



ORDINARY MEETING

MINUTES

23 AUGUST 2022

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MEETING ATTACHMENTS

ANNEXURE A

Documents presented for reference to Item 7.1
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Documents presented for reference to Item 10.3

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 23 AUGUST 2022 COMMENCING AT 9:00AM**

1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services (via video link)
Mr D Scott – Acting General Manager Community Services
Ms M Taylor – Chief Financial Officer
Mr G Bowden – Executive Manager Advance Rockhampton
Mr A Russell – Executive Manager Strategy and Planning (via video link)
Mr A Collins – Manager Project Delivery
Ms M Younger – Manager Corporate and Technology Services
Ms A O'Mara – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Mr B Standen – Senior Planning Officer
Ms K McDonald – Planning Officer
Ms K Dorman – Administration Supervisor
Ms L Leeder – Senior Committee Support Officer
Mr Mark Baade - SAQ Consulting (Deputation)

3 APOLOGIES AND LEAVE OF ABSENCE

- 3.1 REQUEST FOR LEAVE OF ABSENCE - MAYOR TONY WILLIAMS

COUNCIL RESOLUTION

THAT the Mayor, Councillor Tony Williams be granted leave of absence from Monday 5 September to Friday 30 September 2022 inclusive.

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

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 9 August 2022 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Kirkland
MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Ellen Smith informed the meeting:

“I declare that I have a prescribed conflict of interest in **Item 10.9 – Mount Morgan Water Pipeline Project**. This prescribed conflict of interest arises as my brother John McEvoy owns a property on Kabra Road and Moonmera Road, and my sister Trish McKinnon and brother-in-law Don McKinnon own property on the corner of Poison Creek Road and Moonmera Road.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

6 BUSINESS OUTSTANDING

6.1 LIFTING MATTERS FROM THE TABLE

File No: 11044
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 Ordinary Council Meetings.

COUNCIL RESOLUTION

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

- Development Application for a Material Change of Use for a Telecommunications Facility – D/34-2022
- 5th Australian Open (Junior Golf) Championship

Moved by: Councillor Wickerson

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

7 PUBLIC FORUMS/DEPUTATIONS

7.1 DEPUTATION - D/34-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY

File No: D/34-2022

Authorising Officer: Amanda O'Mara - Acting Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Kathy McDonald - Planning Officer

SUMMARY

Mark Baade SAQ Consulting for Stilmark Holdings, has requested an opportunity to attend the Council meeting on 23 August 2022 to discuss a Development Application for a Material Change of Use for a Telecommunications Facility over 652-664 Norman Road, Norman Gardens - Lot 2 on RP801347 (Development Application D/34-2022).

9:04AM The deputation commenced

9:42AM The deputation concluded

COUNCIL RESOLUTION

THAT the deputation by Mark Baade, SAQ Consulting be 'received'.

Moved by: Councillor Mathers
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 OFFICERS' REPORTS

10.1 D/34-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY

File No: D/34-2022

Authorising Officer: Amanda O'Mara - Acting Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Kathy McDonald - Planning Officer

Previous Items: 11.5 - D/34-2022 - Development Permit for a Material Change of Use for a Telecommunications Facility - Ordinary Council - 12 Jul 2022 9:00am

SUMMARY

Development Application Number: D/34-2022

Applicant: Stilmark Holdings Pty Ltd

Real Property Address: Lot 2 on RP801347

Common Property Address: 652-664 Norman Road, Norman Gardens

Area of Site: 9.82 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Airport Environs Overlay;
Flood Hazard Overlay; and
Steep Land Overlay.

