



ORDINARY MEETING

MINUTES

10 AUGUST 2021

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MEETING ATTACHMENTS

ANNEXURE A - Documents presented for reference to Item 10.10

ANNEXURE B - Documents presented for reference to Item 10.12

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 10 AUGUST 2021 COMMENCING AT 9:01AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening prayer delivered by Pastor Robert Bakss from the Lighthouse Baptist Church

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms A Cutler – General Manager Community Services
Mr G Bowden – Executive Manager Advance Rockhampton
Mr A Russell – Manager Strategy and Planning
Ms A Davie – Grants and Policy Advisor
Ms L Leeder – Senior Committee Support Officer
Ms J Webb – Business Administration Trainee

Via Webex:

Ms T Sweeney – Executive Manager Workforce and Governance
Ms M Taylor – Chief Financial Officer
Ms A Pearce – Manager Tourism, Events and Marketing
Mr D Morrison – Manager Office of the Mayor
Mr D Scott – Manager Planning and Regulatory Services
Mr M Vycke – Manager Airport
Mr D Stevenson – Manager Corporate and Technology Services
Mr M Mansfield – Coordinator Media and Communications
Mr C Swadling – Coordinator Local Laws
Mr J Bulwinkel – Supervisor Sports and Administration
Ms K Dorman – Administration Supervisor

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 27 July 2021 be confirmed.

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

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Ellen Smith informed the meeting:

“I declare that I have a potential conflict of interest in **Item 10.11 D8/2017 – Amendment Application under the Regional Planning Interests Act for Mount Morgan Mine Project**. The report doesn’t mention Poison Creek Road (where I have previously declared a prescribed conflict of interest) but it does mention Burnett Highway, Razorback Road and Gordon Lane. Poison Creek Road is actually in the middle of that road network so I am not sure whether I have a conflict of interest or not. The potential conflict is due to my brother John McEvoy, sister Trish McKinnon and brother-in-law Don McKinnon owning all the property along the western side of Poison Creek Road.

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

THAT Councillor Smith does not have a conflict of interest in relation to this item, and that it is in the public interest that Councillor Smith remains in the meeting and may participate in the discussion, including by voting on the matter.

Moved by: Councillor Mathers
Seconded by: Councillor Latcham
MOTION CARRIED

Councillors Williams, Mathers, Wickerson, Kirkland, Latcham voted in the affirmative
Councillor Smith did not participate in the vote

9:07AM Councillor Rutherford attended the meeting

Councillor Ellen Smith informed the meeting:

“I have a declarable conflict of interest in **Item 10.8 – 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 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

THAT Councillor Smith does not have a conflict of interest in relation to this item (Gracemere Hack and Pony Club Inc.) and that it is in the public interest that Councillor Smith remains in the meeting and may participate in the discussion, including by voting on the matter.

Moved by: Councillor Kirkland

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Mathers, Wickerson, Rutherford, Kirkland, Latcham 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 **Item 10.8 – 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.”

Councillor Shane Latcham informed the meeting:

“I have a declarable conflict of interest in **Item 10.8 – 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.”

6 BUSINESS OUTSTANDING

6.1 LIFTING MATTERS FROM THE TABLE

File No: 11979
Attachments: Nil
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Alicia Cutler - General Manager Community Services

SUMMARY

Items laid on the table require a report to be lifted from the table before being dealt with. This report is designed to lift the reports that have been laid on the table at previous meetings.

COUNCIL RESOLUTION

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

- Freehold Lease and Trustee Lease Renewals for Parks

Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - COUNCILLOR SHANE LATCHAM; EMMAUS COLLEGE AND FRENCHVILLE STATE PRIMARY SCHOOL P&C ASSOCIATIONS

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

SUMMARY

Councillor Shane Latcham is seeking approval from Council to donate \$1000.00 each to Emmaus College and Frenchville State Primary School from his Councillor Discretionary Fund. Each school shall receive a \$300 Zoo Experience and \$700 towards "Legacy" tree purchases from Rockhampton Regional Council Nursery. It is anticipated that the tree planting could be done by the graduating Year 6 students as a parting reminder to the school for future generations.

COUNCIL RESOLUTION

THAT Council approve a donation of \$1,000.00 each from Councillor Shane Latcham's Councillor Discretionary Fund to Emmaus College Parents and Friends, and Frenchville State Primary School Parents and Citizens Associations for \$300 Zoo Experience and \$700 "Legacy" Tree Planting.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

9.2 LEAVE OF ABSENCE - COUNCILLOR ELLEN SMITH - WEDNESDAY 25 AUGUST TO FRIDAY 10 SEPTEMBER 2021 (INCLUSIVE)

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

SUMMARY

Councillor Ellen Smith is seeking leave of absence from Wednesday 25 August to Friday 10 September 2021 inclusive.

COUNCIL RESOLUTION

THAT Councillor Ellen Smith be granted leave of absence from Wednesday 25 August to Friday 10 September 2021 inclusive.

Moved by: Mayor Williams
Seconded by: Councillor Mathers
MOTION CARRIED

10 OFFICERS' REPORTS

10.1 ROCKHAMPTON RIVER FESTIVAL TENDER CONSIDERATION PLAN 2021-2023

File No: 6097
Attachments: Nil
Authorising Officer: Annette Pearce - Manager Tourism, Events and Marketing
Greg Bowden - Executive Manager Advance Rockhampton
Author: Tash Bury - Event Coordinator

SUMMARY

This report provides the Tender Consideration Plan outlining the procurement process that will be utilised for the coordination of the Rockhampton River Festival for 2021-2023.

COUNCIL RESOLUTION

THAT the report be received and Council adopt the Tender Consideration Plan as outlined in the report.

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

10.2 ROCKYNATS TENDER CONSIDERATION PLAN 2022-2023

File No: 6097
Attachments: Nil
Authorising Officer: Annette Pearce - Manager Tourism, Events and Marketing
Greg Bowden - Executive Manager Advance Rockhampton
Author: Tash Bury - Event Coordinator

SUMMARY

This report provides the Tender Consideration Plan outlining the procurement process that will be utilised for the coordination of Rockynats for remainder of the contract period 2022-2023.

COUNCIL RESOLUTION

THAT Council receives this report and adopts the Tender Consideration Plan as outlined in the report.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED

10.3 SMALL BUSINESS FRIENDLY COUNCIL (SBFC) INITIATIVE

File No: 654
Attachments: 1. Sample Charter
Authorising Officer: Graham Sheppard - Senior Executive Economic Development
Greg Bowden - Executive Manager Advance Rockhampton
Author: Tanya Webber - Economic Development and Industry Engagement Advisor

SUMMARY

Council has been approached by the Queensland Small Business Commissioner (QSBC) to join the Small Business Friendly Councils (SBFC) initiative. The initiative recognises local Councils that are actively supporting small businesses in their region and helping small businesses recover and build resilience following disasters and economic challenges.

*The QSBC is requesting Councils to demonstrate their commitment to local small businesses in their community by signing up to a Charter as a “**Small Business Friendly Council**”.*

COUNCIL RESOLUTION

THAT Rockhampton Regional Council sign the ‘Small Business Friendly Council’ charter.

Moved by: Councillor Smith
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

10.4 COMMUNITY ASSISTANCE PROGRAM - ROUND 1

File No: 12535
Attachments: Nil
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

Round 1 of the 2021/2022 Community Assistance Program closed on Monday 19 July 2021 with a total of 13 applications received. Five under the Minor Scheme, three under the Grants Scheme, two under the Major Scheme, two applications deemed ineligible and one withdrawn. Accordingly, 10 applications have been assessed and recommendations for funding are presented for Council consideration.

COUNCIL RESOLUTION

THAT Council approves the Assessment Panel's recommended allocation of funding from the 1st Round of the Community Assistance Program for the following:

Applicant	Purpose of Grant/Sponsorship	Amount
AM Media Consultants T/A Special Children's Christmas Parties	2021 CQ Special Children's Christmas Party Proudly Supporting Make-A-Wish Australia. <i>(in-kind hire of venue)</i>	2,487.39
Australian Caravan Club Limited	Australian Caravan Club 14th National Muster ('Rockin' in 'Rocky' in '21')	10,000.00
Golden Mount Shooters Association Inc	Safe Road Access and Target Equipment	3,500.00
Mount Morgan Promotion and Develop Inc	Soundscaping the Mount Morgan Railway Museum	6,505.00
Mount Morgan Promotion and Develop	Mount Morgan Wattle Day Festival	6,420.25
Mount Morgan Rodeo Association Inc	Mount Morgan Junior Rodeo	3,500.00
Mount Morgan Agricultural Show Society Inc	Mount Morgan Show 2021	11,000.00
Rockhampton Little Theatre	CQ All Schools Battle of the Bands <i>(in-kind hire of venue)</i>	6,059.71
Upper Ulam Recreation Grounds	Fence replacement on Creek Boundary	2,831.40
Variety – The Children's Charity (NSW/ACT)	Variety NSW Brydens Lawyers Bungarabee to Bakers Creek Bash- Dinner	1,050.00
		\$53,353.75

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

10.5 SILO REJUVENATION PROJECT - FOLLOW-UP REPORT

File No: 8034

Attachments: 1. Silo Rejuvenation Project Proposal
2. Site Aerial and Development Graphics

Authorising Officer: Alicia Cutler - General Manager Community Services

Author: Drew Stevenson - Manager Community Assets and Facilities

SUMMARY

Presenting the follow-up report on the Silo Rejuvenation Project proposal presented by the JRT Group at the Lily Place Industrial Precinct, 777 Yaamba Road Parkhurst.

PROPOSED MOTION

THAT Council consider funding the 6 Silo Artwork Project at Lily Place Parkhurst to the value of \$100,000 at the next revised budget. Any funding would be conditional on Council's approval of final artwork.

Moved by: Councillor Kirkland
Seconded by: Councillor Wickerson

Suspension of Standing Orders**COUNCIL RESOLUTION**

9:29AM

THAT pursuant to s7.10 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be suspended to allow adequate time for informal discussion on Item 10.5 – Silo Rejuvenation Project – Follow-up Report prior to entering into formal debate.

Moved by: Councillor Rutherford
MOTION CARRIED

Resumption of Standing Orders**COUNCIL RESOLUTION**

9:38AM

THAT pursuant to s7.10 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be resumed.

