



ORDINARY MEETING

MINUTES

14 SEPTEMBER 2021

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MEETING ATTACHMENTS

ANNEXURE A - Documents presented for reference to Item 10.3

ANNEXURE B - Documents presented for reference to Item 10.4

ANNEXURE C - Documents presented for reference to Item 10.5

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 14 SEPTEMBER 2021 COMMENCING AT 9:02AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening prayer delivered by Reverend Brett Wilson from Rockhampton 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
Ms A Cutler – General Manager Community Services
Mr G Bowden – Executive Manager Advance Rockhampton
Ms T Sweeney – Executive Manager Workforce and Governance
Ms M Taylor – Chief Financial Officer
Mr D Morrison – Project Manager Art Gallery – Operations
Ms C Bell – Coordinator Environmental Sustainability
Mr C Wyatt – Coordinator Strategy and Planning
Ms T Fitzgibbon – Acting Manager Planning and Regulatory Services
Ms K McDonald – Planning Officer
Ms L Leeder – Senior Committee Support Officer

Via Webex:

Mr P Kofod – General Manager Regional Services
Mr A Russell – Manager Strategy and Planning
Mr J Webb – Manager Communities and Culture
Mr M Mansfield – Coordinator Media and Communications
Mr M Paudyal – Senior Development Engineer

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 24 August 2021 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED

9:04AM Councillor Rutherford attended the meeting

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting of 3 September 2021 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Shane Latcham informed the meeting:

"I have a declarable conflict of interest in **Item 15.2 – Support for Beef Australia – Beef 2021 Event** as I received hospitality from Beef Australia between 2 to 8 May 2021 and value is greater than \$500.00. As a result of my conflict of interest, I will leave the meeting room while the matter is discussed and voted on."

6 BUSINESS OUTSTANDING

6.1 LIFTING MATTERS FROM THE TABLE

File No: 10097
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Ross Cheesman - Acting Chief Executive Officer

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 matters be lifted from the table and dealt with accordingly:

- Commercial Centres Study 2021
- Notice of Motion - Councillor Shane Latcham - Rockhampton Regional Council Floral Emblem

Moved by: Councillor Kirkland
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

9.1 COUNCILLOR DONNA KIRKLAND; COUNCILLOR DISCRETIONARY FUND - ROCKHAMPTON WILDLIFE RESCUE

File No: 8295
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Ross Cheesman - Acting Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Donna Kirkland is requesting approval to donate \$200.00 from her Councillor Discretionary Fund to Rockhampton Wildlife Rescue.

COUNCIL RESOLUTION

THAT approval be granted to donate \$200.00 from Division 7 Councillor Discretionary Fund to Rockhampton Wildlife Rescue to assist with ongoing costs to care for injured wildlife.

Moved by: Councillor Smith
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

9.2 LEAVE OF ABSENCE - COUNCILLOR DONNA KIRKLAND - 30 OCTOBER TO 13 NOVEMBER 2021

File No: 10072
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Donna Kirkland is seeking leave of absence from Saturday 30 October 2021 to Saturday 13 November 2021 inclusive.

COUNCIL RESOLUTION

THAT Councillor Donna Kirkland be granted leave of absence from Saturday 30 October 2021 to Saturday 13 November 2021 inclusive.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED

9.3 LEAVE OF ABSENCE - COUNCILLOR NEIL FISHER - 27 SEPTEMBER TO 22 OCTOBER 2021

File No: 10072
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Ross Cheesman - Acting Chief Executive Officer
Author: Nicole Semfel - Executive Support Officer

SUMMARY

Councillor Neil Fisher is requesting leave of absence from 27 September 2021 to 22 October 2021 inclusive.

COUNCIL RESOLUTION

THAT Councillor Neil Fisher be granted leave of absence from 27 September 2021 to 22 October 2021 inclusive.

Moved by: Councillor Kirkland
Seconded by: Councillor Mathers

MOTION CARRIED

10 OFFICERS' REPORTS

10.1 ROCKHAMPTON AGRICULTURAL SHOW

File No: 6097
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Greg Bowden - Executive Manager Advance Rockhampton

SUMMARY

Presenting the follow-up report on Rockhampton Show costings and benefit to the Rockhampton community economy.

The Rockhampton Agricultural Show is an annual event on the wider Agricultural Show Calendar falling in the second week of June each year.

The 2019 and 2021 Shows were managed by Council and delivered by the Advance Rockhampton Events team. Note the Show was cancelled in 2020 due to COVID 19.

COUNCIL RESOLUTION

THAT Council notes for information the report on Rockhampton Agricultural Show detailing the costs and economic benefits to the Rockhampton Region.

Moved by: Councillor Kirkland
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

10.2 ROCKHAMPTON MUSEUM OF ART PHILANTHROPY BOARD MEMBER RECOMMENDATION

File No: 7104
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Damon Morrison - Project Manager Art Gallery - Operations

SUMMARY

The Rockhampton Museum of Art Philanthropy Board has resolved to recommend the nomination and appointment of a Rockhampton Museum of Art Philanthropy Board Member for Council's consideration.

COUNCIL RESOLUTION

THAT Council endorses the appointment of Shelia Houston as a member of the Rockhampton Museum of Art Philanthropy Board in accordance with its Terms of Reference.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

10.3 D/72-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/72-2021
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
 Doug Scott - Manager Planning and Regulatory Services
 Alicia Cutler - General Manager Community Services
Author: Kathy McDonald - Planning Officer

SUMMARY

Development Application Number: D/72-2021
Applicant: L L Wood and S A Wood
Real Property Address: Lot 48 on RP603376
Common Property Address: 6 Totteridge Street, Lakes Creek (known as 9 Reynolds Street, Lakes Creek)
Area of Site: 3,389 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.1)
Planning Scheme Zone: Rural Residential Zone
Planning Scheme Overlays: Acid Sulfate Soils Overlay;
 Airport Environs Overlay;
 Special Management Area Overlay; and
 Steep Land Overlay.
Existing Development: Vacant Land
Approval Sought: Development Permit for a Material Change of Use for Dwelling House
Level of Assessment: Impact Assessable
Submissions: Nil
Referral Agency: Nil
Infrastructure Charges Area: Charge Area 3