Existing Development: Rockhampton Baptist Church

Approval Sought: Development Permit for Material Change of Use for a Telecommunications Facility

Level of Assessment: Impact Assessable

Submissions: Eighteen (18)

Referral Agency: Nil

Infrastructure Charges Area: Charge Area 1

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Stilmark Holdings Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Material Change of Use for a Telecommunications Facility
Reasons for Decision	a) Assessment of the development against the relevant zone purpose,

	<p>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>b) 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 development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low Density Residential Zone Code; • Telecommunications Facilities and Utilities Code; • Airport Environs Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste 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 exceptions listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Low Density Residential Zone Code	<p><u>PO1</u></p> <p>The development does not comply with Acceptable Outcome 1.1 (a) as the height of the telecommunications facility exceeds two (2) storeys and 8.5 metres above ground level. The Telecommunications Facility is a detached freestanding structure with a height of 30 metres.</p> <p>Despite the height of the proposed development exceeding 8.5m above ground level, it is unlikely to adversely impact on the urban form or significant scenic landscape features of the area for the following reasons:</p> <ul style="list-style-type: none"> • The tower is of a monopole design, which is a narrow structure; • Significant setbacks assists in reducing its perceived height and bulk. Located approximately 145 metres (west) to Norman Road, 140 metres (north), 157 metres (south) and 166 metres (east) to the nearest dwelling houses; • The established dense tree cover surrounding the proposed tower, which is of a similar height to the monopole structure assists in

		<p>screening the development and softening the built form; and</p> <ul style="list-style-type: none"> • Telecommunication towers are integral parts of a community's infrastructure network and form part of a normal urban landscape. <p>In the instance any conflicts are identified with PO1, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p>
		<p>PO16</p> <p>The development may present low-level conflicts with (c), (d) and (h) of Performance Outcome 16, which relate to scale of non-residential development within the Zone and potential impacts on streetscape and local amenity.</p> <p>Once established, a telecommunications facility is a relatively passive land use. The facility is not anticipated to generate any noise, beyond what would normally be expected for a domestic air conditioning unit. The only part of the facility that generates noise is the cooling fans on the equipment located at ground level. The facility will not emit light, dust, heat, smoke or odour and in this sense is considered small scale. However, it is acknowledged the development is a detached freestanding structure with a height of 30 metres, which is in contrast to the prevailing built form in the surrounding area.</p> <p>Despite the height of the development, it is not considered to have adverse impacts on streetscape and local amenity for the reasons outlined in response to PO1 of the Low Density Residential Zone Code.</p> <p>Furthermore, the facility will not compromise the existing lawful use of the subject land or ability of the adjoining surrounding residential uses. The primary function is to service the needs of the immediate local community and ensures that existing and future development within the area has access to appropriate standards of infrastructure and essential services.</p> <p>Therefore, on balance the development is considered to comply with the intent and overall outcomes of the Zone Code.</p>
	<p>Telecommunications Facilities and Utilities Code</p>	<p>PO1</p> <p>The development does not comply with Acceptable Outcome 1.1 as the telecommunications facility is located within a residential zone category.</p> <p>A site selection methodology was undertaken and determined the proposed facility needs to be close to where it is</p>