Moved by: Mayor Williams
MOTION CARRIED

COUNCIL RESOLUTION

1. THAT Council consider funding the 6 Silo Artwork Project at Lily Place Parkhurst to the value of \$100,000 at the next revised budget.
2. Subject to funding, a Deed of Agreement with the owner will be entered into outlining conditions for the funding (enduring period of art, RRC's creative input, agreed car park size, public liability insurance).

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

10.6 TENDER CONSIDERATION PLAN - ROCKHAMPTON MUSEUM OF ART

File No: 5883
Attachments: 1. Community Services Committee Report - 12 February 2020
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Damon Morrison - Project Manager Art Gallery - Operations
Jacob Weir - Project Manager Art Gallery - Technical

SUMMARY

The purpose of this report is to seek approval under section 230 of the Local Government Regulation 2012 (Qld), for the engagement of artists, artist educators and artist exhibition designers for the operations of the Rockhampton Museum of Art.

COUNCIL RESOLUTION

THAT Council receives the report and adopts the Tender Consideration Plan as outlined in this report.

Moved by: Councillor Wickerson

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

10.7 RESOURCES COMMUNITY INFRASTRUCTURE FUND - MOUNT MORGAN POOL

File No: 12534
Attachments: 1. Resources Community Infrastructure Fund, Round 1 Guidelines
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Ann Davie - Grants and Policy Advisor

SUMMARY

Through the Resources Community Infrastructure Fund, the Queensland Government has made available \$100 million to resource communities over two funding rounds of \$50 million each. The first round is open and will close 27 August 2021.

It is proposed to submit an application for the Mount Morgan Swimming Pool refurbishment.

COUNCIL RESOLUTION

THAT Council submit an application for funding through the Resources Community Infrastructure Fund, Round 1 for the Mount Morgan Swimming Pool refurbishment.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

- 10:13AM Mayor Williams declared that the meeting be adjourned, to resume at 10:25am.
- 10:25AM The meeting resumed.

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms A Cutler – General Manager Community Services
Mr A Russell – Manager Strategy and Planning
Mr M Mansfield – Coordinator Media and Communications
Ms T Fitzgibbon – Coordinator Development Assessment
Ms A O’Mara – Principal Planning Officer
Mr B Koelmeyer – Planning Officer
Ms L Leeder – Senior Committee Support Officer
Ms J Webb – Business Administration Trainee

Via Webex:

Ms T Sweeney – Executive Manager Workforce and Governance
Mr G Bowden – Executive Manager Advance Rockhampton
Mr D Morrison – Manager Office of the Mayor
Mr D Scott – Manager Planning and Regulatory Services
Mr M Vycke – Manager Airport
Mr D Stevenson – Manager Corporate and Technology Services
Ms K Roberts – Coordinator Property and Insurance
Mr C Swadling – Coordinator Local Laws
Mr J Bulwinkel – Supervisor Sports and Administration
Ms K Dorman – Administration Supervisor

10.8 FREEHOLD LEASE AND TRUSTEE LEASE RENEWALS FOR PARKS

10:26AM

Councillor Smith, having earlier informed the meeting of a declarable conflict of interest and her 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.

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.

Council determined at the Ordinary Council meeting on 27 July 2021 that Councillor Rutherford did not have a conflict of interest in regard to Victoria Park Gymnastic and Trampoline Club.

File No: 374

Attachments: Nil

Authorising Officer: Aaron Pont - Manager Parks
Alicia Cutler - General Manager Community Services

Author: Justin Bulwinkel - Supervisor - Sports and Administration

Previous Items: 10.4 - Freehold Lease and Trustee Lease Renewals for Parks - Ordinary Council - 27 Jul 2021 9:00am

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

- Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)* Council approve the renewal of the Freehold Leases and Trustee Leases as below:

Agreement Type	Organisation	Expiry Date	Lot and Plan (Address)
Trustee Lease	Rockhampton Mallet Sports Club	30/06/2020	Lot 521 on SP 120476 (Botanical Gardens)
Trustee Lease	Athelstane Tennis Club Inc	30/06/2021	Lot 521 on SP 120476 (Botanical Gardens)
Trustee Lease	Rotary Club of Rockhampton South Inc	30/06/2021	Lot 521 on SP 300242 (Botanical Gardens)
Trustee Lease	North Rockhampton Cricket Club Inc	30/06/2021	Lot 100 on 860388 (Juds Park)
Trustee Lease	Rockhampton Radio Control Car Club Inc	30/06/2020	Lot 439 on LN 2827 (Rosel Park)
Trustee Lease	Capricorn Community Radio 4 YOU Inc	30/06/2020	Lot 10 on SP 246217 (Mount Archer)

Freehold Lease	Rockhampton Woodworkers Guild Inc	30/06/2021	Lot 1 on SP 255291
Trustee Lease	Rockhampton Dog Obedience Club Inc	30/06/2018	Lot 202 LN 2700 (Duthie Park)
Trustee Lease	Victoria Park Gymnastic and Trampoline Club Inc	30/06/2021	Lot 40 on SP 240869 (Victoria Park Precinct)
Trustee Lease	CQ Aquajets Swim Club Inc	30/06/2020	Lot 2 on SP 175995 (Robinson St, Frenchville)
Trustee Lease	Rockhampton Racing Pigeon Club Inc	30/06/2018	Lot 1 on RP 607856 (Church Park)
Freehold Lease	Wanderers Hockey Club Inc	30/06/2021	Lot 1 on LN 2893 (Birdwood Park)
Freehold Lease	CQU Berserker Soccer Club Inc	30/06/2021	Lot 202 LN 2700 (Elizabeth Park)
Freehold Lease	Rockhampton Tigers Junior Rugby League Inc	30/06/2021	Lot 1 on SP 255291 (Elizabeth Park)
Trustee Lease	Rockhampton Cricket Inc	30/06/2021	Lot 134 on LN 1166 (Rocky Cricket Grounds)
Trustee Lease	Rockhampton Horse Riding for the Disabled Association Inc	30/06/2020	Lot 221 on LN 2565 (Boundary Rd, Parkhurst)
Freehold Lease	Gracemere Hack & Pony Club Inc	30/06/2021	Lot 2 on LN 2815 (Capricorn St, Gracemere)
Freehold Lease	Mt Morgan Rugby Union Club Inc	30/06/2021	Lot 4 on SP 124256 (Newman Oval)

2. Council authorises the Chief Executive Officer (Supervisor Sports and Administration) to negotiate the terms and conditions of the agreements with the organisations listed in the report in preparation for execution by the delegated officer; and
3. All Lease renewals include a condition that tenants must provide copies of the following documents on an annual basis:
 - a. Audited Financial Statements
 - b. Constitution
 - c. AGM Minutes
 - d. Player and Member numbers

Moved by: Councillor Kirkland
Seconded by: Councillor Rutherford

MOTION CARRIED

Councillors Mathers, Wickerson, Rutherford, Kirkland voted in the affirmative
Councillor Williams voted in the negative

10:37AM Councillors Smith and Latcham returned to the meeting room

COUNCIL RESOLUTION

A draft Community Leasing Policy be presented to a Council Workshop in early 2022.

Moved by: Councillor Kirkland

Seconded by: Councillor Rutherford

MOTION CARRIED

10.9 PROPOSED ANIMAL INSPECTION PROGRAM

File No: 11741

Attachments: 1. Notice of Proposed Inspection Program for all Non-Renewed Animals from the 2020/2021 Registration Period

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

Author: Clint Swadling - Coordinator Local Laws

SUMMARY

This report presents an Animal Inspection Program for consideration by Council. Before Rockhampton Regional Council Officers undertake an inspection program, to monitor compliance with the Animal Management (Cats and Dogs) Act 2008, Rockhampton Regional Council Local Law 1 (Administration) 2011, and Rockhampton Regional Council Local Law 2 (Animal Management) 2011 the program must be approved by Council.

COUNCIL RESOLUTION

THAT in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Local Government Act 2009*, Council approves a Selective Inspection Program for all properties within the Rockhampton Regional Council where a dog/s had been registered up to 31 August 2021 and Council has not received a renewal for that registration, to be undertaken between 4 October 2021 and 12 December 2021.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED

10.10 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY

File No:	D/31-2021
Attachments:	<ol style="list-style-type: none"> 1. D31-2021 - Locality Plan 2. D31-2021 - Overall Proposed Plan - SK-004 3. D31-2021 - 3D Views - SK-011
Authorising Officer:	Tarnya Fitzgibbon - Coordinator Development Assessment Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Kathy McDonald - Planning Assistant

SUMMARY

<i>Development Application Number:</i>	<i>D/31-2021</i>
<i>Applicant:</i>	<i>Fitzroy Community Hospice Ltd</i>
<i>Real Property Address:</i>	<i>Lot 2 on SP125014</i>
<i>Common Property Address:</i>	<i>38 Agnes Street, The Range</i>
<i>Area of Site:</i>	<i>4,947 square metres</i>
<i>Planning Scheme:</i>	<i>Rockhampton Region Planning Scheme 2015 (version 2.1)</i>
<i>Planning Scheme Zone:</i>	<i>Low Density Residential Zone</i>
<i>Planning Scheme Overlays:</i>	<i>Airport Environs Overlay; and Steep Land Overlay.</i>
<i>Existing Development:</i>	<i>Loreto Convent</i>
<i>Approval Sought:</i>	<i>Development Permit for a Material Change of Use for a Residential Care Facility</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>Four (4)</i>
<i>Referral Agency:</i>	<i>Nil</i>
<i>Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Residential Care Facility, made by Fitzroy Community Hospice Ltd, located at 38 Agnes Street, The Range, described as Lot 2 on SP125014, 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 Residential Care Facility
Reasons for Decision	a) The proposed development directly addresses the need for palliative care facilities within Rockhampton.