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by L L Wood and S A Wood, located at 6 Totteridge Street, Lakes Creek (known as 9 Reynolds Street, Lakes Creek), described as Lot 48 on RP603376, 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 Dwelling House
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Reasons for Decision	<p>a) The development is not anticipated to be detrimental to the existing operation or any potential future expansion of High Impact Industry land uses located in the surrounding area which are recognised as key, regionally significant, economic assets;</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; • Rural Residential Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code; • Special Management Area Overlay Code; • Steep Land 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	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Special Management Area Overlay Code	<p>PO1</p> <p>The proposal does not comply with Acceptable Outcome 1.2 as it involves the establishment of a new Dwelling House.</p> <p>The establishment of new sensitive land uses such as a Dwelling House within the Special Management Area Overlay is not consistent with the purpose of the code.</p> <p>Despite this, the Strategic Framework is supportive of a Dwelling House being established within the Rural Residential designation. The development is not anticipated to be detrimental to the viability of the established High Impact Industry land uses operating in the surrounding area such as the Lakes Creek Meatworks and Boral Asphalt Plant, or to their future potential growth. Furthermore, the Dwelling House is located with a significant separation distance from these industrial uses which provides an effective</p>

		<p>natural buffer for residents to mitigate any potential air, light, noise or odour emissions that may be generated from these industrial uses.</p> <p>Therefore, the development is not anticipated to be detrimental to the continued protection of Lakes Creek Meatworks and Boral which are identified as key, regionally significant, economic assets.</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 Dwelling House, made by L L Wood and S A Wood, located at 6 Totteridge Street, Lakes Creek (known as 9 Reynolds Street, Lakes Creek), described as Lot 48 on RP603376, Council resolves to Approve the application subject to the following conditions:

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) Access Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be

approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Site Plan	GDA2020	6 June 2021	Lot 48 on RP603376	-
Location Plan and Elevation	Tapsell Consulting Engineers Pty Ltd	7 Dec 2020	0920-202 Sheet 2 of 4	A

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

3.0 ACCESS WORKS

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

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

- 3.2 A new access to the development must be provided within the Totteridge Street road reserve.
- 3.3 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the proposed development.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated water supply network via a 'Special Water Supply Arrangement'.
- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

Note: The on-site sewerage treatment and disposal area must not be located within the existing Fitzroy River Flood inundation area, existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater*

Code.

4.5 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 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*.

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

6.2 Any 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 for the proposed development.

7.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

8.0 ELECTRICITY

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

9.0 TELECOMMUNICATIONS

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

10.0 ASSET MANAGEMENT

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

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

11.0 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. No storage of materials or parking of construction machinery or contractors' vehicles will not be permitted in Totteridge Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable

measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Works in Road Reserve Permit

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

NOTE 5. Noise and Odour

The lot the subject of this development approval is located within a Special Management Area. This area is expressly identified as being impacted by lawful non-residential uses. In commencing a residential use within the area, the owner(s) acknowledge and accept that the use will be potentially impacted by emissions from the lawful non-residential uses.

It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour and noise impacts from the surrounding lawful non-residential uses. These measures must be undertaken at the expense of the property owner(s).

NOTE 6. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by L L Wood and S A Wood, located at 6 Totteridge Street, Lakes Creek (known as 9 Reynolds Street, Lakes Creek), described as Lot 48 on RP603376, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.4 D/21-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND OPERATIONAL WORKS FOR ADVERTISING DEVICES (ONE (1) FREESTANDING SIGN, SIX (6) CANOPY SIGNS AND TWO (2) AWNING FASCIA SIGNS)

File No: D/21-2021
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Amanda O'Mara - Principal Planning Officer

SUMMARY

Development Application Number: D/21-2021
Applicant: Westwood Ventures Pty Ltd
Real Property Address: Lot 1 and 2 on RP605296, Lot 88, 87, 89 on W4612
Common Property Address: Lot 1 Coverley Street, Westwood
Area of Site: 3.0215 hectares
Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.1)
Planning Scheme Zone: Township Zone
Planning Scheme Overlays: Biodiversity Areas Overlay (Waterway and MSES)
Bushfire Hazard Overlay (Buffer)
Flood Hazard Overlay (Floodplain Investigation Area)
Existing Development: Hotel
Approval Sought: Development Permit for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia sign)
Level of Assessment: Impact Assessable
Submissions: One (1) submission
Referral Agency: Department of State Development, Infrastructure, Local Government and Planning
Infrastructure Charges Area: Charge Area 3

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia sign), made by Westwood Ventures Pty Ltd, located at Lot 1 Coverley Street, Westwood, described as Lot 1 and 2 on RP605296, Lot 88, 87, 89 on W4612, 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 Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia sign)	
Reasons for Decision	<p>a) The proposal will improve the community's access to convenience goods, which will be provided at the Service Station retail outlet but will not be of scale that undermines the primacy and need for larger centres for higher order uses;</p> <p>b) The development is located within a Township place, as designated by the Planning Scheme strategic framework mapping, which anticipate Service Station uses being established;</p> <p>c) 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>d) 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; • Township Zone Code; • Advertising Device Code; • Flood Hazard Overlay Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; • Access, Parking And Transport 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 exception(s) listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Township Zone Code	<p>PO13</p> <p>The Service Station will operate 24 hours a day, seven (7) days a week, therefore will not comply with AO13.1 which requires non residential uses to operate between the hours of 0700 to 2200. However the proposal will be adequately separated from adjoining residences to mitigate potential noise and light impacts. Furthermore, the context of the site on the Capricorn Highway means that the development will not</p>

