplied by Coordinator Workforce Relations and Ethics for the 2020 calendar year.

COMMITTEE RECOMMENDATION

THAT the Committee "receives" the report of the fraud and corruption data analysis that has been undertaken.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.9 ENVIRONMENTAL MANAGEMENT**

File No: 13900
Attachments: Nil
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Peter Kofod - General Manager Regional Services

SUMMARY

General Manager Regional Services will be presenting a verbal update on Environmental matters.

COMMITTEE RECOMMENDATION

THAT the verbal update on environmental matters be 'received'.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.10 AUDIT PLAN PROGRESS**

File No: 5207
Attachments: 1. Annual Audit Plan Progress and Achievement
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The progress against the approved Annual Audit Plan for 2020-2021 is presented as per LG Regulation S207 (1) (c) for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the report be received and the outcome for the year be noted.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.11 OPEN SPACE FACILITIES REVIEW**

File No: 5207
Attachments: 1. Open Space Facilities Audit Report
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

This planned review is presented for the information of the Committee covering management processes related to minimising risk of injury to the public and related asset maintenance.

COMMITTEE RECOMMENDATION

THAT the Review of Open Space Facilities be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.12 FOLLOW-UP REVIEWS**

File No: 5207
Attachments: 1. Follow-up Review Report
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The planned annual review, Follow-up Review, is presented to the Committee.

COMMITTEE RECOMMENDATION

THAT the Follow-up Review report be "received".

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.13 ANNUAL AUDIT PLAN FOR 2021-2022**

File No: 5207
Attachments: 1. Annual Audit Plan 2021-2022
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The new Annual Audit Plan is presented for review and for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the Committee receive the report and endorse the plan as detailed in the report.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.14 STRATEGIC AUDIT PLAN 2021-2024**

File No: 5207
Attachments: 1. Strategic Audit Plan
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Strategic Audit Plan is presented for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the Strategic Audit Plan be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.15 FUNCTION ACHIEVEMENT**

File No: 5207
Attachments: 1. 2020-2021 Highlights
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

As per previous years, the function achievement is summarised for both the Internal Audit and Enterprise Risk Management Functions for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the 2020-2021 Highlights Report be received.

Recommendation of the Audit and Business Improvement Committee, 15 July 2021**8.1.16 INTERNAL AUDIT REPORT**

File No: 5207
Attachments: 1. Internal Audit Report
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

Internal Audit's Report for the year 2020-2021 is provided for the information of the committee members.

COMMITTEE RECOMMENDATION

THAT the Internal Audit Report to the Audit and Business Improvement Committee Chair be received and outcomes noted.

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 OFFICERS' REPORTS

10.1 2022 ROCKHAMPTON AGRICULTURAL SHOW PUBLIC HOLIDAY

File No: 14298

Attachments:

1. Request for Show Holiday
2. Form for Show Holiday Request

Authorising Officer: Greg Bowden - Executive Manager Advance Rockhampton

Author: Annette Pearce - Manager Tourism, Events and Marketing

SUMMARY

Each year the Queensland Government invites Council to nominate a date for the granting of a special public holiday for the holding of the annual agricultural show. The proposed date for this holiday in 2022 is Thursday 9 June.

COUNCIL RESOLUTION

THAT Council authorises the Chief Executive Officer to complete the on-line form, nominating Thursday 9 June 2022 as a special agricultural show holiday for the Rockhampton Regional Council region.

Moved by: Councillor Smith
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Mathers, Wickerson, Rutherford, Kirkland, Latcham and Smith voted in the affirmative

10.2 ROCKHAMPTON REGION BUSHFIRE MANAGEMENT STUDY, STRATEGY AND MITIGATION PLAN AND ROCKHAMPTON REGION QUEENSLAND EMERGENCY RISK MANAGEMENT FRAMEWORK (QERMF) ASSESSMENT

File No: 12534

Attachments:

1. Rockhampton Region Bushfire Management Study, Strategy and Mitigation Plan Summary
2. Rockhampton Region Emergency Risk Management Assessment 2021 Summary

Authorising Officer: Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services

Author: Elizabeth Drumm - Coordinator Disaster Management

SUMMARY

This report seeks Council adoption of the Rockhampton Region Bushfire Management Study 2020, Strategy 2021-2025 and Mitigation Plan 2021-2025 and the Queensland Emergency Risk Management Framework (QERMF) Assessment for the Rockhampton Region that have been prepared and endorsed by the Rockhampton Region Local Disaster Management Group (endorsed on 19 February 2021).

COUNCIL RESOLUTION

THAT Council adopt the:

1. Rockhampton Region Bushfire Management Study 2020, Strategy 2021-2025 and Mitigation Plan 2021-2025; and
2. Queensland Emergency Risk Management Framework (QERMF) Assessment 2020-2021 for the Rockhampton Region.

Moved by: Mayor Williams
Seconded by: Councillor Smith
MOTION CARRIED UNANIMOUSLY

10.3 ROCKHAMPTON RING ROAD PROJECT

File No: 13672
Attachments: 1. DTMR Letter to RRC
Authorising Officer: Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services
Author: Stuart Harvey - Coordinator Infrastructure Planning

SUMMARY

Council have received correspondence from the Department of Transport and Main Roads responding to Council's letter sent in February. This report provides comment on the matters raised in the DTMR letter for Council's consideration.

COUNCIL RESOLUTION

THAT Council formally respond to the Department of Transport of Main Roads on the recommended actions referred to in this report, and thank them for the information provided and taking on board some of Council's concerns and requests.

Moved by: Councillor Smith
Seconded by: Councillor Kirkland

MOTION CARRIED

10.4 FREEHOLD LEASE AND TRUSTEE LEASE RENEWALS FOR PARKS

File No: 374
Attachments: Nil
Authorising Officer: Michael Elgey - Acting Manager Parks
Alicia Cutler - General Manager Community Services
Author: Justin Bulwinkel - Supervisor - Sports and Administration

SUMMARY

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought to commence the renewal of Freehold and Trustee Leases that currently hold a status of 'expired'.

COUNCIL RESOLUTION

THAT the matter lay on the table for a future workshop on lease terms.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Rutherford, Wickerson, Mathers, Smith, Kirkland and Latcham all voted in the affirmative.

10.5 2021-2023 BIOSECURITY PROGRAM FOR INVASIVE BIOSECURITY MATTER

File No: 2557

Attachments: 1. Copy of Biosecurity Program
2. Map of Biosecurity Program 2021-2023

Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Karen Moody - Coordinator Health and Environment

SUMMARY

This report presents the Surveillance Program for Invasive Biosecurity Matter under the Biosecurity Act 2014 for Council Approval.