	<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>							
<p>Assessment Benchmarks</p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low Density Residential Zone Code; • Steep Land Overlay Code; • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; and • Water and Sewer Code. 							
<p>Compliance with assessment benchmarks</p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> <table border="1" data-bbox="528 1122 1396 2089"> <thead> <tr> <th data-bbox="528 1122 874 1218">Assessment Benchmark</th> <th data-bbox="874 1122 1396 1218">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1218 874 1973"> <p>Low Density Residential Zone</p> </td> <td data-bbox="874 1218 1396 1973"> <p>PO18</p> <p>The proposed development does not comply with Acceptable Outcome 18.1, which requires the use to be within 200 metres of a centre, park or hospital.</p> <p>The subject site is located in proximity to recreational facilities and a major hospital. Georgeson Oval and Agnes Street Lookout are located approximately 600 metres to the south of the site, while the Rockhampton Base Hospital is located approximately 300 metres to the north-east. It is considered that the proposed development is located within a reasonable distance to community facilities and serviced regularly by public transport, bus route 404 along Agnes Street with a bus stop located directly outside the subject site.</p> <p>Therefore, the proposed development is considered to comply with this Performance Outcome.</p> </td> </tr> <tr> <td data-bbox="528 1973 874 2089"></td> <td data-bbox="874 1973 1396 2089"> <p>PO19</p> <p>The proposed development does not comply with Acceptable Outcome 19.3,</p> </td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	<p>Low Density Residential Zone</p>	<p>PO18</p> <p>The proposed development does not comply with Acceptable Outcome 18.1, which requires the use to be within 200 metres of a centre, park or hospital.</p> <p>The subject site is located in proximity to recreational facilities and a major hospital. Georgeson Oval and Agnes Street Lookout are located approximately 600 metres to the south of the site, while the Rockhampton Base Hospital is located approximately 300 metres to the north-east. It is considered that the proposed development is located within a reasonable distance to community facilities and serviced regularly by public transport, bus route 404 along Agnes Street with a bus stop located directly outside the subject site.</p> <p>Therefore, the proposed development is considered to comply with this Performance Outcome.</p>		<p>PO19</p> <p>The proposed development does not comply with Acceptable Outcome 19.3,</p>
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	<p>PO19</p> <p>The proposed development does not comply with Acceptable Outcome 19.3,</p>							

		<p>which requires a minimum of one (1) habitable room overlooking the primary street frontage.</p> <p>The proposed habitable rooms do not overlook the primary street frontage and are facing the northern boundary of the subject site. Despite this, the boundary line is screened with fencing and landscaping which will provide for privacy. Furthermore, the front façade of the development is maintained and the improvements to the rear of the site are designed and sited in a manner that is not envisioned to compromise the character and amenity of the surrounding area.</p> <p>Therefore, the proposed development is considered to comply with this Performance Outcome.</p>
		<p>PO21</p> <p>The proposed development does not comply with Acceptable Outcome 21.1, which requires non-residential land uses to operate between the hours of 07:00 and 22:00.</p> <p>The operating hours of the facility generally comply with this acceptable outcome. However based on the nature of the development which provides palliative care, there are provisions to allow for 24-hour visiting. Appropriate boundary screening and rear carparking will minimise the effects such as car lighting on potential after hour's visitors. Furthermore, the Residential Care Facility is being created to be a quiet and peaceful environment focused on discretion and privacy.</p> <p>Therefore, the proposed development is considered to comply with this Performance Outcome.</p>
<p>Matters raised in submissions</p>	<p>Issue</p>	<p>How matter was dealt with</p>
	<p>Bulk, Scale and Amenity</p>	<p>Submitters raised concerns with the level of hardstand and general layout and amenity of the proposed development.</p> <p>The development maintains a high level of residential amenity and complies with the built form acceptable outcomes of the Low Density Residential Zone Code.</p> <p>The proposed development will retain the existing buildings and does not alter the bulk and scale from the street frontage (Agnes Street). All of the proposed extensions occur at the rear of the lot and maintain the existing setbacks of the original building along the northern boundary of the development. The side</p>

		<p>setbacks along the southern boundary are increased due to the demolition of the existing veranda.</p> <p>Furthermore the increase in hardstand is due to the additional carparking proposed on site and the relocation of the carpark from the front of the site to the rear of the site is an improved amenity outcome and will increase the landscaping along Agnes Street Road frontage.</p>
	Land Use	<p>Submitters raised concerns regarding a non-residential use located in a Low Density Residential Zone.</p> <p>The overall outcomes of the Low-Density Residential Zone Code support the development of Residential Care Facilities within the zone where they are situated in proximity to major community facilities, have access to a higher-order road and public transport.</p> <p>The Rockhampton Base Hospital is located approximately 300 metres to the north-east and is considered a major community facility;</p> <p>The development has access to Agnes Street which is a Minor Urban Collector road and considered a higher order road; and</p> <p>The development is serviced regularly by public transport, bus route 404 along Agnes Street with a bus stop located directly outside the subject site.</p> <p>Furthermore, submitters identified the Community Facilities Zone Code should be an assessment benchmark. The proposed development generally complies with the assessment benchmarks contained in the Community Facilities Zone Code.</p>
	Traffic Management	<p>Submitters identified concerns that the proposed development would increase the traffic along Agnes Street and provides for insufficient carparking on site.</p> <p>The proposed development sets out provisions for 27 car parking spaces to appropriately service the proposed Residential Care Facility. The proposed number of parking spaces exceeds the requirements set out in the Access, Parking, and Transport Code. Eight (8) on-street car parking spaces will remain along the Agnes Street frontage, resulting in no loss of on-street car parking.</p> <p>It is understood that the previous facility serviced up to 10 guests with 4 staff members. The new development proposal</p>

		<p>includes total bed numbers of 12 plus 12 staff. This does represent an increase in site activities however the increase is considered insignificant in relation to its impact on the adjacent transport network.</p> <p>Updated traffic data for Agnes Street shows an annual average daily traffic of 2,037 vehicles per day with peak hour volumes of up to 247 vehicles per hour (assuming 124 vehicles per hour in each direction). Based on these volumes the road is well under capacity for a two lane two way road of this standard and can comfortably accommodate significant increases in through traffic. The development daily volumes will not likely exceed 5% of background traffic.</p> <p>There is an existing pedestrian footpath on the eastern side of Agnes Street. The footpath provides a pedestrian link between Archer Street and North Street and ensures safety for pedestrians and reduces conflict points with vehicles.</p>
	Environmental Health	<p>Submitters raised concerns regarding the general operations of a Residential Care Facility 'end of life' service and the affects within the neighbourhood.</p> <p>It is not anticipated that the establishment of a Residential Care Facility will have a negative psychological impact on neighbours, including children. Ambulances are a common sight around Agnes Street being a common thoroughfare between the Rockhampton Base Hospital and the Mater Hospital. While ambulances will be arriving and departing from time to time, they will not be attending the facility in an emergency situation. Therefore, the use of lights and sirens will not be required, causing limited disturbance and attention.</p> <p>Furthermore, the proposed development does not propose any hazardous materials that are harmful to humans and surrounding environments to be stored onsite. No medical procedures will be conducted onsite. A small volume of clinical waste will be packaged, labelled, handled and transported as per the Queensland Government guidelines. No cytotoxic waste is anticipated.</p>
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 Residential Care Facility, made by Fitzroy Community Hospice Ltd, located at 38 Agnes Street, The Range, described as Lot 2 on SP125014, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Roadworks;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Site Works; and
 - (vi) Landscaping Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Overall Existing Site Plan	Tony Madden Architects	10 March 2021	SK-001	P2
Existing Ground Floor Plan	Tony Madden Architects	05 March 2021	SK-002	P1
Existing First Floor Plan	Tony Madden Architects	05 March 2021	SK-003	P1
Overall Proposed Plan	Tony Madden Architects	22 April 2021	SK-004	P4
Proposed Ground Floor Concept Plan	Tony Madden Architects	11 March 2021	SK-005	P3
Proposed Lower Floor Concept Plan	Tony Madden Architects	11 March 2021	SK-006	P3
Elevations	Tony Madden Architects	05 March 2021	SK-007	P1
Elevations	Tony Madden Architects	11 March 2021	SK-008	P3
Elevations	Tony Madden Architects	05 March 2021	SK-009	P1
Elevations	Tony Madden Architects	10 March 2021	SK-010	P2
Elevations	Tony Madden Architects	10 March 2021	SK-011	P2
Sun Study	Tony Madden Architects	10 March 2021	SK-012	P1
Existing Impervious Areas	Tony Madden Architects	10 March 2021	SK-200	P2
Proposed Impervious Areas	Tony Madden Architects	10 March 2021	SK-201	P2
Stormwater Management Plan Statement	McMurtrie Consulting Engineers	09 June 2021	083-20-21	

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the commencement of the use submission of an application for a Development Permit for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete

stages in accordance with the approved plans (refer to condition 2.1), namely:

- 3.1.1 Demolition of existing asphalt driveway, car parking and carport located along the Agnes Street frontage, the rear portion of the building, consisting of enclosed walkways, verandahs, kitchen and dining area and the dwelling unit on the lower ground level. Building extension to the west (rear) and vehicle access and off-street parking area to accommodate the redevelopment and proposed new use. (Stage One). The Stage One use must commence within six (6) years of the date this approval takes effect; and
- 3.1.2 Development of the accommodation unit within the lower ground level of the building.(Stage Two), The Stage Two use must commence within twelve (12) years of the date this approval takes effect.
- 3.2 Stage One must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 4.0 ROAD WORKS
- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 5.0 ACCESS AND PARKING WORKS
- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 “Parking facilities”* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All car parking and access areas must be paved or sealed to Council’s satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 The existing northern access to the development must be closed.
- 5.5 The existing southern access to the development must be closed.
- 5.6 A new access from Agnes Street to the development must be provided at the southern boundary.
- 5.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.8 All vehicles must ingress and egress the development in a forward gear.
- 5.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveway in accordance with *Australian Standard AS2890.2 “Parking facilities - Off street commercial vehicle facilities”*.

- 5.10 A minimum of twenty-seven (27) parking spaces must be provided on-site. This includes three (3) covered car parking spaces, two (2) service bays and one (1) People with disability (PWD) parking space.
- 5.11 Any application for a Development Permit for Operational Works (road works) must include the provision of on-street parking spaces for the full frontage of Agnes Street in accordance with *Australian Standard AS2890 "Parking facilities"*.
- 5.12 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.13 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.14 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements and swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 5.15 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 5.16 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.18 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.6 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.7 If required, sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged

into the sewer system.