		introduce additional traffic into the locality. Therefore, the proposed operating hours will have minimum additional impacts on the amenity of the surrounding area.
	Advertising Device Code	PO2 The proposed Advertising Devices will not meet AO2.1, which states digital displays are not supported in the Township Zone. The proposed Advertising Devices are internally illuminated to ensure fuel prices and branding is visible at night. It is not expected that the lighting emissions would adversely impact on nearby amenity by causing a visual nuisance, given the distance from the development to nearby sensitive receptors and in the context of the Capricorn Highway bisecting the township.
Matters raised in submissions	Issue	How matter was dealt with
	Concerns were raised that on site water and sewerage services will not be adequate to service the development.	The onsite water source has been determined to be sufficient to service the development. Registered bores RN 88485 and RN 88484 on Lot 89 W4612 currently supply water for the existing Hotel on the site. RN 88485 can provide a water flow rate of two (2) litres per second or 178,800 litres per day. The proposed development is expected to use 3,660 litres per day for sewerage servicing and 2,000 litres per day for dust suppression and irrigation, therefore the existing bores are sufficient to service the additional water for the proposed development and the existing Hotel. A new on site sewerage system is proposed for the development which will adequately service the proposal.
	Current car parking and verandah for the Hotel is located in the road reserve.	The car parking and verandah is existing and in relation to the Hotel, therefore is not contemplated under this application.
	The turn warrants and turning lanes are incorrect / insufficient.	This component was assessed by Department of Transport and Main Roads. They determined the traffic measures proposed as being sufficient to service the development, therefore approved the proposal subject to conditions.
	Concerns regarding flooding impacts to the development.	The southern portion of the development site is bounded by a waterway corridor for Westwood Creek and the site is partially affected by the Flood Hazard Overlay along this southern extent. Part of the proposed vehicle maneuvering area that provides egress to the Capricorn Highway is in this location. As indicated on the Westwood Flood Investigation, Flood Hazard Map, found on the Department of Natural Resources and Mines website, the location

		of the retail outlet and bowzers are well clear of the one per cent (1%) annual exceedance probability flood event and the egress appears to be generally clear showing the possibility of only a small portion being affected by a low flood hazard.
	<p>Concerns raised regarding the following:</p> <ul style="list-style-type: none"> • Increase in robberies; • Petrol sniffing; • No water permit for the Service Station; and <p>Incompatible use to coexist with a hotel (increase risk of drink driving).</p>	These concerns are not matters that are considered in the <i>Rockhampton Region Planning Scheme 2015</i> .
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 Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia sign), made by Westwood Ventures Pty Ltd, located at Lot 1 Coverley Street, Westwood - described as Lot 1 and 2 on RP605296, Lot 88, 87, 89 on W4612, Council resolves to Approve the application subject to the following conditions:

PART 1 – MATERIAL CHANGE OF USE FOR A SERVICE STATION

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) Access and Parking Works;
 - (ii) Roof and Allotment Drainage;
 - (iii) Landscaping; and
 - (iv) Site 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.
- 1.9 Lot 1 on RP605296, Lot 2 on RP605296, Lot 88 on W4612, Lot 87 on W4612 and Lot 89 on W4612 must be amalgamated and registered as one lot prior to the commencement of the use.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Proposed Site Plan (as amended by Council)	MCHP Architects	12 August 2021	20-041 DA01	D
Proposed Floor Plan	MCHP Architects	12 August 2021	20-062 DA02	C
Building Elevations	MCHP Architects	12 August 2021	20-062 DA03	C
Car Canopy Plan and Elevations	MCHP Architects	12 August 2021	20-062 DA04	C
Truck Canopy Plan and Elevations	MCHP Architects	12 August 2021	20-062 DA05	C
Site Plan – Staging Plan	MCHP Architects	12 August 2021	20-041 DA06	D

Traffic Impact Assessment Report	McMurtrie Consulting Engineers	25 May 2021	0672021	C
Stormwater Management Plan	McMurtrie Consulting Engineers	19 May 2021	067-20-21	A

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

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

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, in accordance with the approved Site Plan – Staging Plan – 20-041 DA06 Revision D (refer to condition 2.1).

Stage One must be completed prior to Stage Two.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

3.3 The currency period for Stage one is six (6) years from the date this approval takes effect.

3.4 The currency period for Stage two is ten (10) years from the date this approval takes effect.

4.0 ACCESS AND PARKING WORKS

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

4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All access, parking and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction and in accordance with the approved site plan (refer to condition 2.1). Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

4.4 The existing southern access from the Capricorn Highway to the development on Lot 2 on RP605296 must be permanently closed.

4.5 The existing northern access from the Capricorn Highway to the development on Lot 1 on RP605296 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*. The access must cater for all vehicles up to a Type 1 Road Train and be for ingress only.

4.6 The existing southern access from the Capricorn Highway to the development on Lot 87 and 89 W4612 must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*. The access must cater for all vehicles up to a Type 1 Road Train and be for egress only (left-out only).

4.7 A new access from the Capricorn Highway to the development must be provided at the southern end of Lot 1 on RP605296. The access must cater for all vehicles up to a 8.8 metre service vehicle and be for egress only (right and left out).

- 4.8 All vehicular access to and from the development must be via the Capricorn Highway only.
- 4.9 All vehicles must ingress and egress the development in a forward gear.
- 4.10 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.11 A minimum of five (5) car parking spaces, six (6) heavy vehicle parking spaces and a loading bay must be provided on-site.
- 4.12 Provision of parking on the Capricorn Highway must be provided in accordance with the approved site plan (refer to condition 2.1).
- 4.13 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"*.
- 4.14 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).
- 4.15 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"*.
- 4.16 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.17 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 5.2 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.
- 5.3 Adequate on-site water supply for domestic and fire-fighting purposes must be provided to the development, and may include the provision of a bore, dams, water storage tanks or a combination of each. This must be certified by a hydraulic engineer or other suitably qualified person.
- 5.4 Alteration, or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 5.5 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

Note: On-site sewerage treatment works that have a total daily peak design capacity of at least 21 equivalent persons (EP) is considered as an Environmentally Relevant Activity in accordance with *Environmental Protection Act 1994*. Appropriate license will be required to operate the ERA.

- 5.6 The on-site sewerage treatment and disposal area must not be located within the existing water course and bores or conflict with the separation distance as detailed with

the *Queensland Plumbing and Wastewater Code*.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 6.3 All roof and allotment runoff from the development must be discharged such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 Any application for a Development Permit for Operational Works (roof and allotment drainage 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.

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 7.2.5 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.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.4 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.