COUNCIL RESOLUTION

THAT Council approves the Surveillance Program for Invasive Biosecurity Matter for implementation from 19 August 2021 for a period of two years until 18 August 2023.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.6 D/28-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A CLUB (EXTENSION TO TRADING HOURS) AND OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (FREESTANDING SIGN)

9:37AM Councillor Latcham, having earlier informed the meeting of a declarable conflict of interest and his decision not to participate in the decision, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: D/28-2021

Attachments:

1. Locality Plan
2. Site Plan
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Bevan Koelmeyer - Acting Senior Planning Officer

SUMMARY

Development Application Number: D/28-2021

Applicant: Frenchville Sports Club

Real Property Address: Lots 20 and 21 on SP270237

Common Property Address: 268 Eldon Street and 105 Clifton Street, Berserker

Area of Site: 2.895 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.1)

Planning Scheme Zone: Sport and Recreation Zone

Existing Development: Frenchville Sports Club

Approval Sought: Development Permit for a Material Change of Use for a Club (Extension to Trading Hours) and Operational Works for an Advertising Device (Freestanding Sign)

Level of Assessment: Impact Assessable

Submissions: One (1) properly made submission

Referral Agency: Nil

Infrastructure Charges Area: Charge Area 1

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Club (extension to trading hours) and Operational Works for an Advertising Device (Freestanding Sign), made by Frenchville Sports Club, located at 268 Eldon Street and 105 Clifton Street, Berserker, described as Lot 2 on RP605044, and Lots 20 and 21 on SP270237, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Club (extension to trading hours) and Operational Works for an Advertising Device (Freestanding Sign)	
Reasons for Decision	<p>a) The Club's extended trading hours will not adversely impact on the amenity of the surrounding residential area;</p> <p>b) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>c) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Sport and Recreation Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code; • Access, Parking And Transport Code; • Advertising Devices Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Sport and Recreation Zone Code	<p><u>PO9</u></p> <p>The proposed development does not achieve Acceptable Outcome 9.1, as the proposed operating hours for the Frenchville Sports Club will extend beyond 22:00. The proposal seeks to extend the operating hours for both the bar and gaming areas, with these activities to be conducted wholly indoors within the existing club building.</p> <p>The entrance to the main club building is separated from nearby residences by the car park and adjoining roads, with the nearest residence approximately 50 metres from the entrance. Subsequently, there is limited opportunity for overlooking to nearby residences with residences to the west of the Club also screened by existing landscaping established along this property boundary.</p> <p>The extension to trading hours is not expected to generate any further noise or amenity impacts to the surrounding area. As the</p>

		<p>activities are conducted wholly indoors, the only noise source occurring from the use is anticipated to potentially come from patrons leaving the facility, which is not expected to create adverse noise impacts for surrounding residences. In this regard, it is also noted that the extended trading hours will allow patrons to have a longer period of time to gradually disperse from the premises, which may assist to reduce noise impacts from this source.</p> <p>As such, the proposed development is taken to comply with the Performance Outcome.</p>
Matters raised in submissions	Issue	How matter was dealt with
	The location of the proposed Advertising Device	<p>The submission identified concerns with the location of the proposed advertising device “in” a residential zone, and its location on Berserker Street. However, the subject site is designated in the Sport and Recreation Zone and a Freestanding Sign. This type of sign is consistent within this zone designation where the sign is demonstrated to not compromise the visual amenity or the safety of the transport network.</p> <p>While the surrounding area is predominantly designated in the Low Density Residential Zone, the positioning of the sign is not expected to cause an adverse impact to nearby residences. Council has included several conditions, which will mitigate any potential impacts such as maximum luminance restrictions and minimum dwell times per advertisement. Furthermore, the sign will be setback three (3) metres from the property boundaries, the base of the sign will be landscaped with plants and the sign will only have an advertising area of five (5) square metres. Additionally, the sign will only be used to advertise activities associated with the Club.</p> <p>The submission also states that Berserker Street was incorrectly identified as a ‘Major Urban Collector’ road. However, this is not consistent with Council’s road hierarchy mapping. Additionally, the sign’s position on the corner of Berserker and Clifton Streets is not expected to cause adverse impacts to traffic movements or pedestrians. Council has included specific conditions to ensure that any advertising does not mimic traffic signals, invite traffic to move contrary to any traffic control devices, or turn where there is fast moving traffic.</p>
	Brightness and hours of operation for the proposed Advertising Device	<p>The submission expressed concern with the brightness of the proposed advertising device and the potential impact this may cause for nearby residences.</p> <p>Council has included specific conditions which will restrict illuminance levels (refer to condition 11.1) to comply with the requirements outlined in the current planning scheme which is appropriate for signs within the Sport and Recreation Zone. This condition will ensure compliance is achieved with Acceptable Outcome 2.2 under the Advertising Devices Code relating to illuminated advertising devices. Furthermore, the planning scheme does not restrict operating hours for advertising devices.</p>
	The extended trading hours for the sale of liquor, potentially increasing crime and damage to	<p>The submission expressed concerns regarding the increased potential for crime with the proposed extended trading hours for the sale of liquor.</p> <p>The proposed use of the premises for a Club is consistent with the intent of the Sport and Recreation Zone. While the extended trading hours for the sale of liquor, does not comply with Acceptable Outcome 9.1 of the zone code, the activity will be</p>

	surrounding residential properties	conducted wholly indoors. Furthermore, the club will be required to undertake a liquor licensing application with the Office of Liquor and Gaming. As part of this application, a Community Impact Assessment will need to be provided for the implementation of various managerial and physical measures to manage potential safety issues such as public disorder, vandalism and public drunkenness. These safety measures may include: regular staff meetings, regular training, crowd controllers, ensuring an approved manager is available at all trading times, closed-circuit television is provided at all entrances and exits from the club, and sufficient lighting is provided at all entrances, exits and within the club's car-parking area.
	Alleged non-compliance with public notification requirements of the DA rules	Section 17.1 (b) of the DA Rules states that the applicant must give public notice of the application by "giving notice to adjoining owners of all lots adjoining the premises the subject of the application". An adjoining lot means a lot, which shares a common boundary with the premise. The only premise which shares a common boundary with the development site is Lot 1 on RP605444 located at 272 Eldon Street, Berserker. A letter notifying of the subject development application was sent to the owner of this lot.
Matters prescribed by regulation		<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Club (extension to trading hours) and Operational Works for an Advertising Device (Freestanding Sign), made by Frenchville Sports Club, located at 268 Eldon Street and 105 Clifton Street, Berserker, described as Lots 20 and 21 on SP270237, Council resolves to Approve the application subject to the following conditions:

Part A - Material Change of Use for a Club (Extension to Trading Hours)

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the 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 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

- 1.6 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.7 Lot 2 on RP605044 and Lot 21 on SP270237 must be amalgamated and registered as one lot prior to the commencement of the use.

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:

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue
Proposed Site Plan (amended by Reel Planning to include location of advertising device)	Paynter Dixon	5 March 2021	SD 1.01	T1

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

3.0 ASSET MANAGEMENT

- 3.1 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.
- 3.2 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.

4.0 ENVIRONMENTAL HEALTH

- 4.1 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"*.
- 4.2 Noise emitted from the activity must not cause an environmental nuisance.
- 4.3 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 2019*.
- 4.4 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, odour or dust.

5.0 OPERATING PROCEDURES

- 5.1 The hours of operation for the bar area (including the sale of liquor) must be limited to 1000 to 0200, from Monday to Sunday including Public Holidays.

- 5.2 The hours of operation for the gaming room area must be limited to 1000 to 0400, from Monday to Sunday including Public Holidays.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

Part B - Operational Works for an Advertising Device (Freestanding Sign)

6.0 ADMINISTRATION

- 6.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 6.2 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.
- 6.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 6.4 The following further development permits are required prior to the commencement of any works on the site:
- 6.4.1 Building Works.
- 6.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 6.6 The existing advertising device (freestanding sign) must be removed, as shown on the approved plans (refer to condition 7.1).

7.0 APPROVED PLANS AND DOCUMENTS

- 7.1 The approved advertising device must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

Plan/Document Name	Prepared by	Date	Reference No.	Version/ Issue
Proposed Site Plan (amended by Reel Planning to include location of advertising device)	Paynter Dixon	5 March 2021	SD 1.01	T1
Assembly	Bringing spaces to life	3 March 2021	-	A

- 7.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 7.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 7.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.
- 7.5 Any proposed minor changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant.
- 7.6 The sign-face area must not exceed five (5) square metres in size, in accordance with the approved plans (refer to condition 7.1).
- 8.0 OPERATING PROCEDURE
- 8.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 8.2 All text and images displayed on the approved advertising device:
- 8.2.1 must be static;
- 8.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
- 8.2.3 must not involve moving parts or flashing lights.
- 8.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*' and '*Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers*'.
- 9.0 DIGITAL SCREEN DISPLAY FEATURES
- 9.1 The digital display screen must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the screen malfunction.
- 9.2 The display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 9.3 The display screen must provide for on-site control, operation, configuration and diagnosis of the screen display.