7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland. The Stormwater Management Plan must clearly demonstrate that:
- 7.3.1 all content of the stormwater management plan is in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, stormwater management design objectives in *State Planning Policy 2017*, and sound engineering practice;
 - 7.3.2 the Stormwater discharge is to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual*;
 - 7.3.3 the volume of detention is sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance probability flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
 - 7.3.4 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017*;
 - 7.3.5 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy; and
 - 7.3.6 it includes detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.5 The detention basin/bio basin must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:
- 7.5.1 be suitable to the climate and incorporate predominately native species;
 - 7.5.2 maximise areas suitable for on-site infiltration of stormwater;
 - 7.5.3 incorporate shade trees; and
 - 7.5.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin, must ensure the safety of the public

and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.

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

8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

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

9.0 SITE WORKS

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

9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:

9.2.1 the location of cut and/or fill;

9.2.2 the type of fill to be used and the manner in which it is to be compacted;

9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and

9.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.

9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

9.4 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 surrounding land or infrastructure.

9.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

10.0 BUILDING WORKS

10.1 A Development Permit for Building Works (demolition) must be obtained prior to the commencement of any demolition works on the development site.

10.2 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

10.3 All external elements, such as air conditioners and associated equipment, must be

adequately screened from public view, to Council's satisfaction.

- 10.4 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 10.5 Impervious paved waste storage areas must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 10.5.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 10.5.2 aesthetically screened from any road frontage or adjoining property;
 - 10.5.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 10.5.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

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

- 10.6 A minimum 1.8 metre high screen fence must be erected between the subject development site and adjacent residential properties to the north, west and south of the development.

11.0 LANDSCAPING WORKS

- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 11.2 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the Concept Plan (refer to condition 2.1).
- 11.3 A Landscaping Plan must be submitted with any application for a Development Permit for Operational Works (landscaping works). The landscaping plans must be designed in accordance with the requirements of *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 11.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency.
- 11.5 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.
- 11.6 Shade trees shown on the Concept Plan (refer to condition 2.1) must be retained and maintained.
- 11.7 The landscaped areas must be subject to:
- 11.7.1 a watering and maintenance plan during the establishment moment; and
 - 11.7.2 an ongoing maintenance and replanting programme.

12.0 ASSET MANAGEMENT

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

- 12.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 13.0 ENVIRONMENTAL
- 13.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 13.1.1 implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 13.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 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"*.
- 14.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.0 OPERATING PROCEDURES
- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Agnes Street.
- 15.2 Access to, and use of, the loading area must be limited to between 0700 and 1900 hours, Monday to Friday (inclusive) and 0900 and 1400 Saturday, Sunday and Public holidays.
- 15.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 15.3.1 the area is kept in a clean and tidy condition;
- 15.3.2 fences and screens are maintained;
- 15.3.3 no waste material is stored external to the waste storage area/s;
- 15.3.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the

“cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of 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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council’s Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before ‘fit out’ and operation.

NOTE 5. General Safety Of Public During Construction

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

NOTE 6. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Residential Care Facility, made by Fitzroy Community Hospice Ltd, located at 38 Agnes Street, The Range, described as Lot 2 on SP125014, Council resolves to issue an Infrastructure Charges Notice for the amount of \$177,012.33.

Moved by: Councillor Rutherford

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

10.11 D/8-2017 - AMENDMENT APPLICATION UNDER THE REGIONAL PLANNING INTERESTS ACT FOR MOUNT MORGAN MINE PROJECT

File No:	D/8-2017
Attachments:	Nil
Authorising Officer:	Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

Heritage Minerals has applied for an amendment to their Regional Interest Development Approval over the Mount Morgan Mine Site under the Regional Interest Planning Act.

COUNCIL RESOLUTION

THAT in relation to the application for an Amendment to Assessing Agency Response for *Regional Planning Interests Act* Application for Mount Morgan Mine Project, made by Heritage Minerals Ltd - ABN 23112287797, on Lot 118 Burnett Highway, Lot 203 Creek Street, 39 Gordon Lane; 108 Gordon Lane; 14 Randwick Lane; 17 Randwick Lane; and Lot 103 Shamrock Street, Mount Morgan – Described as Lot 107 on CP881492, Lot 1 on MPH11169, Lot 3 on RP601353, Lot 5164 on MPH10386, Lot 3192 on MPH10386, Lot 17, 18 and 19 on RP602104, Lot 1 on MPH25494, Lot 3 on USL42977, Lot 1463 on MPH10760, Lot 1 and 2 on MPH11057, Lot 2 on MPH25461, Lot 3912 and 5164 on MPH10386; Lot 1463 on MPH10760; Lot 2452 on MPH11067; Lot 3469, Lot 3273, Lot 3274, Lot 3275 and Lot 3276 on MPH11435; Lot 1197, Lot 1341 and Lot 1342 on MPH25518; Lot 118 on USL42984; Lot 203 on RN1556; Lot 17 on 602104; Lot 1 on RP860374; Lot 1 on MPH10396; Lot 1 on MPH10479; Lot 1 on MPH10729; Lot 1 on MPH10827; Lot 1 and Lot 2 on MPH10850; Lot 1 on MPH10966; Lot 1 and Lot 2 on MPH11057; Lot 1 on MPH11115; Lot 1 on MPH11627; Lot 1 on MPH11642; Lot 1 on MPH11780; Lot 1 on MPH12108; Lot 1 on MPH12202; Lot 1 on MPH25348; Lot 1 and Lot 2 on MPH25461; Lot 1 on MPH2547; Lot 90 on P42319; Lot 6, Lot 60, Lot 63, Lot 64, Lot 65, Lot 66, Lot 67, Lot 68, Lot 69, Lot 77 and Lot 102 on USL42977; Lot 12 on USL47036; Lot 103 on USL42977, Parish of Calliungal, Council resolves to provide the following conditions and comments to the Department of Infrastructure, Local Government and Planning as an assessing agency:

Condition No.	Condition	Timing
1.	<p>Prior to the commencement of haulage of material on the local government roads, Heritage Minerals must carry out the following works:</p> <p>a. Sealing of the internal road from the property boundary access for a distance of 350m along the internal haul access road is required.</p> <p>b. Construction of mine access, signage, and widening works to a BAR/BAL standard on Gordon Lane, generally in accordance with McMurtrie Consulting Engineering Drawing 1021617-1009 Rev A dated 13/04/2017.</p>	Prior to commencement of material transportation

	<p>c. Alteration of line marking at the intersection of Gordon Lane / Burnett Highway generally in accordance with the McMurtrie Consulting Engineering Drawing Number 1021617-5002 Rev A dated 13/04/2017.</p> <p>d. Provide road widening and sealing at the north eastern corner of the intersection of Burnett Highway / Creek Street / Razorback Road to facilitate right turn movements out of Creek St / Razorback Road, generally in accordance with McMurtrie Consulting Engineers Drawing Number 1021617-7002 Rev A dated 13/04/2017.</p>	
2.	The developer must notify Rockhampton Regional Council at enquiries@rrc.qld.gov.au when the transportation of material extracted from the site commences under application D/8-2017.	Prior to commencement of material transportation
3.	<p>The developer must document the verifiable quantity of material extracted from the site that is transported. A report must be provided to Rockhampton Regional Council documenting actual transported quantities. A road maintenance levy of \$0.0523 per tonne must be paid by the developer in accordance with the Amended Traffic Impact Assessment (Rev A) by McMurtrie Consulting Engineers dated 21 May 2021.</p> <p>Note: This monetary contribution shall be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427 Series ID A2333727L).</p>	First day of every sixth month period of the mine operations from the commencement of the haulage operations until the haulage operations cease.
4.	There must be no worsening to the water quantity and quality coming out of the mine site post development compared to that of the pre-development scenario in accordance with the Environmental Authority Amendment approval.	At all times
5.	The applicant must provide to the Chief Executive Officer a copy of the Environmental Authority and/or Environmental Management Plan that details the erosion and sediment control measures to be implemented at the approved sites.	At least thirty (30) days prior to the commencement of construction

Moved by: Councillor Rutherford

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

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

10.12 D/125-2017 - OTHER CHANGE TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR HOTEL (EXTENSIONS)

File No: D/125-2017

Attachments:

1. Locality Plan
2. Site Plan and Elevations Plan (Stage 2)
3. Site Plan, Elevations Plan and Floor Plan (Stage 3)

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/125-2017

Applicant: Red Lion Property Holdings Pty Ltd

Real Property Address: Lot 100 on SP300289 (previously known as Lots 1 and 2 on RP600326), and Lot 1 on RP602347

Common Property Address: 138 and 142 Denham Street, Allenstown

Area of Site: 2,450 square metres

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

Planning Scheme Zone: Low-Medium Density Residential Zone

Planning Scheme Overlays: Acid Sulfate Soils Overlay; and
Airport Environs Overlay.