8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures on the development site.
- 8.2 A Development Permit for Building Works must be obtained for the proposed structures on the development site.
- 8.3 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

- 8.4 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 8.5 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.
- 8.6 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 8.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.6.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 8.6.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 8.6.4 setback a minimum of two (2) metres from any road frontage; and
 - 8.6.5 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 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.
- 8.7 A minimum 1.8 metre high screen fence must be erected along the common boundary of the subject site and the northern adjoining residential property to the extent as shown on the Proposed Site Plan (refer to condition 2.1). This fence must be built as part of Stage one.
- 9.0 LANDSCAPING WORKS
- 9.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 9.2 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 9.3 A minimum of one (1) metre in width of planting area must be established along the common boundary of the subject site and the northern adjoining residential property to the extent as shown on the Proposed Site Plan (refer to condition 2.1).
- 9.4 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*.
- 9.5 A minimum of one (1) metre in width of planting area must be established along the common boundary of the subject site and the northern adjoining residential property.
- 9.6 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.
- 9.7 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy*.

10.0 ELECTRICITY

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

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.

12.0 ENVIRONMENTAL

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

13.0 ENVIRONMENTAL HEALTH

- 13.1 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"*.
- 13.2 Operations on the site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, odour, noise or dust.
- 13.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 13.4 An incidents register must be kept at the premises and it must record any incidents including but not limited to:
- 13.4.1 any fire at the premises; and
 - 13.4.2 any release of contaminants not in accordance with the development approval conditions.
- 13.5 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 13.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.

- 13.7 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 13.8 Soil/silt must be prevented from being moved off the site by stormwater by such practicable means as may be necessary.
- 13.9 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.
- 13.10 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 13.11 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 13.11.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 13.11.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 13.11.3 waste bags and ties.
- 13.12 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.0 CHEMICAL STORAGE
- 14.1 Adequate procedures and measures (including an inventory control system) must be in place to monitor the storage volumes within chemical tanks to prevent overflow and to detect leaks and for the inspection and maintenance of environmental control measures, for example, bunding, wastewater containment devices, interceptors and acoustic enclosures.
- 14.2 All fuel dispensing areas must be drained to a holding tank. Contaminants within the holding tank must be removed and disposed of as regulated waste (for example, fuel, oil). Clean water can then be deposited to the stormwater system.
- 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 the Capricorn Highway or Coverley Street.
- 15.2 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:
- 15.2.1 the area is kept in a clean and tidy condition;
 - 15.2.2 fences and screens are maintained;
 - 15.2.3 no waste material is stored external to the waste storage area/s;
 - 15.2.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
 - 15.2.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

PART 2 – OPERATIONAL WORKS FOR ADVERTISING DEVICES**16.0 ADMINISTRATION**

16.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

16.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

16.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

16.4 The following further development permits are required prior to the commencement of any works on the site:

16.4.1 Building Works.

16.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

17.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Proposed Site Plan (as amended by Council)	MCHP Architects	12 August 2021	20-041 DA01	D
Proposed Floor Plan	MCHP Architects	12 August 2021	20-062 DA02	C
Building Elevations	MCHP Architects	12 August 2021	20-062 DA03	C
Car Canopy Plan and Elevations	MCHP Architects	12 August 2021	20-062 DA04	C
Truck Canopy Plan and Elevations	MCHP Architects	12 August 2021	20-062 DA05	C
Site Plan – Staging Plan	MCHP Architects	12 August 2021	20-041 DA06	D

17.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

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

17.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

18.0 OPERATING PROCEDURE

- 18.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.
- 18.2 All text and images displayed on the approved advertising device:
- 18.2.1 must be static;
- 18.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
- 18.2.3 must not involve moving parts or flashing lights.
- 18.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and 'Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers'.

19.0 LUMINANCE

- 19.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 2 below.

Table 2: Luminance levels for Advertising Devices

(Source: Outdoor Media Authority Digital Guideline)

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m ²	6000-7000 cd/m ²	6000-7000 cd/m ²
Morning/Evening/Twilight/incomplete weather	1000 cd/m ²	700 cd/m ²	600 cd/m ²
Night Time	500 cd/m ²	350 cd/m ²	300 cd/m ²

Note:

Zone 1 very high ambient off street lighting i.e central city locations

Zone 2 high to medium off street ambient lighting

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

20.0 ASSET MANAGEMENT

- 20.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:
- 20.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
- 20.1.2 as soon as reasonably possible as agreed with Council.

21.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 21.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 21.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2019* must be observed at all times.
- 21.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 21.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 21.5 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 21.6 All electrical services and systems must comply with Australian and New Zealand Standard AS/NZS 3000:2007 – "Electrical Installations".
- 21.7 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, and be maintained in a safe, clean, condition that does not adversely impact the visual amenity of the site.

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 Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia sign), made by Westwood Ventures Pty Ltd, located at Lot 1 Coverley Street, Westwood - described as Lot 1 and 2 on RP605296, Lot 88, 87, 89 on W4612, Council resolves to issue an Infrastructure Charges Notice for the amount of \$5,400.00.

Moved by: Councillor Rutherford

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

10.5 D/66-2019 - REQUEST FOR A MINOR CHANGE TO PRELIMINARY APPROVAL D/66-2019 FOR A MATERIAL CHANGE OF USE FOR A VARIATION REQUEST - ROCKHAMPTON RAILYARDS LOCAL PLAN

File No: D/66-2019

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

Author: Amanda O'Mara - Principal Planning Officer

SUMMARY

Development Application Number: D/66-2019

Applicant: Aurizon Operations Limited

Real Property Address: Lots 1, 2 and 3 on SP318446 (Previously known as Lot 32 and 33 on SP131823 and Lot 38 on SP131824)

Common Property Address: 338-380 and 338-380A Bolsover Street, Depot Hill

Area of Site: 31.087 hectares square metres or hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 1.1)

Planning Scheme Zone: Special Purpose Zone, Depot Hill Rail Precinct

Planning Scheme Overlays: Acid Sulfate Soils Overlay;
Flood Hazard Overlay; and
Heritage Place Overlay.