9.4 Messages must remain static for a minimum dwell time of eight (8) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.

9.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.5 of a second).

10.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

10.1 The display screen must not be split to display multiple advertisements on the one (1) display screen.

10.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.

10.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.

10.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, and legible. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that vehicle drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

10.5 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.

10.6 A blank black, white, or any coloured screen must not be displayed between advertisements.

10.7 Advertisements that incorporate moving visual images, such as videos or animations must not be displayed.

10.8 Advertising devices must not be capable of playing audio nor be synchronised with any outdoor sound system utilised for advertising purposes.

11.0 LUMINANCE

11.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 1 below.

Table 1: Luminance levels for Advertising Devices

(Source: OMA)

Maximum luminance for lighting conditions (Zone 3)	
Full Sun on Sign face	Maximum Output
Day Time (full light conditions)	6000-7000 cd/m ²
Day time (dawn, dusk and inclement weather)	600 cd/m ²
Night Time	300 cd/m ²

Note: Zone 3 - low levels of off street ambient lighting, i.e. most residential areas, rural areas.

12.0 ASSET MANAGEMENT

12.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:

12.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or

12.1.2 as soon as reasonably possible as agreed with Council.

13.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

13.1 The area surrounding the base of the sign must be landscaped with plants, which have a mature height of 1.2 metres above ground level. This landscaping area must be subject to an ongoing watering, maintenance and replanting programme.

13.2 Council reserves the right for uninterrupted access to the site at all times during construction.

13.3 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.

13.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

13.5 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.

13.6 The sign must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.

13.7 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.

13.8 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".

13.9 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and
be maintained in a safe, clean, condition that does not adversely impact the visual amenity

13.10 The Advertising Device must not operate between 10:00PM and 6:00AM at any time.

ADVISORY NOTES

NOTE 5. Aboriginal Cultural Heritage Act, 2003

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

NOTE 6. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and the *Public Health Act 2005*.

NOTE 7. 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 8. 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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Club (extension to trading hours) and Operational Works for an Advertising Device (Freestanding Sign), made by Frenchville Sports Club, located at 268 Eldon Street and 105 Clifton Street, Berserker, described as Lot 2 on RP605044, and Lots 20 and 21 on SP270237, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Mathers

Seconded by: Councillor Rutherford

MOTION CARRIED

Councillors Mathers, Rutherford, Williams and Wickerson voted in the affirmative.
Councillor Kirkland and Councillor Smith recorded their vote against the motion.

10:00AM Councillor Latcham returned to the room.

10.7 D/84-2014 - REQUEST FOR A MINOR CHANGE TO D/84-2014 FOR A PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE PLANNING SCHEME FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL PURPOSES AND RECONFIGURING A LOT (2 LOTS INTO 228 LOTS)

File No: D/84-2014

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Bevan Koelmeyer - Acting Senior Planning Officer

SUMMARY

Development Application Number: D/84-2014

Applicant: Jamesford Holdings Pty Ltd and Glenmore Developments Pty Ltd

Real Property Address: Lot 600 on SP321555 and Lot 129 on PL4021

Common Property Address: 54-102 and 263 Belmont Road, Parkhurst

Area of Site: 51.329 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone (residential development as per the Preliminary to Vary the Effect of the Planning Scheme)

Planning Scheme Overlays: Biodiversity Areas Overlay
Coastal Hazard Overlay
Fitzroy River Flood Overlay
Steep Land Overlay

Approval Sought: Amended Decision Notice for D/84-2014 for a Preliminary Approval to Vary the Effect of the Planning Scheme for a Material Change of Use for Residential Purposes and Reconfiguring a Lot for (two [2] lots into 228 lots)

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 3

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Minor Change to D/84-2014 for Preliminary Approval to Vary the Effect of the Planning Scheme for a Material Change of Use for Residential Purposes and Reconfiguring a Lot for (2 lots into 228 lots), made by Jamesford Holdings Pty Ltd and Glenmore Developments Pty Ltd, located at 54-102 and 263 Belmont Road, Parkhurst, described as Lot 102 on RP860099 and Lot 129 on PL4021, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for a Minor Change to D/84-2014 for a Preliminary Approval to Vary the Effect of the Planning Scheme for a Material Change of Use for Residential Purposes and Reconfiguring a Lot for (two [2] lots into 228 lots)
Reasons for Decision	<p>a) The proposed subdivision is consistent with the intent of the Riverside Estate development area under the Preliminary Approval to Vary the Effect of the Planning Scheme, which is to create land to accommodate a range of housing, predominantly detached dwelling houses, on a range of lot sizes;</p> <p>b) The proposal is considered to provide for an efficient land use pattern and is well connected to other parts of the Rockhampton region;</p> <p>c) The proposed subdivision does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>; and</p> <p>d) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.</p>
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Riverside Estate Development Code.
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and wholly complies without exception.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i>; and • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT to reflect the above changes, Jamesford Holdings Pty Ltd and Glenmore Developments Pty Ltd, be issued with an Amended Decision Notice:

PART A – Material Change of Use for Residential Purposes**1.0 DEFINITIONS AND INTERPRETATION**

1.1 In this approval:

- 1.1.1 **Applicant** means Glenmore Holdings (Aust) Pty Ltd C/- Capricorn Survey Group (CQ) Pty Ltd being the applicant for the application for preliminary approval with respect to the Subject Land.
- 1.1.2 **Approval** means the approval of the Application by the Council on 26 May 2015, as amended.
- 1.1.3 **Application** means the Application made by the Applicant to Council dated 3 April 2014 over the Subject Land for Preliminary Approval varying the effect of Council's Planning Scheme and Reconfiguring a Lot (2 lots into 228 lots).
- 1.1.4 **Conditions** mean the conditions of this approval including any attachment referred to in these conditions.
- 1.1.5 **Council** means Rockhampton Regional Council. Where 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.

- 1.1.6 **Developer** means the Glenmore Holdings (Aust) Pty Ltd or the registered proprietor and any occupier of the Subject Land.
- 1.1.7 **Environmental Management Plan** means a plan prepared and approved in accordance with Condition 21.0.
- 1.1.8 **Infrastructure** means infrastructure reasonably required to service the proposed development including roads (internal, external and access), parks, open space and conservation areas, water and sewerage services, stormwater, drainage and community facilities.
- 1.1.9 **Sustainable Planning Act 2009** means the *Sustainable Planning Act 2009* as amended from time to time.
- 1.1.10 **Subject Land** means ~~Lot 2 on RP609985~~, Lot 102 on RP860099 and Lot 129 on PL4021, Parish of Murchison, situated at ~~46-48~~, 54-102 and 263 Belmont Road, Parkhurst, having a total area of 51.329 hectares.
- 1.1.11 **Planning Scheme** means *Rockhampton City Plan 2005* as amended from time to time, or any other subsequent replaced planning scheme.
- 1.1.12 **Preamble** means an introduction which provides guidance and background to a condition. While a preamble does not form part of the condition it can be used for the purpose of understanding and interpreting a condition.
- 1.1.13 **Master Plan Development Document** means the Riverside Estate Development Document which includes the assessment table, definitions and development codes being a plan of the proposed development for a material change of use which affects Council's Planning Scheme with respect to the subject land which in particular:
- (i) states what development is:
 - (a) Assessable Development (requiring code or impact assessment); or
 - (b) Self-assessable Development; or
 - (c) Exempt Development; and
 - (ii) Identifies codes for the development.