Existing Development: Hotel (138 Denham Street, Allenstown) and a Health Care Service (142 Denham Street, Allenstown)

Approval Sought: Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency: Nil

Infrastructure Charges Area: Charge Area 1

10:51AM Chief Executive Officer left the meeting room
10:55AM Chief Executive Officer returned to the meeting room

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions), made by Red Lion Property Holdings Pty Ltd, located at 138 and 142 Denham Street, Allenstown, described as Lot 100 on SP300289 and Lot 1 on RP602347 - Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions)	
Reasons for Decision	<p>a) The proposed development will not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015 (version 2.1)</i>;</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; • Low-Medium Density Residential Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater 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
	Strategic Framework; and Low-Medium Density	Despite the extensions in Stage 2 and 3 only resulting in an additional 180 square metres of gross floor area and an ancillary carpark, as the existing development is not small in scale the proposed extensions are inconsistent with the Low-Medium Density Residential

	<p>Residential Zone Code (PO13)</p>	<p>Zone.</p> <p>However, the proposed development is to extend the Red Lion Hotel, which is a longstanding establishment in the local area that has serviced the entertainment needs of local residents for many years. The development is anticipated to accommodate more patrons and enhance the Hotel's overall experience enjoyed by its patrons. The extension is anticipated to positively contribute to local economic growth by facilitating additional employment opportunities within the business. Primary access to the site is via Denham Street, which is a higher order road that has sufficient capacity to safely accommodate traffic generated by the subject development. The development will be serviced by appropriate infrastructure such as water, sewer, electricity and telecommunications. The site is not constrained by any designated natural environment or natural hazards. Furthermore, the development is appropriately designed and suitable conditions have been imposed to ensure amenity in the surrounding area is protected. Therefore, the development is consistent with the Strategic Framework.</p>
	<p>Low-Medium Density Residential Zone Code</p>	<p><u>PO10</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 10.1(b) and Acceptable Outcome 10.3, as the new hotel room to be constructed in Stage 3 of the development will be built to the road frontage boundary of Denham Street and includes an exterior wall exceeding a length of 15 metres.</p> <p>The hotel room will be constructed by enclosing the outdoor dining area established in Stage 2 of the development and will only be seven (7) metres in width along the Denham Street road frontage. However, the proposed building setback is consistent with the existing Hotel building's setback to the road frontage boundaries of both Denham Street and West Street. Additionally, there is a landscaping area established approximately five (5) metres from the hotel room along the proposed carpark.</p> <p>The new hotel room represents a small extension and integrates with the built form of the existing Hotel. Furthermore, the landscaping areas provided on-site are anticipated to assist in softening the appearance of the development while positively contributing to the overall appearance of the Hotel along Denham Street.</p> <p><u>PO21</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 21.1, as it will operate between the hours of 10:00 to 00:00. However, it is noted that the operating hours for the Hotel extensions are consistent with the longstanding Hotel's existing operating hours.</p>

		<p>Furthermore, the applicant undertook a Noise Impact Assessment for Stage 2 of the development for the outdoor dining area with recommendations including roof treatment for acoustic absorption, noise limits on amplified music, as well as general administrative controls including accepting deliveries and using the waste bins only during daytime hours to minimise and reduce annoyance during the night-time. These same general administrative controls have also been imposed for Stage 3 of the development. Furthermore, suitable conditions have been imposed to ensure light, odour or dust does not become an environmental nuisance. Additionally, should a genuine complaint be received in relation noise, the owner will be required to undertake nuisance monitoring supported by a report with mitigation measures.</p> <p>Additionally, the development does not meet the recommendations of Acceptable Outcome 21.2, as a 1.8 metres high screen fence has not been provided along the side boundary adjacent to the Oxford Street access handle and Lot 14 on RP600325. The existing fence will be maintained along this boundary, which is a mixture of screened and transparent fencing. However, it is noted that use of this access is limited to only service and delivery vehicles, which will use this access during daytime hours only.</p> <p>Therefore, the development has demonstrated it will minimise adverse impacts on the amenity of adjoining land uses and the surrounding area.</p>
		<p><u>PO24</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 24.1, as landscaping has not been provided for 10 per cent of the total site area. However, the existing Hotel located at Lot 100 on SP300289 includes approximately 51.5 square metres of landscaping and the subject extensions to the Hotel development will include an additional 78 square metres of landscaping being a 'vertical garden' located with the proposed carpark for Stage 2 of the development along the common boundary shared with Lot 13 on RP600325. Furthermore, it is noted that additional landscaping within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, the landscaping areas provided are anticipated to provide an attractive environment and enhance the overall appearance of the development.</p>
	Landscape Code	<p><u>PO6</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 6.5, as a three-tier landscaping treatment has not been provided. However, this is not considered necessary for the subject development, which is only for an extension to the existing Hotel. Furthermore, the landscaping areas</p>

		<p>that have been provided for the development are anticipated to be of a suitable size to complement the subject development and will include the use of suitable, local plant species that have a low water dependency.</p>
		<p><u>PO11</u></p> <p>The development does not meet the recommendations of Acceptable Outcome 11.1 as no shade trees are being provided within the car parking area. It is noted that shade trees within the carpark area was not practical as it would affect the safety and efficiency of access, parking and manoeuvring within the carpark. However, landscaping areas have been provided along the carpark's common boundary with Lot 13 on RP600325 and adjacent to car parks numbered between 10 through to 18. Both areas will be established with vegetation which creates a 'vertical garden' appearance, with vegetation which is a minimum of 1.8 metres in height and this will include locally native plant species, which have a low water dependency. The landscaping areas provided for the development are anticipated to reduce the visual appearance of the development's car park and internal access areas.</p>
<p>Matters prescribed by regulation</p>	<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 an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions), made by Red Lion Property Holdings Pty Ltd, located at 138 and 142 Denham Street, Allenstown, described as Lot 100 on SP300289 and Lot 1 on RP602347 - Council resolves to Approve the application subject to the following conditions:

PART A – Applies to All Stages

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any Operational Works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the

relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

- 1.5 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

1.8 Deleted.

2.0 APPROVED PLANS AND DOCUMENTS

2.1 Deleted.

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

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Building Works.

3.0 STAGED DEVELOPMENT

3.1 This approval is for a development to be undertaken in three (3) stages, namely:

- 3.1.1 Cocktail room, hotel room, beer garden, storeroom, bar and grill and carpark (Stage One);
- 3.1.2 Outdoor dining area and carpark (Stage Two); and
- 3.1.3 Hotel room (Stage Three).

in accordance with the approved plans (refer to conditions 13.1, 23.1 and 31.1).

3.2 The stages are required to be undertaken in chronological order.

3.3 Unless otherwise expressly stated, the conditions must be read as being applicable only to the particular stages(s) being developed.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 A Development Permit for Plumbing and Drainage Works must be obtained for both Stages One and Two. This also applies to the removal and/or demolition of any existing dwelling structure on the development site.

4.2 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

4.3 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

4.4 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

- 4.5 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.
- 4.6 Sewer manholes and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 5.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 6.0 SITE WORKS
- 6.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.0 BUILDING WORKS
- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 7.2 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction.
- 7.3 Access to and use of the land the subject of this application must comply with the provisions of the Disability Discrimination Act 1992 and/or the Anti-Discrimination Act 1991. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.
- 8.0 LANDSCAPING WORKS
- 8.1 All landscaping must be established generally in accordance with the approved plans (refer to conditions 13.1, 23.1 and 31.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.
- 8.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 8.3 The landscaped areas must be subject to:
- 8.3.1 a watering and maintenance plan during the establishment moment; and
- 8.3.2 an ongoing maintenance and replanting programme.
- 9.0 ENVIRONMENTAL HEALTH
- 9.1 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"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 9.4 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*.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

11.0 OPERATING PROCEDURES

- 11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Denham Street, West Street or Oxford Street.
- 11.2 The hours of operations for the development site must be limited to 1000 hours to 0000 hours from Monday to Sunday including Public Holidays.
- 11.3 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to conditions 13.1, 23.1 and 33.1). The owner of the land must ensure that the area is kept:
- 11.3.1 in a clean and tidy condition;
 - 11.3.2 fences and screens are maintained;
 - 11.3.3 no waste material is stored external to the waste storage area/s;
 - 11.3.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
 - 11.3.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 5. Infrastructure Charges Notice

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

PART B: Stage One**12.0 ADMINISTRATION**

12.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

12.1.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Stormwater Works;
- (iii) Site Works;

12.1.2 Plumbing and Drainage Works; and

12.1.3 Building Works:

- (i) Demolition Works; and
- (ii) Building Works.

13.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Proposed Site Plan	Lotus	6 September 2018	Nil	F
Floor Plan & Elevations	Lotus	6 September 2018	Nil	F
Proposed Carpark and Swept Path Analysis	McMurtrie	18 July 2017	0071718-SK-0001	A
Noise Impact Assessment	Alpha Acoustics	25 September 2017	Nil	-

14.0 ACCESS AND PARKING WORKS

14.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the

- development site.
- 14.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines*, and *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 14.4 The existing access from Denham Street to the development must be upgraded to a commercial access standard to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 14.5 Service and delivery vehicles including for the purpose of refuse collection, are not permitted to enter the site.
- 14.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 14.7 All vehicles must ingress and egress the development in a forward gear.
- 14.8 The access driveway to the site's proposed carpark on Denham Street must be confined within the extent of the development site's boundaries.
- 14.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 14.10 A minimum of 11 parking spaces must be provided on-site.
- 14.11 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 14.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 13.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 14.13 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 14.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 14.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 15.0 SEWERAGE WORKS
- 15.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 15.2 The development must be connected to Council's reticulated sewerage network and the existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 15.3 Compliance with the Build Over Sewer Compliance Permit (Reference: 583-2017) is required, in particular:
- 15.3.1 The space around the subject access chamber must be constructed with all

new walls/gates with a minimum offset of 1.2 metres from the centre of the access chamber.

15.3.2 Suitable ventilation must be provided with a minimum opening of 2.1 metres from the breezeway to the carpark.

15.3.3 The subject access chamber must have a gas tight sealed lid to ensure gases are not released into the covered area.

Note: In the event of a sewer surcharge or the access chamber lid becoming unsealed, please contact Fitzroy River Water (FRW) immediately to rectify.

16.0 WATER WORKS

16.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.

16.2 The development must be connected to Council's reticulated water network and the existing water connection point(s) must be retained and upgraded, if necessary, to service the development.

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

17.0 STORMWATER WORKS

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

17.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 13.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).

17.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

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

17.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy. In particular please indicate the location of the detention tank as outlined in the Stormwater Management Plan.

18.0 Deleted.

18.1 Deleted.

19.0 SITE WORKS

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

19.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:

18.2.1 the location of cut and/or fill;

18.2.2 the type of fill to be used and the manner in which it is to be compacted;

- 19.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 18.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 18.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 19.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 19.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 19.5 Any retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 20.0 **BUILDING WORKS**
- 20.1 The proposed building must be designed to suit the Building Over/Adjacent to Local Government Sewerage Infrastructure Permit (Reference: 583-2017) conditions/plans.
- 20.2 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 13.1) and the *Environmental Protection Regulation 2019* and must be:
- 20.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 20.2.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 20.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor as Kerbside collection. No Waste Service Vehicles are permitted entry into the site.
- 20.2.4 setback a minimum of two (2) metres from any road frontage; and
- 20.2.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 21.0 **ENVIRONMENTAL HEALTH**
- 21.1 All recommendations included in the Noise Impact Assessment (refer to condition 13.1) are to be implemented prior to the commencement of use of Stage One and maintained thereafter.
- In lieu of glass louvres, a core filled block wall with a minimum depth of 110 millimetres may be constructed abutting the northern boundary, in accordance with the 'Floor Plan & Elevations' (refer to condition 13.1) such that the noise criteria stipulated in the 'Noise Impact Assessment' (refer to condition 13.1) at a minimum, is achieved.