Approval Sought: Amended Decision Notice for Preliminary Approval D/66-2019 for a Material Change of Use for a Variation Request – Rockhampton Railyards Local Plan

Referral Agency(s): Queensland Treasury (State Assessment and Referral Agency Department)

Infrastructure Charges Area: Charge Area 1

COUNCIL RESOLUTION

THAT in relation to the application for a Preliminary Approval for a Material Change of Use for a Variation Request – Rockhampton Railyards Local Plan, made by Aurizon Operations Limited, located at 338-380 and 338-380A Bolsover Street, Depot Hill - described as Lots 1, 2 and 3 on SP318446 (Previously known as Lot 32 and 33 on SP131823 and Lot 38 on SP131824), Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for a Preliminary Approval for a Material Change of Use for a Variation Request – Rockhampton Railyards Local Plan
Reasons for Decision	a) The proposal will provide for a mix of uses which will make a valuable addition to the employment and community fabric of the

	<p>region.</p> <p>b) The heritage listed buildings will be retained on site and will not be adversely impacted by the proposal, with appropriate and consistent land uses being proposed.</p> <p>c) Assessment of the development against the Strategic Framework and 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>d) 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; • Special Purpose Zone Code; • Reconfiguring a Lot Code; • Advertising Devices Code; • Flood Hazard Overlay Code; • Acid Sulfate Soil Overlay Code; • Heritage Place Overlay Code; • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; • Work Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	<p>Special Purpose Zone Code – Depot Hill Rail Precinct</p>	<p>6.7.6.2 (3) (c)</p> <p>The purpose of the Depot Hill Rail Precinct does not support Medium Impact Industry uses.</p> <p>The proposed Rockhampton Railyards Local Plan Code identifies Medium Impact Industry uses as consistent. However, the Code has Performance Outcomes / Acceptable Outcomes in place to ensure there will be minimal impact on the surrounding area. In addition, the site has historically been utilised for a range of industrial uses ancillary to the railway operations, which were similar in nature to Medium Impact Industry uses.</p>

Matters raised in submissions	Issue	How matter was dealt with
	Concerned the introduction of sensitive land uses on the site will not give rise to reverse amenity issues or lead to restrictions on Linfox's current operation or impede growth or intensification of their operations into the future.	The applicant has provided an updated Rockhampton Railyards Local Plan Code which includes additional Performance Outcomes to ensure sensitive land uses do not compromise the productivity of the surrounding industrial uses and that internal rooms and spaces are designed, located and constructed to minimise noise intrusion from external sources. Furthermore, outdoor activity areas are required to be screened from adjoining properties and the street. The inclusion of these provisions will ensure the impacts of air and noise emissions from surrounding industrial uses do not give rise to reverse amenity issues.
	Concerned the ability for trucks to access the intermodal terminal will be diminished by incompatible uses, as Bolsover Street is a vital arterial road that is relied upon by the intermodal operation.	The proposed Rockhampton Railyards Local Plan Code requires roads and other infrastructure to have a sufficient capacity to accommodate demands generated by the development. Any development triggering a development application under the Rockhampton Railyards Local Plan Code will also be required to meet the requirements of the Access, Parking and Transport Code in the <i>Rockhampton Region Planning Scheme 2015</i> . Therefore, the proposal should not impact on the ability for trucks to access the adjoining property.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i>; and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

That to reflect the above changes, Aurizon Operations Limited, be issued with an Amended Decision Notice:

1.0 ADMINISTRATION

- 1.1 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.
- 1.2 Unless otherwise agreed, all conditions, works, or requirements of this approval must be undertaken and completed to Council's satisfaction, at no cost to Council.
- 1.3 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.
- 1.4 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.5 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be

approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Rev
Rockhampton Railyards Local Plan Code	Aurizon	22 June 2021	-	9
Engineering Advice for MCU Preliminary Approval	McMurtrie Consulting Engineers	15 May 2020	0911819	-
Rockhampton Railyards Illustrative Masterplan	Place design group	18 June 2019	3019023S	A
Figure 6 – Masterplan	Place Design Group	-	-	-
Rockhampton Workshops and Roundhouse Conservation Management Plan	Thom Blake & Peter Marquis-Kyle	July 2019	-	2.3

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

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

3.0 REQUIRED DEVELOPMENT PERMIT(S)

3.1 Other development permits which are necessary to allow the development to be undertaken are listed below and these conditions do not affect the need to obtain such permits, namely:

3.1.1 Development permit(s) for Material Change of Use (where required);

3.1.2 Development permit(s) for carrying out Operational Work (where required);

3.1.3 Development permit(s) for all necessary Plumbing and Drainage Works; and

3.1.4 Development permit(s) for carrying out Building Work.

4.0 PLANNING FRAMEWORK

4.1 The Rockhampton Railyards Local Plan Code is an independent document which is the reference for the determination of any development over the subject land. (refer to condition 2.1).

4.2 All development *must* be in accordance with the Rockhampton Railyards Local Plan Code (refer to condition 2.1).

4.3 All Other Development Codes and Overlay Codes referenced in the Rockhampton Railyards Local Plan Code Table of Assessment are contained in the *Rockhampton Region Planning Scheme 2015*. These Codes will apply and must be addressed when undertaking an assessment against the Rockhampton Railyards Local Plan Code

(refer to condition 2.1). If an amendment has been made to the *Rockhampton Region Planning Scheme 2015* then the updated version must take precedence.

- 4.4 All Impact Assessable development applications identified in the Rockhampton Railyards Local Plan Code (refer to condition 2.1) must address and be in accordance with the Strategic Framework in the *Rockhampton Region Planning Scheme 2015*. If an amendment has been made to the *Rockhampton Region Planning Scheme 2015* then the updated version must take precedence.

5.0 INFRASTRUCTURE

Preamble – In order for development to proceed, infrastructure must be available (or be capable of being made available) to service the development proposed on the Subject Land.

- 5.1 Infrastructure must be provided by the Developer in a coordinated and a planned manner having regard to the staging of the development in a logical and orderly sequence.

6.0 ROAD WORKS

- 6.1 All road and transport Infrastructure must be provided in accordance with the Rockhampton Railyards Local Plan Code and the *Capricorn Municipal Development Guidelines* or Council approved alternative. Where the Rockhampton Railyards Local Plan Code and the *Capricorn Municipal Development Guidelines* conflict, the *Capricorn Municipal Development Guidelines* prevail.