2.0 ADMINISTRATION

- 2.1 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.
- 2.2 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 2.3 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

3.0 APPROVED PLANS AND DOCUMENTS

- 3.1 This is a preliminary approval for a Material Change of Use to vary the affect of Council's Planning Scheme under section 242 of the *Sustainable Planning Act 2009* for Residential development, on the subject land, generally in accordance with the following plans and documents, except where amended by the Conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Concept Plan (201 Lots + Public Use Land)	5892-01-CPT Revision H Sheet 1 of 1	7 May 2014
Material Change of Use (Residential Lots + Public Use Land)	7066-01-MCU	8 February 2019
Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes	Revision C	August 2015
Reconfiguration Plan (228 Lots + Public Use Land)	Revision C	26 May 2021

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

3.3 Updated plans reflecting the revised development footprint (refer to Condition 3.1 and plan labelled “Material Change of Use (Residential Lots + Public Use Land)”) must be submitted prior to the endorsement of the Survey Plan Approval Certificate for the first stage of the Reconfiguring a Lot (refer to Condition 9.1).

4.0 PLANNING FRAMEWORK

4.1 All development must be in accordance with the Riverside Estate Development Document (refer to condition 3.1) unless otherwise conditioned.

4.2 To remove any doubt:

4.2.1 any development on the Subject Land, which is not identified in the Riverside Estate Development Document must be:

- (i) if it is a Material Change of Use – impact assessable (pursuant to the Level of Assessment Table in the Master Plan Development Document); or
- (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme; and

4.2.2 any development on the Subject Land, which is identified in the Riverside Estate Development Document and which conflicts with the purpose of the applicable codes or conditions of this Approval, must be:

- (i) if it is a Material Change of Use – impact assessable; or
- (ii) for all other forms of development – subject to the level of assessment established in the Planning Scheme.

5.0 RELEVANT PERIOD

5.1 The standard relevant periods stated in section 341 and 343 of the *Sustainable Planning Act 2009* apply to each aspect of development in this approval.

6.0 ASSET MANAGEMENT

6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at the full cost to the Developer.

- 6.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 6.3 '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.

PART B – Reconfiguring a Lot for (2 lots into 228 Lots)

7.0 ADMINISTRATION

- 7.1 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.
- 7.2 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.
- 7.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 7.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 7.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 7.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 7.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works;
 - (vi) Inter-allotment Drainage Works;
 - (vii) Site Works; and
 - (viii) Deleted.
- 7.6.2 Deleted.
- 7.6.3 Deleted.
- 7.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 7.8 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.
- 8.0 **APPROVED PLANS AND DOCUMENTS**

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Concept Plan (201 Lots + Public Use Land)	5892-01-CPT Revision H Sheet 1 of 1	7 May 2014
Reconfiguration Plan (222 Lots + Public Use Land)	7066-01-ROL, Sheet 1 of 1	4 February 2019
Reconfiguration Plan (228 Lots + Public Use Land)	Revision C	26 May 2021
Overall Landscape Concept Sketch	17-004/SK02, Revision A	July 2019
Landscape Sketch – 2	17-004/SK04, Revision A	July 2019
Landscape Sketch – 4	17-004/SK06, Revision A	July 2019
Landscape Sketch – 7	17-004/SK09, Revision A	July 2019
Proposed Staging Plan	R12394 – Staging	Undated
Landscape Concept Plan	S1501822 Dwg No 1 of 3	27 March 2015
Landscape Concept Plan – Park Detail	S1501822 Dwg No 2 of 3	27 March 2015
Landscape Concept Plan – Northern Shelter and Active Play Park Area Detail	S1501822 Dwg No 3 of 3	27 March 2015
Riverside Estate Development Document – Preliminary Approval for a Material Change of Use for Residential Purposes	Revision C	August 2015
Stormwater Management Report – Riverside Estate	R12394, Issue C	December 2014
Conceptual Stormwater Management Plan	K4887-003-A	12 September 2019
Infrastructure Report – Riverside Estate	R1294 – Revision C	December 2014
Traffic Impact Assessment Report	R12394, Issue A	12 December 2014
Water and Sewer Network Analysis report	4335	16 January 2015
Sewer and Water Network	1335/1358	17 June 2019

Analysis		
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- 8.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 8.3 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 a Development Application for Operational Works.
- 9.0 STAGED DEVELOPMENT
- 9.1 This approval is for a development to be undertaken in twelve (12) discrete stages, namely:
- 9.1.1 Lots 1, 2, 22, 23, 70 to 81, 94 to 100, and Public Use Land (Stage 1);
- 9.1.2 Lots 82 to 93 (Stage 2);
- 9.1.3 Lots 3 to 11, 15 to 21, and Public Use Land (Stage 3);
- 9.1.4 Lots 24 to 30, 46 to 53, 60 to 69, and Public Use Land (Stage 4);
- 9.1.5 Lots 12 to 14, 31 to 45, and Public Use Land (Stage 5);
- 9.1.6 Lots 54 to 59, 211 to 228, and Public Use Land (Stage 6);
- 9.1.7 Lots 101 to 105, 128 to 136, 146 to 150, and Public Use Land (Stage 7);
- 9.1.8 Lots 151 to 155, 165 to 175, 206 to 210, and Public Use Land (Stage 8);
- 9.1.9 Lots 106 to 115, and 123 to 127 (Stage 9);
- 9.1.10 Lots 116 to 122, 137 to 145, 187 and 188 (Stage 10);
- 9.1.11 Lots 156 to 164, 182 to 186, and 189 to 193 (Stage 11); and
- 9.1.12 Lots 176 to 181, 194 to 205, and Public Use Land (Stage 12).
- Staging must take place in a coordinated and a planned manner having regard to the orderly sequence in provision of access and infrastructure.
- 9.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 9.3 The “Public Use Land” must be transferred to Council as freehold fee simple on trust for Stages 1, 3, 4, 5, 6, 7, 8, and 12.
- 10.0 ROAD WORKS
- 10.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 10.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).
- 10.3 Any application for a Development Permit for Operational Works (road works) must demonstrate that all new roads and road reserves included in the application connect with existing constructed road(s) within and road reserve(s) at the time of making the application.
- 10.4 Belmont Road must be designed and constructed to a Major Urban Collector standard, with half road construction along the development side and having a minimum width of ten (10) metres of the carriageway width. Kerb and channel, pedestrian pathways and drainage infrastructure must be included. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 10.4.1 Widening of Belmont Road from the southern boundary to the entrance