Note: Any air-conditioning units proposed for the beer garden area (including the storeroom, bar and grill areas) must be located, installed and maintained at all times, so as not to cause a nuisance.

PART C: Stage Two

22.0 ADMINISTRATION

22.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

22.1.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Roof and Allotment Drainage;
- (iii) Landscaping Works;

22.1.2 Plumbing and Drainage Works; and

22.1.3 Building Works:

- (i) Demolition Works.

22.2 Lot 100 on SP300289 and Lot 1 on RP602347 must be amalgamated and registered as one lot prior to the commencement of the use for Stage Two.

22.3 The 'proposed carpark' must be completed prior to commencement of use of the 'proposed outdoor alfresco area' as shown on the Approved Plans (refer to condition 23.1). The existing carpark completed in Stage One of the development (refer to condition 13.1), must remain available until construction of the Stage Two carpark has been completed.

23.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	B
Elevations	Hartecs	Undated	1093-MCU4	A
Stormwater Management Plan	Hartecs	January 2021	1093-MCU2	B
Turn Templates	Hartecs	January 2021	1093-MCU3	B
Architects Details	Hartecs	Undated	1093-MCU4	B
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

24.0 ACCESS AND PARKING WORKS

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

24.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 23.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

24.3 All car parking and access areas must be paved or sealed to Council's satisfaction.

Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 24.4 The existing access from Denham Street, located between the new hotel room and proposed carpark, (refer to condition 23.1) must be secured with a gate and only used at times of kerbside refuse collection. Refuse collection vehicles are not permitted to enter from this point. Bollards or a similar deterrent (such as a fence or garden bed) must also be installed along the eastern edge of the carpark to prevent customer vehicle access into this existing driveway.
- 24.5 The Oxford Street access handle must be sealed and constructed in standard accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 24.6 The access from Denham Street to the proposed carpark as shown on the approved plans (refer to condition 23.1) must be constructed to a commercial standard in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 24.7 Service and delivery vehicles must only enter the site via the Oxford Street access handle between 0700 hours to 1600 hours on all days including Public Holidays. In accordance with the approved plans (refer to condition 23.1), the gate must be locked at all times outside of these hours.
- 24.8 All vehicles must ingress and egress the development in a forward gear.
- 24.9 A minimum of twenty (20) parking spaces must be provided on-site in total.
- Note: This will replace the 11 parking spaces provided on-site in Stage One of the development (refer to condition 14.10).
- 24.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 24.11 Parking spaces must be line-marked in accordance with the approved plans (refer to condition 23.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 24.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 24.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 24.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 24.15 Informative signage must be placed at the Oxford Street access to notify users that this access is a private access, which is only to be used by service and delivery vehicles. This access must not be used by patrons, staff or the like to access the proposed carpark as shown on the approved plans (refer to condition 23.1).
- 25.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 25.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 25.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 23.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

26.0 SITE WORKS

26.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

27.0 BUILDING WORKS

27.1 The existing building at Lot 1 on RP602347 must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

28.0 LANDSCAPING WORKS

28.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval. A Landscaping Plan must be submitted with any application for a Development Permit for Operational Works (landscaping works).

28.2 Landscaping within the 'vertical garden' area along the common boundary with Lot 13 on RP600325 and in the landscaping area adjacent to parking spaces numbered 10 through to 18 (refer to condition 23.1), must be established and maintained at a minimum height of 1.8 metres above ground level.

29.0 ENVIRONMENTAL

29.1 An Erosion Control and Stormwater Control Management Plan prepared in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

30.0 ENVIRONMENTAL HEALTH

30.1 All recommendations included in the Noise Impact Assessment (refer to condition 23.1) are to be implemented prior to the commencement of use of Stage Two and maintained thereafter for the outdoor dining area.

Note: Any air-conditioning units proposed for the outdoor dining area must be located, installed and maintained at all times, so as not to cause a nuisance.

31.0 OPERATING PROCEDURES

31.1 A 1.8 metres high screen, double lapped and capped fencing must be established and maintained along the rear common boundary with Lot 2 on RP602347 and along the side common boundary with Lot 13 on RP600325 in accordance with the approved plans (refer to condition 23.1).

31.2 The existing fencing along the common boundary between the Oxford Street access handle and Lot 14 on RP600325 must be maintained. Screen fencing with a minimum height of 1.8 metres must be established and maintained along the common boundary adjacent to the Oxford Street access handle and Lot 2 on RP602347.

PART D: Stage Three

32.0 ADMINISTRATION

32.1 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

32.1.1 Plumbing and Drainage Works; and

32.1.2 Building Works.

33.0 APPROVED PLANS AND DOCUMENTS

33.1 The approved development must be completed and maintained generally in

accordance with the approved plans and documents, except where amended by any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Layout Plan	Hartecs	January 2021	1093-MCU1	B
Site Plan and Elevations (Stage Two) – Proposed Hotel Room	Unnamed	Undated	1093-MCU4	C
Noise Impact Assessment	Alpha Acoustics	21 June 2021	Nil	1

34.0 ROOF AND ALLOTMENT DRAINAGE WORKS

34.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 33.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

35.0 ENVIRONMENTAL HEALTH

35.1 All 'noise limits' and 'general administrative controls' included in the recommendations of the Noise Impact Assessment (refer to condition 33.1) are to be implemented prior to the commencement of use of Stage Three and maintained thereafter for the proposed hotel room.

Note: Any air-conditioning units proposed for the hotel room must be located, installed and maintained at all times, so as not to cause a nuisance.

RECOMMENDATION C

THAT in relation to the application for an Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions), made by Red Lion Property Holdings Pty Ltd, located at 138 and 142 Denham Street, Allenstown, described as Lot 100 on SP300289 and Lot 1 on RP602347 - Council resolves to issue an Infrastructure Charges Notice for the amount of \$35,490.25.

INFRASTRUCTURE CHARGES

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

Column 1 Use Schedule	Column 1A Use (QPP)	Column 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Entertainment	All uses as per AICN 4/14 Table 2.2.1	Area 1	170	per m ² of GFA			\$69,020.00
					8.50	per m ² of impervious area	\$15,975.75
Total							\$84,995.75
Less credit							\$49,505.50

	TOTAL CHARGE	\$35,490.25
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This is based on the following calculations:

Stage One

Lot 1 on RP600326:

- (a) A charge of \$38,420.00 for Gross Floor Area being 226 square metres (hotel room, cocktail bar, service area, storeroom, bar and grill);
- (b) A charge of \$4,343.50 for Impervious Area being 511 square metres (roof and hardstand areas); and
- (c) An Infrastructure Credit of \$7,505.50, made up as follows:
 - (i) \$3,162.00 - Infrastructure Credit applicable for the existing storeroom structure (18.6 square metres); and
 - (ii) \$4,343.50 - Infrastructure Credit applicable for the existing impervious roof and hardstand areas (511 square metres).

Sub-Total: \$35,258.00

Lot 2 on RP600326:

- (d) A charge of \$3,370.25 for Impervious Area being 396.5 square metres (access and parking areas); and
- (e) An Infrastructure Credit of \$21,000.00, made up as follows:
 - (iii) \$21,000.00 - Infrastructure Credit applicable for the existing allotment.

Sub-Total: -\$17,629.75

TOTAL CHARGE (Stage 1) - \$17,628.25

Stage Two

Lot 1 on RP602347:

- (f) A charge of \$8,262.00 for Impervious Area being 972 square metres (access, parking and outdoor storage area); and
- (g) An Infrastructure Credit of \$21,000.00, made up as follows:
 - (iv) \$21,000.00 - Infrastructure Credit applicable for the existing allotment.

Sub-Total: -\$12,738.00

TOTAL CHARGE (Stage 2) - NIL

Stage Three

Lot 100 on SP300289 (formerly Lot 1 and Lot 2 on RP600326)

- (h) A charge of \$30,600.00 for Gross Floor Area being 180 square metres (hotel room)
- (i) An Infrastructure Credit of \$12,738.00, made up as follows:
 - (v) \$12,738.00 – Infrastructure Credit applicable for part of the existing allotment related to Stage Two (Lot 1 on RP602347).

TOTAL CHARGE (Stage 3) - \$17,862.00

Therefore, a total charge of \$35,490.25 is payable and will be reflected in an Amended Infrastructure Charges Notice for the development.

Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

10.13 MOTION TO BE PRESENTED TO THE 2021 LGAQ ANNUAL CONFERENCE

File No: 11092
Attachments: 1. RRC 2021 Annual Conference - Motion
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

SUMMARY

That a motion be presented to the LGAQ conference in Mackay to lobby State Government for continuation of the RRTAP funding.

COUNCIL RESOLUTION

THAT the following motion be presented to the 2021 Local Government Association of Queensland (LGAQ) conference:

The LGAQ calls on the Queensland Government to continue the funding of the Regional Recycling Transport Assistance Program beyond the 2020-21 year.

Moved by: Councillor Latcham

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

10.14 LETTER OF SUPPORT REQUEST - DARUMBAL ENTERPRISES TUMRA APPLICATION

File No: 8034
Attachments: Nil
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Matthew Mansfield - Coordinator Media and Communications

SUMMARY

Darumbal Enterprises has requested a Letter of Support from Rockhampton Regional Council to support their application for a Traditional Use of Marine Resources Area to the Great Barrier Reef Marine Park Authority.

COUNCIL RESOLUTION

THAT Council retrospectively approves the letter of support that was provided to Darumbal Enterprises for an application with the Great Barrier Reef Marine Park Authority for a Traditional Use of Marine Resources Agreement.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

10.15 FEES AND CHARGES 2021-2022 AMENDMENTS

File No: 7816
Attachments: 1. Summary of Proposed Changes 10 August 2021
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The intention of this report is to submit minor amendments to Council's Fees and Charges Schedule for the 2021-2022 financial year.

COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2021-2022 financial year.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - COUNCILLOR ELLEN SMITH - ROCKHAMPTON SHOW ADMISSION CHARGES REVIEW

File No: 14298

Attachments: 1. Notice of Motion Letter to Chief Executive Officer from Cr Ellen Smith

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

SUMMARY

Councillor Ellen Smith has indicated her intention to move the following Notice of Motion at the next Council Meeting scheduled for Tuesday 10 August 2021 as follows:

COUNCIL RESOLUTION

THAT the matter lay on the table subject to presentation of the follow-up report on Rockhampton Show costings at a future Council meeting.

Moved by: Councillor Smith

Seconded by: Mayor Williams

MOTION CARRIED

11.2 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - PROPOSED TRAVEL

File No: 10072
Attachments: Nil
Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Ross Cheesman - Acting 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 Tuesday 10 August 2021, as follows:

COUNCIL RESOLUTION

THAT Councillor Shane Latcham be approved to attend the Waste and Recycling Expo in Sydney from 24-25 August 2022. This event was cancelled in 2021 due to Covid-19 lockdown in Sydney.

Moved by: Councillor Latcham
Seconded by: Councillor Wickerson

MOTION CARRIED

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS QUESTIONS

13.1 ACTING MAYOR REMUNERATION

File No: 10072

Responsible Officer: Ross Cheesman – Deputy Chief Executive Officer

SUMMARY

Councillor Smith proposing a review of remuneration provided to the Deputy Mayor or another Councillor acting in the role of Mayor for an extended period of time, as experienced by Council recently following the Mayoral vacancy of approximately three months.

COUNCIL RESOLUTION

THAT Council provide a submission to the Remuneration Tribunal that the Deputy Mayor or another Councillor in an Acting Mayor capacity for a period of longer than one month receive remuneration equal to the salary of the Mayor (as set by the Local Government Remuneration Commission).

Moved by: Councillor Smith

Seconded by: Councillor Latcham

MOTION CARRIED

Councillor Mathers and Councillor Rutherford recorded their vote against the motion

14 CLOSED SESSION

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

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

15.2 TMR Early Acquisition of Council Land

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

Moved by: Councillor Wickerson

Seconded by: Councillor Kirkland

MOTION CARRIED

COUNCIL RESOLUTION

11:18AM

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Mayor Williams

Seconded by: Councillor Wickerson

MOTION CARRIED

COUNCIL RESOLUTION

11:26AM

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 AIRPORT COMMERCIAL MATTER

File No: 3524

Attachments: Nil

Authorising Officer: Ross Cheesman - Acting Chief Executive Officer

Author: Marcus Vycke - Manager Airport

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

SUMMARY

This report seeks Council approval to enter into specific Airport lease agreements pursuant to 236(1)(c)(vii) of the Local Government Regulation 2012.

This item was withdrawn from the agenda.

15.2 TMR EARLY ACQUISITION OF COUNCIL LAND**File No:** 13672**Attachments:**

1. Aerial map - Lot 2 on SP120228
2. Land required from Lot 2 on SP120228
3. Valuation report for part Lot 2 on SP12022
4. Aerial map - Lot 8 on SP275165
5. Aerial map - Lot 222 on LN2628
6. Land required from Lot 8 on SP275165 and part Lot 222 on LN2628
7. Valuation report for Lot 8 on SP275165 and part Lot 222 on LN2628

Authorising Officer: Drew Stevenson - Manager Community Assets and Facilities
Ross Cheesman - Deputy Chief Executive Officer**Author:** Michelle Mills - Acting Coordinator Property and Insurance
Kellie Roberts - Coordinator Property and Insurance

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

SUMMARY

Reporting on the early acquisition of Council land by the Department of Transport and Main Roads for the Rockhampton Ring Road Project.

COUNCIL RESOLUTION

THAT pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, the Chief Executive Officer (Coordinator Property and Insurance) be authorised to negotiate and enter into an early acquisition agreement with the Department of Transport and Main Roads for the disposal of Council land, being part of Lot 2 on SP120228, Lot 8 on SP275165, and part of Lot 222 on LN2628 being land required for the Rockhampton Ring Road Project, subject to the following conditions:

1. The sale price for each property will be the highest value as detailed in the report; and
2. All costs incurred will be paid by the Department of Transport and Main Roads, including but not limited to, stamp duty, survey costs, planning application costs (if applicable), legal costs (if applicable) and registration fees.

Moved by: Councillor Latcham**Seconded by:** Councillor Wickerson**MOTION CARRIED UNANIMOUSLY**

15.3 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW**File No:** 6947**Attachments:** Nil**Authorising Officer:** Tracy Sweeney - Executive Manager Workforce and Governance**Author:** Tracy Sweeney - Executive Manager Workforce and Governance

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

SUMMARY

This report is presented for Councillors to consider the Chief Executive Officer's performance against adopted key performance indicators for period ended 30 June 2021.

This item was withdrawn from the agenda.

16 CLOSURE OF MEETING

There being no further business the meeting closed at 11:27am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

10 AUGUST 2021

ANNEXURE A

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

Item 10.10 - Development Application for a Material Change of Use for a Residential Care Facility

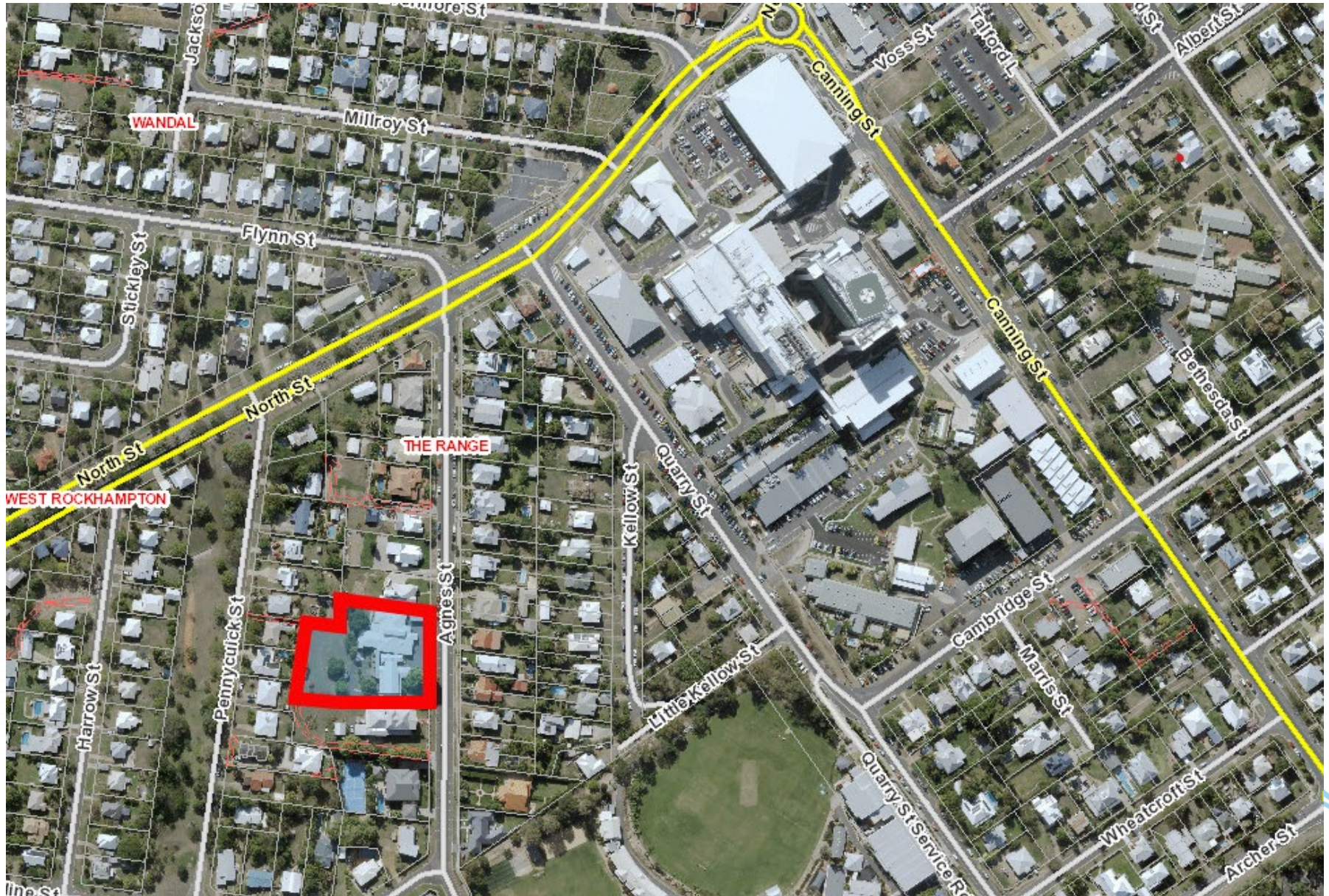
Development Application (D/31-2021) for a Material Change of Use for a Residential Care Facility

38 Agnes Street, The Range

Council meeting – 10 August 2021

Amanda O'Mara – Principal Planning Officer

Subject Site



Proposed development



Public notification



Assessment summary

- The proposed development is recommended for approval, subject to the conditions outlined in the report.