- 6.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015* / Rockhampton Railyards Local Plan Code or Operational Works (Road Works) must be accompanied by a Traffic Impact Assessment Report prepared and certified by a Registered Professional Engineer of Queensland (as approved by Council), which addresses, but is not necessarily limited to the following:

6.2.1 Existing traffic volumes on the adjacent roads and intersections expected to absorb development generated traffic;

6.2.2 Predicted future traffic volumes on the surrounding roads and intersections expected to absorb development generated traffic for a 10 year planning horizon starting from the year after the last stage of the development is expected to be completed;

6.2.3 The total traffic expected to be generated by the proposed development in AM. and PM. peak hours and total daily traffic;

6.2.4 The distribution of the development generated traffic to the local road network; and

6.2.5 An assessment of the impacts of the development generated traffic on the adjacent roads and intersections expected to absorb development generated traffic and recommendations regarding managing these impacts. In this regard, Council expects traffic modelling to be carried out using Sidra or alternatively approved traffic modelling software that addresses issues such as expected delays, queue lengths, Degree of Saturation, Level of Service and safety.

7.0 ACCESS AND PARKING WORKS

- 7.1 All Access and Parking must be provided in accordance with the *Rockhampton Region Planning Scheme 2015*, Rockhampton Railyards Local Plan Code, the *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking facilities"*. Where the Rockhampton Railyards Local Plan Code and the *Rockhampton Region Planning Scheme 2015* / *Capricorn Municipal Development Guidelines* conflict, the *Capricorn Municipal Development Guidelines* prevail.

- 7.2 All internal access, parking and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction.
- 7.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 7.4 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"*.
- 7.5 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 7.6 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 7.7 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 7.8 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 7.9 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 7.10 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 8.0 SEWERAGE
- 8.1 All Sewerage Infrastructure must be provided in accordance with Rockhampton Railyards Local Plan Code, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 8.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* or Operational Works (Sewerage Works) must be accompanied by a Sewerage Network Analysis Report. The size and layout of the proposed reticulation mains must be in accordance with the Sewerage Network Analysis Report (as approved by Council).
- 8.3 The development (all uses) must be connected to Council's reticulated sewerage network.
- 8.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 8.5 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 9.0 WATER WORKS
- 9.1 All Water Supply Network Infrastructure must be provided in accordance with Rockhampton Railyards Local Plan Code, *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.
- 9.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* or Operational Works (Water Works) must be

accompanied by a Water Supply Network Analysis Report. The size and layout of the proposed reticulation mains must be in accordance with the Water Supply Network Analysis Report (as approved by Council).

- 9.3 The development (all uses) must be connected to Council's reticulated water supply network.
- 9.4 The existing water supply connection point(s) must be retained and upgraded, if necessary, to service the development.
- 9.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 9.6 Easements must be provided over all water infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

10.0 PLUMBING AND DRAINAGE WORKS

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.

11.0 STORMWATER WORKS

- 11.1 All stormwater drainage works must be designed and constructed in accordance with the Rockhampton Railyards Local Plan Code, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *State Planning Policy 2017* and sound engineering practice.
- 11.2 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* or Operational Works (Stormwater Works) must be accompanied by Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland (as approved by Council) that as a minimum includes:
- 11.2.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
- 11.2.2 an assessment of the peak discharges for all rainfall events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the pre-development and post-development scenarios;
- 11.2.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;

- 11.2.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 11.2.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 11.2.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
 - 11.2.7 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*;
 - 11.2.8 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*;
 - 11.2.9 details of all calculations, assumptions and data files (where applicable);
 - 11.2.10 it incorporates details of ongoing maintenance and management actions required with regard to any proposed bio-retention systems, sediment traps and other elements of the approved stormwater strategy; and
 - 11.2.11 it includes sufficient documentary evidence to demonstrate that the maintenance of the bio-retention systems, sediment traps and other element of the approved stormwater strategy must be the responsibility of the property owner / body corporate at no cost to Councils.
- 11.3 All Roof and Allotment or Inter-allotment Drainage Works must be designed and constructed in accordance with the Rockhampton Railyards Local Plan Code, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *State Planning Policy 2017* and sound engineering practice.
 - 11.4 All Roof and Allotment or Inter-allotment Drainage 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 or worsening to surrounding land or infrastructure.
 - 11.5 All the non-council structures (railway structures including fence) must be completely removed from the drainage area (main drain area).
- 12.0 SITE WORKS
 - 12.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
 - 12.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
 - 12.3 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).

13.0 BUILDING WORKS

- 13.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 13.2 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4* for building over or near relevant infrastructure.
- 13.3 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme 2015 / Rockhampton Railyards Local Plan Code* must be accompanied by waste management report (general, recyclable and toxic waste) including but not limited to amount of waste generated from the development, bin types, number of bins, detail drawing of bin collection location, collection method, bin wash-down area etc.

14.0 STREET LIGHTING

- 14.1 The developer/contractor is responsible for all costs associated with the supply and installation of any road lighting or public space lighting in accordance with *Australian Standard AS1158 'Lighting for roads and public spaces'*.
- 14.2 A suitably qualified Electrical Engineering Consultant shall liaise with Council for the approval of street lighting design. The Consultant must appear on Ergon Energy's list of Public Lighting Designers and be a Registered Professional Engineer of Queensland.

15.0 ASSET MANAGEMENT

- 15.1 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.
- 15.2 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.
- 15.3 '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)*.

16.0 ENVIRONMENTAL

- 16.1 Any application for a Development Permit for Material Change of Use or Building Works against *Rockhampton Region Planning Scheme / Rockhampton Railyards Local Plan Code* must be accompanied the Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 16.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 16.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

17.0 OPERATING PROCEDURES

- 17.1 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 Stanley Street, Denison Street, South Street, Bolsover Street, Francis Street, Arthur Street, Wood Street, Kent Street, Campbell Street and Arthur Street.