- roundabout must be carried out as part of Stage 1 and having a minimum width of ten (10) metres of the carriageway width from the existing kerb and channel on the other side of Belmont Road.
- 10.4.2 Widening of Belmont Road from the entrance roundabout to the northern boundary of the Public Use Land adjacent to the proposed Lot 11 must be carried out as part of Stage 3 and having a minimum width of ten (10) metres of the carriageway width from the existing kerb and channel on the other side of Belmont Road.
- 10.4.3 Widening of Belmont Road from Stage 3 to the northern boundary of the property must be constructed along the frontage of Stages 7, 9 and 10 as they are carried out. The road must have a minimum width of ten (10) metres of the carriageway width from the future kerb and channel on the other side of Belmont Road.
- 10.5 All new roads shown on the approved plans (refer to condition 8.1), must comply with all requirements for road classification of "Access Place" or a "Access Street" or a "Minor Collector" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*. All roads must be above Q100 flood inundation level.
- 10.6 A turning area must be provided at the road end at the boundary of each stage(s) prior to the commencement of the use for such stage(s). Details of the turning areas, including practical vehicular and pedestrian access to lots, parking for adjacent lots and manoeuvring for a Council refuse collection vehicle must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.7 Construct a roundabout at the intersection of Belmont Road, Samuel Crescent and Road A in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and the Main Roads Planning and Design Manual. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 10.8 Construct two roundabouts at the intersection of Road A/Road B/Road C adjacent to the proposed Lot 100 and at the intersection of Road A/Road C adjacent to the proposed Lot 141 in accordance with the requirements of the *Capricorn Municipal Development Guidelines* and the *Main Roads Planning and Design Manual*. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- 10.9 Additional land area must be dedicated along the Belmont Road development side to be able to provide a minimum verge width of five (5) metres between property boundaries and the edge of the carriageway. The alignment must be determined in consultation with Council and location details must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.10 All pathways must incorporate kerb ramps at all road crossings.
- 10.11 Traffic calming devices must be provided to control vehicle speeds within the Minor Collector and Access Streets. Details of traffic calming devices and practical access to adjacent allotments must be demonstrated in any application for a Development Permit for Operational Works (road works).
- 10.12 A bus set-down area, including all weather shelter must be designed and constructed in accordance with the Public Transport Infrastructure Manual. The bus set-down area must be located within Belmont Road. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 10.13 All new traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland* and where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 10.14 Any application for a Development Permit for Operational Works (road works) must

include details of the Council approved road names for all new roads.

10.15 Any retaining structures within road reserves must not be constructed unless approved as part of a Development Permit for Operational Works (road works). Retaining walls must be wholly contained within the proposed private allotments and not be constructed as Council-owned infrastructure.

10.16 Proposed 'Road I' as shown on the approved plans (refer to conditions 3.1 and 8.1) must be interconnected with Belmont Road to service as a secondary road access point for the development. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.

11.0 ACCESS WORKS

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

11.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access works).

11.3 All vehicular access to and from proposed Lots 1 to 11, 88 to 112 and 122 (inclusive) must be obtained via the proposed new internal roads only. Direct vehicular access to Belmont Road is prohibited. A property note to this effect will be entered against Lots 1 to 11, 88 to 112 and 122 (inclusive).

11.4 Deleted.

11.5 Access to proposed Lot 112 must be constructed to a sealed or equivalent standard.

12.0 SEWERAGE WORKS

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

12.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *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).

12.3 All lots within the development must be connected to Council's reticulated sewerage network.

12.4 The initial three stages (stages 1, 2 and 3) of the development must be serviced via a gravity connection to the existing reticulated sewerage network in accordance with the Sewer and Water Network Analysis report (refer to condition 8.1).

Note: The proposed point of connection to the existing sewerage network is recommended to be via a new sewerage access chamber constructed over the existing gravity sewer located north of the Belmont Road Sewerage Pump Station (SP038).

12.5 A non-trunk sewage pump station and associated non-trunk sewerage rising main must be constructed within the development site to discharge to the proposed gravity sewerage network constructed under stages 1, 2 and 3. The remaining nine stages (stage 4 - 12) must be connected to the reticulated sewerage network via this sewerage pump station in accordance with Sewer and Water Network Analysis report (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*. The Sewer and water Network Analysis identifies capacity limitations in the existing network and triggers associated with external upgrades.

12.6 A twenty (20) metre by twenty (20) metre freehold allotment area for a sewerage pump station site and adequate access for the sewerage pump station site must be dedicated in favour of Council.

- 12.7 Deleted.
- 12.8 Deleted.
- 12.9 Sewerage infrastructure must be provided to the development boundary for connectivity.
- 12.10 Any proposed sewerage access chambers located within a park or reserve, or below a Q100 flood event, must be provided with bolt down lids.
- 12.11 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 13.0 WATER WORKS
- 13.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 13.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 13.3 All lots within the development must be connected to Council's reticulated water network.
- 13.4 A non-trunk 200 millimetre diameter water main must be constructed along the western side of the Belmont Road reserve from the Belmont Road and Gremalis Drive intersection to the Belmont Road and Samuel Crescent intersection to service the development (in accordance with the sewer and Water Network Analysis report (refer to condition 8.1). This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.
- Note: It is noted that the critical 900mm diameter primary supply main from the Glenmore Water Treatment Plant is located along half the length of this route. Extensive liaison with Fitzroy River Water is required to ensure there is no risk to this main during construction.
- 13.5 The final sizes of the internal water mains must not be less than those detailed in the water supply network analysis report (refer to condition 8.1).
- 13.6 Water infrastructure must be provided to the development boundaries for connectivity.
- 13.7 All proposed water reticulation mains within the development site must be interconnected to eliminate dead ends and looped mains are permitted in cul-de-sacs.
- 13.8 Easements must be provided over all water supply infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 14.0 STORMWATER WORKS
- 14.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 14.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 14.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect adjoining land or infrastructure by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage

- to other infrastructure.
- 14.4 The Operational Works (stormwater works) application must include an assessment of how the development meets the water quality objectives of the *State Planning Policy 2017*.
- 14.5 Each allotment must be designed so as to be flood free in a one in one hundred year flood event (100 year Average Recurrence Interval).
- 14.6 Easements must be provided over all land assessed to be within the one in one hundred year rainfall event (100 year Average Recurrence Interval) inundation area.
- 14.7 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland, which as a minimum includes:
- 14.7.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
- 14.7.2 an assessment of the peak discharges for all rainfall events up to and including the one in one hundred year rainfall event (100 year Average Recurrence Interval) for the pre-development and post-development scenarios;
- 14.7.3 details of any proposed on-site detention / retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
- 14.7.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to adequately manage stormwater collection and discharge from the proposed development;
- 14.7.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 14.7.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
- 14.7.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the developer), which needs to be dedicated to, or encumbered in favour of Council or another statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and
- 14.7.8 details of all calculations, assumptions and data files (where applicable).
- 14.8 Proposed Public Use Lands and Stormwater Channels as identified on the approved plans (refer to condition 8.1) must be dedicated as detention basin and must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for proposed Stormwater Channels and Bio-retention basins and the design must:

- 14.8.1 be suitable to the climate and incorporate predominately native species;
- 14.8.2 maximise areas suitable for on-site infiltration of stormwater;
- 14.8.3 incorporate shade trees; and
- 14.8.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basins must include all required safety measures and facilities (for example child proof fences) to ensure the safety of the public and/or tenants (in particular young children). A management plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

15.0 INTER-ALLOTMENT DRAINAGE

- 15.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 15.2 All inter-allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 8.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).
- 15.3 Inter-allotment drainage, must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof and allotment runoff associated with building construction on that lot, could not reasonably be directed to the frontage kerb and channel or alternative lawful point of discharge.
- 15.4 Inter-allotment drainage systems and overland flow paths must be wholly contained within a Council easement, with a minimum width of three (3) metres. Easement documents must accompany the plan for endorsement by Council prior to the issue of the Compliance Certificate for the Survey Plan.

16.0 SITE WORKS

- 16.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 16.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
 - 16.2.1 the location of cut and/or fill;
 - 16.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 16.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 16.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - 16.2.5 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.
- 16.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 16.4 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.
- 16.5 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.