ANNEXURE B

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

Item 10.12 - D/125-2017 Other Change to a Development Permit for a Material Change of Use for Hotel (Extensions)

Other Change to Development Permit D/125-2017 for a Material Change of Use for a Hotel (extensions)

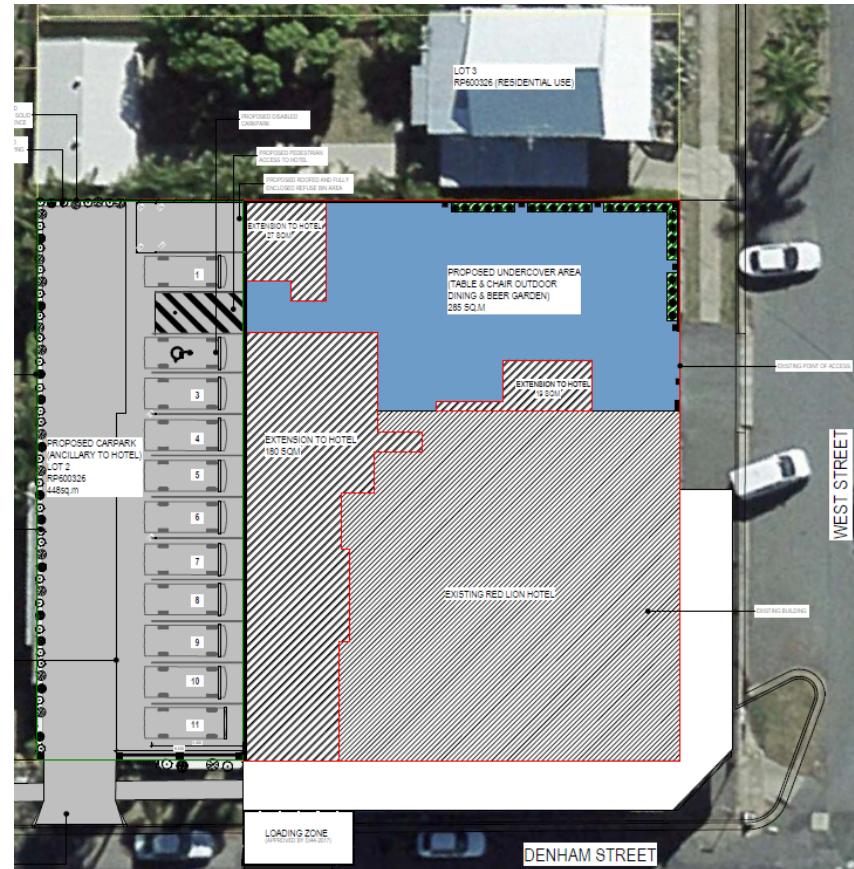
138 and 142 Denham Street, Allenstown

Ordinary Council Meeting – 10 August 2021

Background and Proposal

138 and 142 Denham Street, Allenstown

Existing Site (i.e. Stage 1)

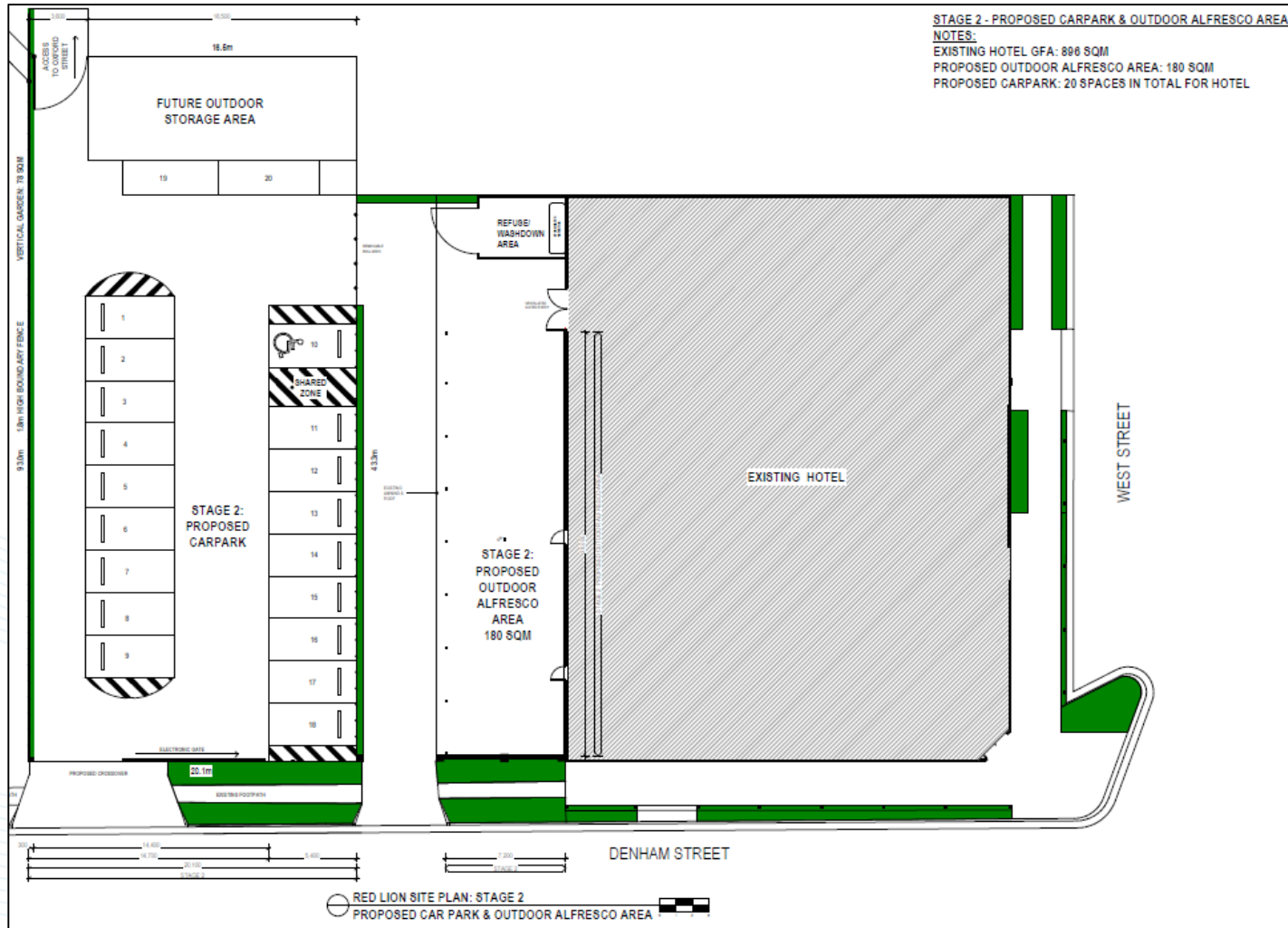


Locality of Proposed Site (i.e. Stages 2 and 3)



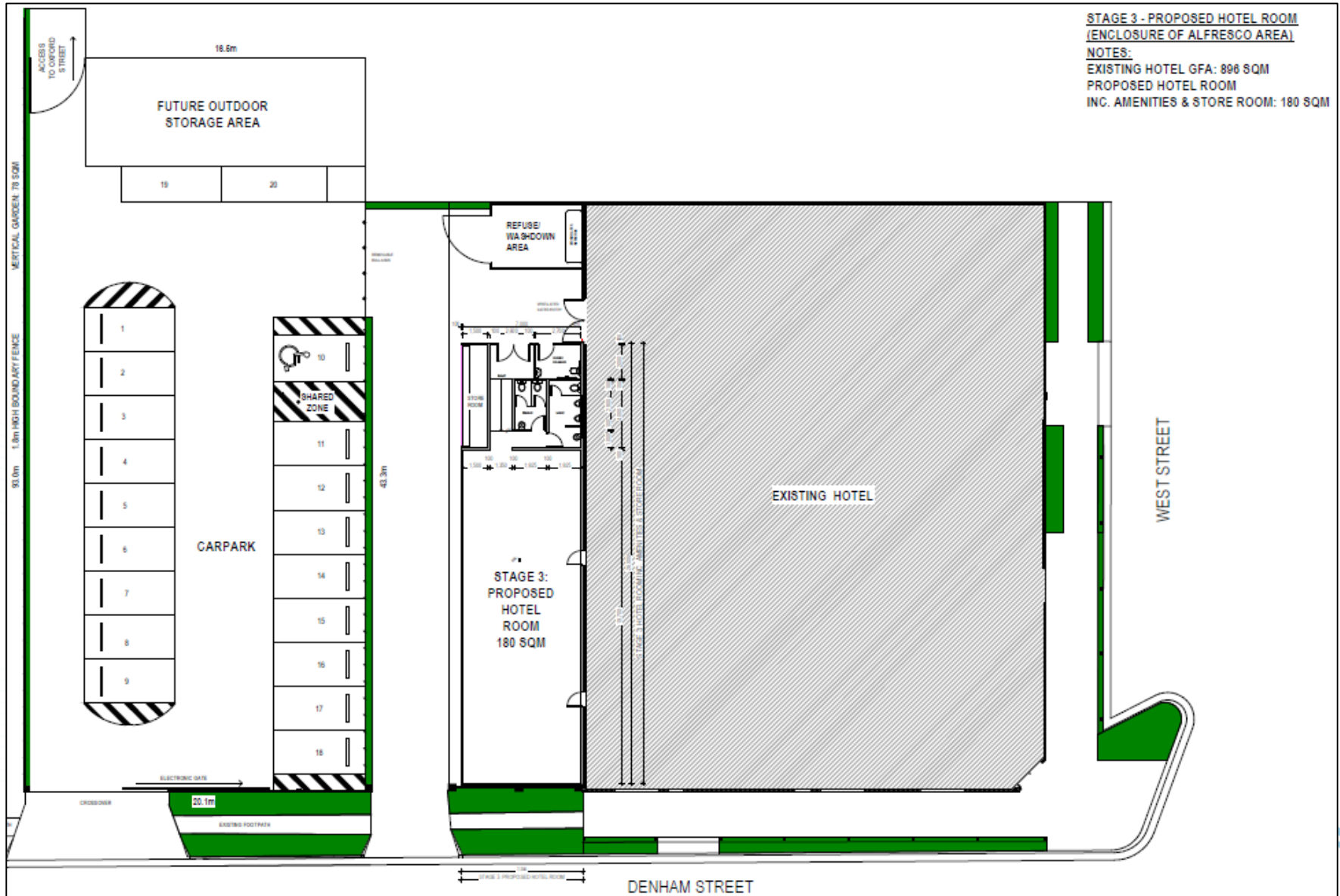
Proposed Development – Site Plan (Stage 2)

138 and 142 Denham Street, Allenstown



Proposed Development – Site Plan (Stage 3)

138 and 142 Denham Street, Allenstown



Grounds for Approval

138 and 142 Denham Street, Allenstown

- The development is expected to provide additional employment opportunities while enhancing the services offered to Hotel patrons;
- The development's design and construction features in conjunction with the implementation of a number of administrative controls are anticipated to mitigate potential adverse amenity impacts generated by the development;
- The proposed development will not compromise the strategic framework of the Rockhampton Region Planning Scheme 2015 (version 2.1); and
- No public submissions were received against the development.