17.2 All waste storage areas must be:

17.2.1 kept in a clean and tidy condition; and

17.2.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

Any development applications within the Rockhampton Railyards Local Plan are subject to infrastructure charges in accordance with Council policies.

NOTE 6. Building Works

A Building Works Permit for a change of building classification may be required in accordance with the *Building Act 1975*.

Moved by: Mayor Williams

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

10.6 ENVIRONMENTAL SUSTAINABILITY STRATEGY: FY2020-21 YEAR IN REVIEW

File No: 1174
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report provides an update on implementation of Council's Environmental Sustainability Strategy and tables the 'Year in Review' highlights report for FY2020-21.

COUNCIL RESOLUTION

That Council endorse, and approve public exhibition of, the Environmental Sustainability Strategy FY2020-21 'Year in Review' report.

Moved by: Councillor Kirkland
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

10.7 COMMERCIAL CENTRES STUDY 2021

File No: 8207
Authorising Officer: Cameron Wyatt - Coordinator Strategic Planning
Angus Russell - Manager Strategy and Planning
Ross Cheesman - Acting Chief Executive Officer
Author: Alyce James - Strategic Planner
Previous Items: 10.8 - Commercial Centres Study 2021 - Ordinary Council - 27 Jul 2021 9:00am

SUMMARY

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

COUNCIL RESOLUTION

1. THAT the Commercial Centres Study 2021 for the Rockhampton Region be received as part of the ongoing reviews; and
2. THAT the report and study be made publicly available.

Moved by: Councillor Kirkland

Seconded by: Councillor Mathers

MOTION CARRIED

10.8 FEES AND CHARGES 2021-2022 AMENDMENTS

File No: 7816
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 specific to the Heritage Village and one other charge.

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: Councillor Wickerson
Seconded by: Councillor Kirkland

MOTION CARRIED

Councillor Latcham recorded his vote against the motion

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - ROCKHAMPTON REGIONAL COUNCIL FLORAL EMBLEM

File No: 792

Responsible Officer: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Councillor Latcham moved a Notice of Motion at the 24 August 2021 Council Meeting seeking to ratify Rockhampton Regional Council's floral emblem. This was subsequently resolved to lay on the table and a workshop be undertaken.

COUNCIL RESOLUTION

THAT Council undertake a Community Engagement Program when appropriate on civic symbols including a Floral Emblem, representative of the Rockhampton Region Local Government area.

Moved by: Councillor Latcham

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS\QUESTIONS

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.

15.1 Contract Renewal for Chief Executive Officer

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. (Contract Renewal)

15.2 Support for Beef Australia - Beef 2021 Event

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

9:57AM

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

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

Mayor Williams declared that Item 15.2 - Support for Beef Australia – Beef 2021 Event would be discussed first.

9:58AM Councillor Latcham, having earlier informed the meeting of a declarable conflict of interest and his decision not to participate in Item 15.2 – Support for Beef Australia – Beef 2021 Event, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed.

10:49AM Mayor Williams declared the meeting adjourn for a 10 minute recess

10:49AM Councillor Latcham returned to the meeting room

11:02AM 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:

Ms T Sweeney – Executive Manager Workforce and Governance

COUNCIL RESOLUTION

11:09AM

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

Moved by: Councillor Rutherford

Seconded by: Mayor Williams

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 CONTRACT RENEWAL FOR CHIEF EXECUTIVE OFFICER

File No: 6947

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. (Contract Renewal)

SUMMARY

Report presented for Council's consideration regarding Contract renewal for the Chief Executive Officer.

COUNCIL RESOLUTION

THAT the recommendations outlined in the report be adopted.

Moved by: Mayor Williams

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11:10AM Councillor Latcham, having earlier informed the meeting of a declarable conflict of interest and his decision not to participate in Item 15.2 – Support for Beef Australia – Beef 2021 Event, 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.

15.2 SUPPORT FOR BEEF AUSTRALIA - BEEF 2021 EVENT

File No: 10486
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Alicia Cutler - General Manager Community Services

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

Council has received a request to provide additional support towards the Beef 2021 event.

COUNCIL RESOLUTION

THAT Council seek a meeting with the Beef Australia Board to discuss the request to waive the invoice for additional charges and continued support for Beef Australia events.

Moved by: Councillor Mathers
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

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

Councillor Latcham was not in the meeting room.

16 CLOSURE OF MEETING

There being no further business the meeting closed at 11.11am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

14 SEPTEMBER 2021

ANNEXURE A

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

Item 10.3 D/72-2021 – Development Application for a Material Change of Use for a Dwelling House

D/72-2021 - Development Application for a Material Change of Use for a Dwelling House

*6 Totteridge Street, Lakes Creek - Lot 48 on RP603376
(known as 9 Reynolds Street, Lakes Creek)*

Council meeting – 14 September 2021

Kathy McDonald – Planning Officer

Surrounding Area/Locality

6 Totteridge Street, Lakes Creek - Lot 48 on RP603376
(known as 9 Reynolds Street, Lakes Creek)



Grounds for Approval

6 Totteridge Street, Lakes Creek - Lot 48 on RP603376
(known as 9 Reynolds Street, Lakes Creek)

- The development has a significant separation distance from established industrial uses operating in the surrounding area such as Lakes Creek Meatworks and Boral. The development is not anticipated to be detrimental to the existing operation or any potential future expansion of these industrial land uses, which are recognised as key, regionally significant, economic assets; and
- The development generally complies with the provisions included in the applicable planning scheme codes and is not anticipated to compromise the strategic framework of the Rockhampton Region Planning Scheme 2015 (version 2.1).
- Therefore, the application 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 10.4 D/21-2021 – Development Application for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia signs)**

Development Application (D/21-2021) for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (one (1) freestanding sign, six (6) canopy signs and two (2) awning fascia sign)