- 16.6 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.
- 16.7 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 16.8 All site works must be undertaken to ensure that there is:
- 16.8.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
- 16.8.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 16.8.3 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.
- 17.0 LANDSCAPING
- 17.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 8.1). 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 have low water dependency.
- 17.2 The proposed development must have a minimum total area of at least 2.9 hectares dedicated to being suitable parkland as defined by *Planning Policy 5 – Open Space Infrastructure Policy* and must be generally in accordance with the approved plan (refer to condition 8.1). Any landscaping works must be accompanied by detailed plans and all public land along Ramsay Creek must comply with the following:
- 17.2.1 no development must occur within fifty (50) metres of the river bank. The riverbank is to be maintained as public open space and natural riparian wetland in accordance with state development conditions.
- 17.2.2 be maintained to encourage nature regeneration of native forbs and grasses with small to medium trees and shrubs. Mature riparian canopy species are to be retained wherever possible to assist in maintaining the scenic amenity of this residential estate.
- 17.2.3 all grassed open spaces must be accessible for maintenance purposes. Service access/s must be at least three (3) metres wide and secured by a lockable gate or pole.
- 17.3 Any landscaping works must be generally in accordance with the approved plans (refer to condition 8.1) and must include, but is not limited to, the following:
- 17.3.1 A plan documenting the “Extent of Works” and supporting documentation which includes:
- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlaid or be easily compared with the proposed development design);

- (ii) the extent of soft and hard landscape proposed;
 - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
 - (iv) underground and overhead services;
 - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
 - (vi) details of landscape structures including areas of deep planting; and
 - (vii) specification notes on mulching and soil preparation.
- 17.3.2 A "Planting Plan" and supporting documentation which includes:
- (i) trees, shrubs and groundcovers to all areas to be landscaped;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.
- 17.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 17.5 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.
- 17.6 The establishment of the park, grassed landscaped areas and all landscaping must be constructed and or established, generally in accordance with the approved Landscape Concept Plan (refer to condition 8.1), prior to the issue of the Survey Plan Approval Certificate applicable to that stage.
- 17.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme to be provided in writing prior to the sealing of plans.
- 17.8 The Children's Play Equipment Area, exercise stations and additional park amenities must be constructed generally in accordance with the approved Landscape Concept Plans (refer to condition 8.1). These areas must comply with the following requirements:
- 17.8.1 a playground area is constructed in accordance with revised Landscape Concept Plan (refer to condition 8.1);
 - 17.8.2 the playground is suitable for children between the ages of two (2) and twelve (12) and constructed in accordance with a local destination play space as defined by the Rockhampton Regional Council Playground Strategy;
 - 17.8.3 the active recreational playground area must be turfed and equipped with an installed irrigation system;
 - 17.8.4 additional park amenities be provided, for example picnic shelters, tables and benches;
 - 17.8.5 adequate vehicle parking must be provided (for consideration by Council at

Operational Works stage);

17.8.6 the playground area must be wheel chair accessible and have a grade no greater than one (1) in twenty (20) slope for eighty per cent (80%) of the area.

Note: Council may consider a cash contribution to be negotiated in lieu of construction of a Children's Play Equipment area with additional Park Amenities.

17.9 Vehicle barriers must be constructed around all areas of public land with road frontage.

17.10 All allotments bordering onto Belmont Road (Lot 1 to 11, 88 to 112 and 122) must have a minimum two (2) metre high, double lapped and capped acoustic timber fence (having a minimum surface area density of ten (10) kilograms per square metre) along the full frontage of Belmont Road.

17.10.1 A minimum 0.75 metre wide landscaped strip must be provided for the full frontage of the acoustic fence facing Belmont Road to reduce the visual impact of the fence. The landscaped strip must be established within six (6) months of the approved operational works applicable to that stage.

17.11 The bike and pedestrian paths and the public open space area located in the main stormwater drain corridor must be generally in accordance with the approved plans (refer to condition 8.1).

17.12 Deleted.

17.13 Bike and pedestrian paths must not be constructed on land that is susceptible to inundation by floodwaters.

17.14 The proposed northern picnic shelter is not approved due the access pathway being susceptible to inundation by floodwaters. Alternative and/or additional picnic shelter locations (including public benches) must be demonstrated in the application for a Development Permit for Operational Works (landscaping works).

18.0 PUBLIC LAND

18.1 All public land must be designed and constructed generally in accordance with the approved plans (refer to condition 8.1).

18.2 Eighty per cent (80%) of all natural grass cover and other designated grassed area must be covered within six (6) months of the subdivision works being placed on maintenance.

18.3 The owner of land will be required to provide a maintenance bond to be decided under an operational works permit to be held for the maintenance and establishment of the public open space for twelve (12) months after the sealing of any plans relating to Lots 102 on RP860099 and Lot 129 on PL4021.

19.0 ELECTRICITY AND TELECOMMUNICATIONS

19.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

19.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

20.0 ASSET MANAGEMENT

20.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

20.2 Any damage to existing kerb and channel, pathway or roadway (including removal of

concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

- 20.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Survey Plan Approval Certificate. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

21.0 ENVIRONMENTAL

- 21.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

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

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

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) staged implementation, for the construction and post construction phases of work.

- 21.3 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.

- 21.4 The Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

22.0 OPERATING PROCEDURES

- 22.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Council owned roadways.

23.0 INFRASTRUCTURE COSTS

- 23.1 The development is located completely outside the priority infrastructure area. As per section 130 of the *Planning Act 2016* Council requires additional trunk infrastructure costs. As the development is adjacent to and will be serviced to the desired standard of service for charge area 1, as outlined in the Adopted Infrastructure Charges Resolution, 2015 (No. 5), the calculation of the establishment cost of trunk infrastructure for charge area 1 applies. An additional charge of \$14,000.00 per lot is required and is payable to Council prior to the issue of the Survey Plan Approval Certificate for each stage.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act*, 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 Environment and Resource Management website www.derm.qld.gov.au

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* 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. General Safety Of Public During Construction

The *Work Health and Safety Act* 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. Property Notes

- (i) All vehicular access to and from proposed Lots 1 to 11, Lots 88 to 112 and Lot 122 (inclusive) must be obtained via the proposed new internal roads only. Direct vehicular access to Belmont Road is prohibited.
- (ii) All allotments bordering onto Belmont Road (Lots 1 to 11, Lots 88 to 112 and Lot 122) must have a minimum two (2) metre high, double lapped and capped acoustic timber fence (having a minimum surface area density of ten (10) kilograms per square metre) along the full frontage of Belmont Road. This must be constructed by the developer and maintained by the owner of

each applicable allotment.

NOTE 5. Adopted Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Amended Infrastructure Charges Notice, which has been supplied with this decision notice.

RECOMMENDATION C

THAT to reflect the above changes, Jamesford Holdings Pty Ltd and Glenmore Developments Pty Ltd, be issued with an Amended Infrastructure Charges Notice for the amount of \$1,582,000.00.

Moved by: Councillor Mathers

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

10.8 COMMERCIAL CENTRES STUDY 2021

File No: 8207
Attachments: 1. Commercial Centres Study - Executive Summary
Authorising Officer: Cameron Wyatt - Coordinator Strategic Planning
Angus Russell - Manager Strategy and Planning
Ross Cheesman - Acting Chief Executive Officer
Author: Alyce James - Strategic Planner

SUMMARY

To present the key findings and recommendations of the Commercial Centres Study 2021.

COUNCIL RESOLUTION

THAT the matter lay on the table to be further workshopped.

Moved by: Councillor Smith
Seconded by: Councillor Latcham

MOTION CARRIED

Councillors Smith, Latcham, Wickerson and Mathers voted in the affirmative.
Councillors Williams, Rutherford and Kirkland voted against the motion.

10:42AM Chairperson, Mayor Williams adjourned the meeting for a short recess.
10:54AM The meeting resumed.

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Ms K Walsh – Committee Support Officer

Via Webex:

Mr G Bowden - Executive Manager Advance Rockhampton
Ms T Sweeney – Executive Manager Workforce and Governance
Mr A Russell – Manager Strategy and Planning
Mr M Crow – Manager Infrastructure Planning
Mr D Stevenson – Manager Corporate and Technology Services
Ms K Roberts – Coordinator Property and Insurance
Mr M Mansfield – Coordinator Media and Communications

10.9 WESTWOOD RURAL FIRE BRIGADE LEASE RENEWAL

File No: 9846
Attachments: Nil
Authorising Officer: Drew Stevenson - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property & Insurance

SUMMARY

The Westwood Rural Fire Brigade is seeking to renew their lease for a total term of 20 years.

COUNCIL RESOLUTION

THAT;

1. Pursuant to Sections 236(1)(c)(iii) and 236(1)(b)(i) of the Local Government Regulation 2012 (Qld) Council approve the renewal of the Freehold Lease to The State of Queensland (represented by the Public Safety Business Agency) over Lot 90 on W4612, for a period of twenty years, as identified in the report; and
2. Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to negotiate the terms and conditions of the agreement.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.10 FIRECLAY CAVERNS NATIVE TITLE COMPULSORY ACQUISITION

File No: 13509
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Deputy CEO reporting on the compulsory acquisition of Native Title for the Mount Morgan Fireclay Caverns Tourism Project.

COUNCIL RESOLUTION

THAT:

1. Following some positive discussions with Gaangalu Nation People it is considered that a more effective process will be to work collaboratively with all parties to progress this project and to this Council remains committed to the opening of the Fireclay Caverns and;
2. Council discontinue the compulsory acquisition of native title and resumption of non-native title over part of Lot 101 on SP139776 and part of Lot 203 on RN1556.
3. Council writes to both the State and Federal Government seeking recognition of the natural and historical significance of the fireclay caverns along with a request for assistance to stabilise and to conserve the caves to ensure this important site remains intact for future generations.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

10.11 DRAFT DEBT RECOVERY POLICY FOR REVIEW

File No: 11979
Attachments: 1. Draft Debt Recovery Policy
2. Draft Debt Recovery Policy - Track Changes
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer presenting the Draft Debt Recovery Policy to Council for adoption.

COUNCIL RESOLUTION

THAT the Debt Recovery Policy as detailed in the report be adopted.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - COUNCILLOR DONNA KIRKLAND - CENTRAL QUEENSLAND LOCAL GOVERNMENT CLIMATE FORUM

File No: 10072

Attachments: 1. Central Queensland Local Government Climate Forum Program

Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Donna Kirkland has indicated her intention to move the following Notice of Motion at the next Council Meeting scheduled for Tuesday 27 July 2021 as follows:

COUNCIL RESOLUTION

THAT Councillor Donna Kirkland be approved to attend the Central Queensland Local Government Climate Forum in Yeppoon from 12-13 August 2021.

Moved by: Councillor Smith
Seconded by: Councillor Mathers

MOTION CARRIED

11.2 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - REVIEW OF COUNCILLOR TRAVEL APPROVAL PROCESS

File No: 10072
Attachments: Nil
Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

*Councillor Shane Latcham has indicated his intention to move the following Notice of Motion at the next Council Meeting scheduled for 27 July 2021; seeking an amendment to Council's Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy regarding payment or reimbursement of expenses incurred by Councillors for all travel incurred outside of the Rockhampton **AND Livingstone Local Government Areas**.*

ORIGINAL MOTION

THAT Council amend the Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy allow the following.

- All Councillor (excluding Mayoral) conference and travel proposed to be undertaken outside of Rockhampton and Livingstone Local Government Areas be presented to an Ordinary Council Meeting in advance for approval;
- Any request for approval is to include accompanying support documentation and justification demonstrating the value to Council and the broader Rockhampton Region;
- Prior-Council approval extends to all conferences, meetings and associated travel outside the Rockhampton and Livingstone Local Government Areas related to Councillor appointments as representatives to external organisations;
- Where possible, alternate methods of engagement or attendance at meetings/conferences outside of the Rockhampton and Livingstone Local Government Areas, including virtual participation, should be explored; and
- Pre-approval may be given at any time by the Chief Executive Officer.

Moved by: Councillor Latcham

Seconded by: Councillor Smith

In accordance with the Council Meeting Procedures, Section 6.2 and Section 6.4, Councillor Rutherford proposed an amendment to the motion to include CQROC Local Government areas. The amendment was accepted by Councillors who moved and seconded the original motion. The original motion is deemed to be withdrawn and the motion as accepted becomes the motion.

COUNCIL RESOLUTION

THAT Council amend the Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy allow the following.

- All Councillor (excluding Mayoral) conference and travel proposed to be undertaken outside of CQROC Local Government Areas be presented to an Ordinary Council Meeting in advance for approval;
- Any request for approval is to include accompanying support documentation and

justification demonstrating the value to Council and the broader Rockhampton Region;

- Prior-Council approval extends to all conferences, meetings and associated travel outside the CQROC Local Government Areas related to Councillor appointments as representatives to external organisations;
- Where possible, alternate methods of engagement or attendance at meetings/conferences outside of the CQROC Local Government Areas, including virtual participation, should be explored; and
- Pre-approval may be given at any time by the Chief Executive Officer.

Moved by: Councillor Latcham

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS QUESTIONS

Nil

14 CLOSURE OF MEETING

There being no further business the meeting closed at 11:14 am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

27 JULY 2021

ANNEXURE A

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

- Item 10.6** **D/28-2021– Development Application for a Material Change of Use for a Club (Extension to Trading Hours) and Operational Works for an Advertising Device (Freestanding Sign)**
- Item 10.7** **D/84-2014 – Request for a Minor Change to a Preliminary Approval to Vary the Effect of the Planning Scheme for a Material Change of Use for Residential Purposes and Reconfiguring a Lot (2 Lots into 228 Lots)**

D/28-2021 – MCU for a Club (Extension to Trading Hours) and OPW for Advertising Device (Freestanding Sign)