Lot 1 Coverley Street, Westwood

Council meeting – 14 September 2021

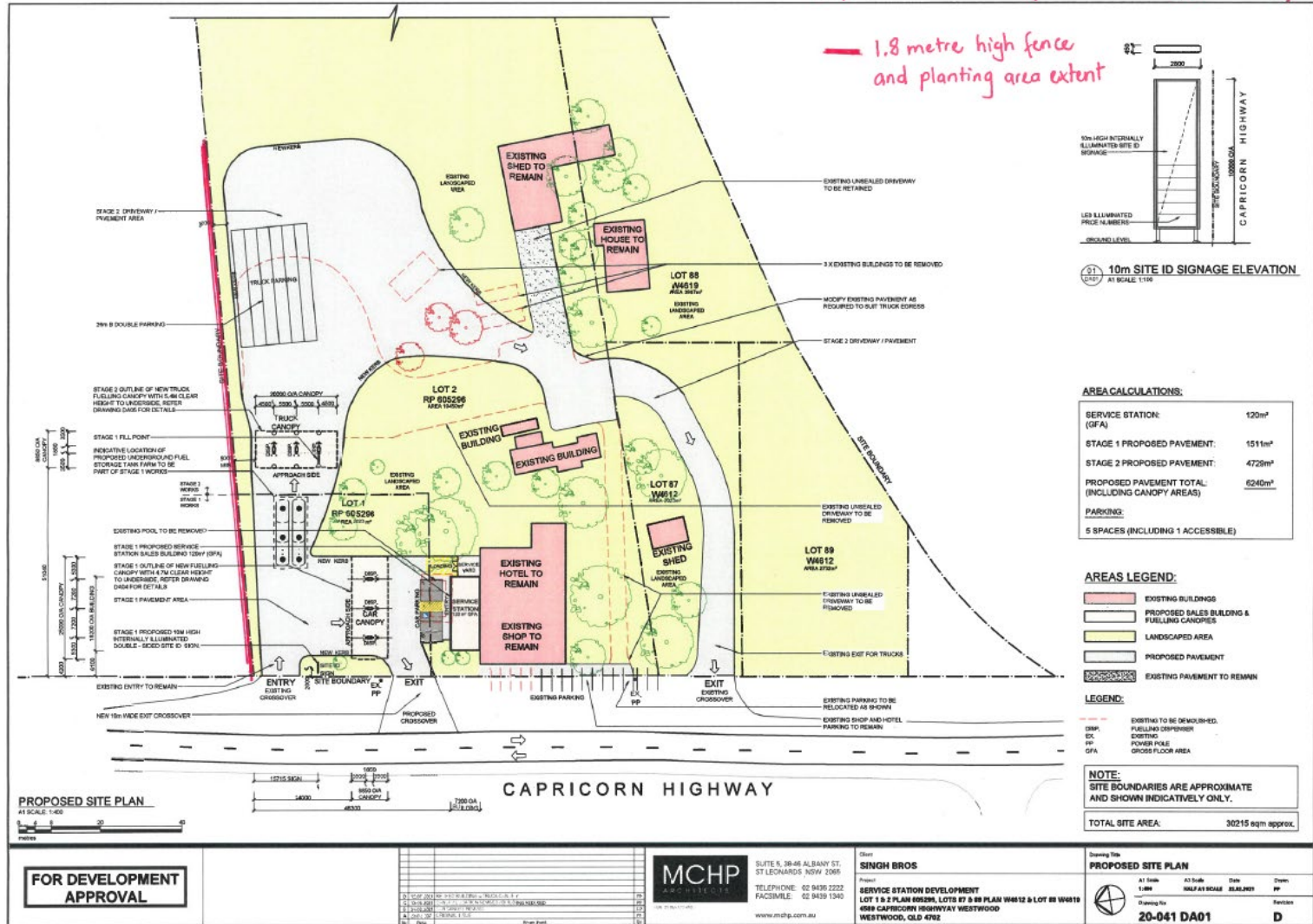
Tarnya Fitzgibbon – Coordinator Development Assessment

Locality Plan



Proposed Site Plan

Proposed Site Plan (as amended by Council)



Public Notification

(one properly made submission – approximately 6.6 kms from the subject site)

Issues raised:

- Concerns were raised that on site water and sewerage services will not be adequate to service the development.
- Current car parking and verandah for the Hotel is located in the road reserve.
- The turn warrants and turning lanes are incorrect / insufficient.
- Concerns regarding flooding impacts to the development.
- Concerns raised regarding the following:
 - Increase in robberies;
 - Petrol sniffing;
 - No water permit for the Service Station; and
 - Incompatible use to coexist with a hotel (increase risk of drink driving).

Recommendation

The proposed development does not compromise the Strategic Framework of *Rockhampton Region Planning Scheme 2015*. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

ANNEXURE C

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

Item 10.5 D/66-2019 - Request for a Minor Change to Preliminary Approval D/66-2019 for a Material Change of Use for a Variation Request - Rockhampton Railyards Local Plan



Development Application (D/66-2019) for a Minor Change to Preliminary Approval for a Material Change of Use for a Variation Request – Rockhampton Railyards Local Plan

338-380 and 338-380A Bolsover
Street, Depot Hill

Council meeting – 14 September 2021

Tarnya Fitzgibbon – Coordinator Development Assessment

Proposed Site Plan



The master plan vision is implemented through the action and intent of the precincts. Three interrelated and complementary precincts support the implementation and outcomes of the plan.

PRECINCT 1 ROUNDHOUSE

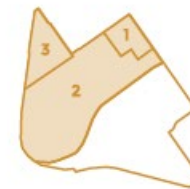
The oldest part of the Railyards site containing the majority of the heritage buildings for the site.

PRECINCT 2 RAILYARDS

The industrial heart of the proposal which contains a range of buildings that have been purpose built for industry uses.

PRECINCT 3 INDUSTRY SERVICES

This precinct will provide a range of supporting uses that complement the Railyards Precinct.



Proposed Changes

- The addition of administrative definitions for the purpose of interpreting the Code;
- Various amendments to the purpose statement to ensure that new development for sensitive uses within the Rockhampton Railyards Local Plan area considers the potential reverse amenity impacts from existing lawful uses on the adjoining Linfox land (Lot 3 on SP318446);
- Changes to the level of assessment for Material Change of Uses for certain sensitive uses from accepted and/or code assessment to impact assessment; and
- Amendment of various performance outcomes and acceptable outcomes to ensure that potential reverse amenity impacts from existing lawful uses on the adjoining Linfox land (Lot 3 on SP318446).