268 Eldon Street and 105 Clifton Street, Berserker (Lot 20 and Lot 21 on SP270237)

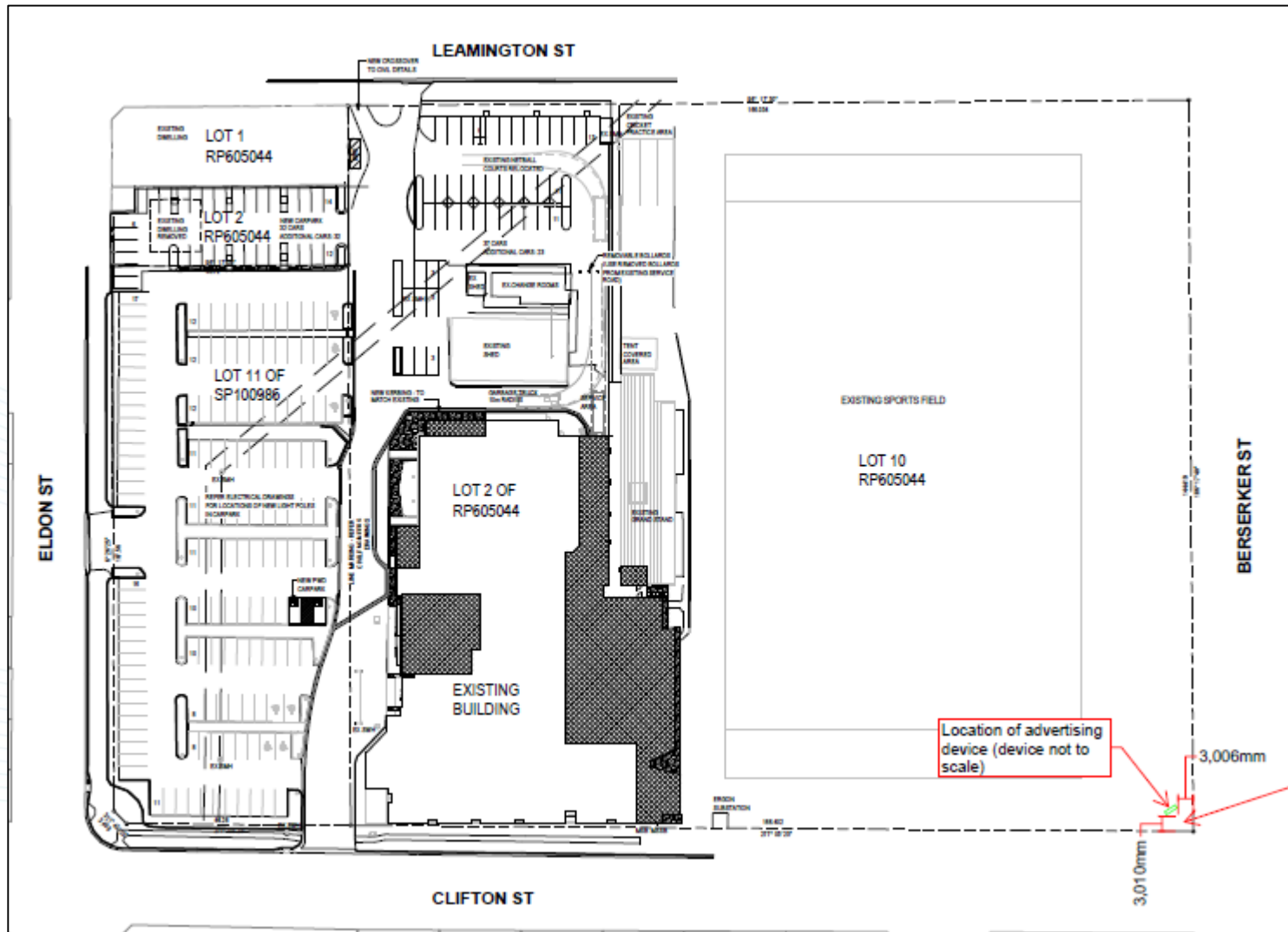
Ordinary Council Meeting – 27 July 2021

Bevan Koelmeyer – Acting Senior Planning Officer

Development Proposal (1/2)

The proposed extension to trading hours for the Club are as follows:

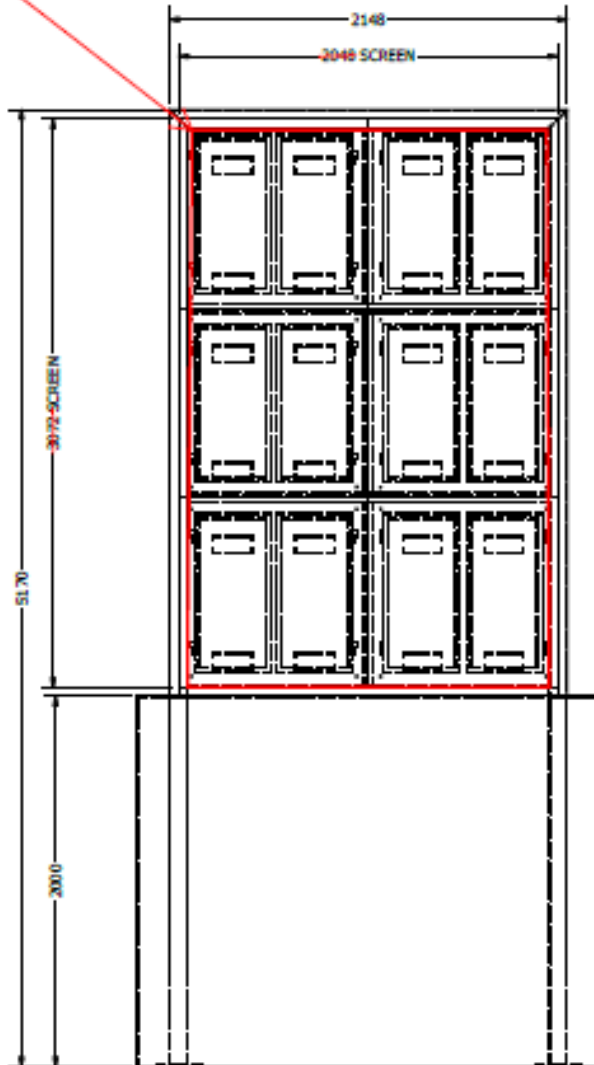
- Bar area – 10.00am to 2.00am for all days including Public Holidays; and
- Gaming rooms – 10.00am to 04.00am, all days including Public Holidays.



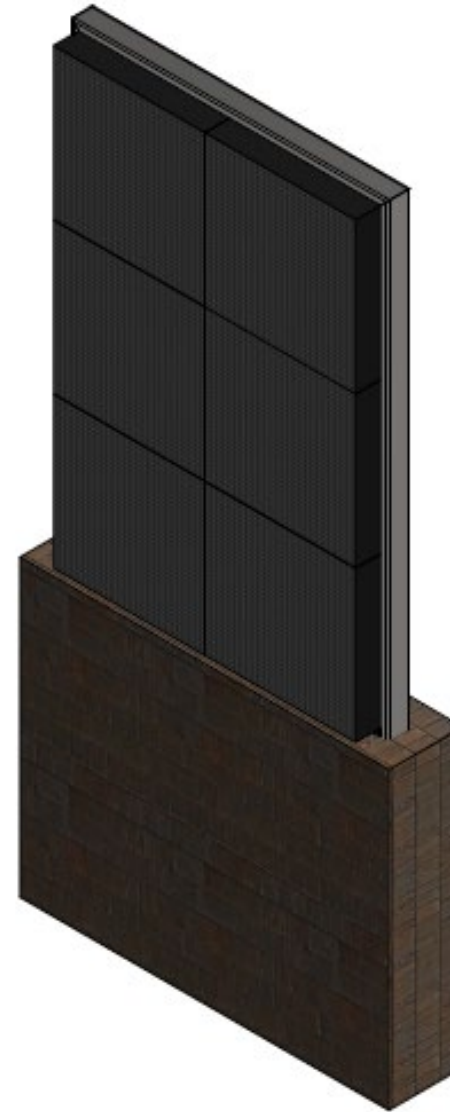
Development Proposal (2/2)

Sign face area to be limited to 5sqm

PLAN VIEW
SCALE 1:20



FRONT VIEW
SCALE 1:20



ISO VIEW
SCALE 1:16

Surrounding Area/Locality



Submission



Recommendation

- The proposed development will not compromise the Strategic Framework and generally complies with the provisions of the applicable codes in the Planning Scheme; and
- The application only receive 1 submission and the submitters concerns have been addressed by the applicant. Furthermore where necessary, appropriate conditions have been imposed to mitigate potential impacts.

**Minor Change to D/84-2014 for a Preliminary Approval
to Vary the Effect of the Planning Scheme for a
Material Change of Use for Residential Purposes and
Reconfiguring a Lot (2 lots into 228 lots)**

54-102 and 263 Belmont Road, Parkhurst

Ordinary Council Meeting – 27 July 2021

Proposed Development and Summary of Representations



IMPORTANT NOTE

This plan was prepared to accompany a recent a lot application to Rockhampton Regional Council should not be used for any other purpose.

The dimensions and areas shown herein are a field survey and also to the requirements of any other authority which may have requirements any relevant legislation.

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

This note is an integral part of this plan.

Recommendation

- All of the additional lots will be over 1,000 square metres in size which is consistent development against the existing approved 'Riverside Estate Development Document'.