		<p>currently proposed to ensure the radio-frequency and network outcomes for the area can be achieved. Moving it well away from the residential area it is intending to serve is an unviable option and found the proposed site to be the most suitable.</p> <p>The subject site, whilst located in the Low Density Residential Zone provides the ability to minimise its impacts by way of acceptable setbacks, approximately 145 metres from Norman Road, west and 140 up to 166 metres to all residential uses to the north, east and south allotment boundaries.</p> <p>Existing dense vegetation on the subject site will provide further screening from all boundaries. Furthermore, as with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant Radiation Protection Standards.</p> <p>Therefore, it is not anticipated that the telecommunications facility will adversely impact on the amenity, health or visual character of a residential zone or other sensitive locations and the proposal generally complies with the Performance Outcome.</p> <p>In the instance any conflicts are identified with PO1, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p> <p><u>PO2</u></p> <p>The development does not comply with Acceptable Outcome 2.1 as the height exceeds the height limits prescribed by the Airport Environs Overlay and is not collocated on an existing tower or building.</p> <p>To minimise its visual impact on the surrounding area the facility has been sited on a large lot, approximately 10 hectares in size. The facility looks to visually integrate with the surrounding dense vegetation on the subject site that is of a similar height and the monopole design which is a narrow structure will be finished with neutral, low contrast colours further minimising its visual impact.</p> <p>It is unlikely that any directly adjoining, or nearby residential property will have a clear view of the proposed facility. Any views available are more likely to be substantially obscured from existing dense vegetation and could not be described as unreasonable.</p> <p>In the instance any conflicts are identified with PO2, regard to relevant matters relating to a planning need are considered to</p>
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		<p>outweigh those conflicts.</p> <p><u>PO5</u></p> <p>The proposed development does not comply with Acceptable Outcome 5.1 as it does not provide a minimum three (3) metre wide earth mounded landscape strip with dense landscaping.</p> <p>The applicant has not proposed any landscaping as part of the proposal. However, the outcome is effectively achieved by the significant separation distance from any local area, approximately 145 metres from Norman Road, west and 140 up to 166 metres to all residential uses to the north, east and south allotment boundaries.</p> <p>Further, the existing vegetation on the subject site already provides for a natural buffer and will screen the development from all adjoining boundaries.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p> <p><u>PO7</u></p> <p>The proposed development does not comply with Acceptable Outcome 7.1 (b) as it does not achieve a minimum 150 metre setback from a dual occupancy, dwelling house or multiple dwelling.</p> <p>The nearest detached dwelling to the proposed facility is approximately 140 metres to the north, fronting Parkside Place and 157 metres to the southeast, fronting Lancewood Close.</p> <p>The facility will accommodate both 4G and 5G services and will be purposely designed and constructed to allow for collocation of up to three (3) carriers to occur minimising the number of such structures in the council area.</p> <p>The telecommunications facility may be visible from existing residential premises and other sensitive receiving environments, as identified by non-compliance with other assessment benchmarks. It will not, however, adversely impact on the health or safety of nearby residents.</p> <p>As part of the development application the Applicant submitted an Environmental EME Report, which provides a summary of levels of radiofrequency (RF) EME. RF EME levels were calculated using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The maximum EME level calculated for the proposed development is 1.67% out of 100% of the public exposure</p>
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		<p>limit that is deemed safe.</p> <p>Therefore, based on the reporting provided there is no known adverse health concerns that would result from the development and the proposal is considered to achieve the performance outcome.</p>
	Airport Environs Overlay Code	<p><u>PO1</u></p> <p>The proposal does not comply with Acceptable Outcome 1.1 which does not allow structures as identified on overlay map OM-2A: to penetrate the airport's operational airspace.</p> <p>Despite this, consultation has been undertaken with the Rockhampton Airport and determined the proposed telecommunications structure with a maximum height of 30 metres above ground level will not impact upon any air service operations.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p>
	Landscape Code	<p><u>PO1</u></p> <p>The proposed development does not comply with Acceptable Outcome 1.1 as no landscaping is proposed as part of the development.</p> <p>The outcome is effectively achieved by the significant separation distance from any local area, approximately 145 metres from the west being Norman Road frontage, 140 metres from the north property boundary and over 157 metres from the east and south property boundaries.</p> <p>Further, the existing vegetation on the subject site already provides for a natural buffer and will screen the development from all adjoining boundaries.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p>
Relevant Matters	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • Telecommunication facilities are considered critical pieces of community infrastructure, similar to reticulated water and sewerage. • There is a growing demand and need for new telecommunications facilities as mobile usage continues to trend upward nationally. • COVID-19 has resulted in significant changes in how people use mobile data. Telecommunication providers have experienced exponential growth in data usage as more people spend time working from home. • Without new telecommunication facilities, similar to the one being proposed, users may experience difficulty connecting to the mobile network or experience call dropouts. The Applicant has demonstrated in order to practically meet user requirements, the proposed development and site are the most suitable. 	

Matters raised in submissions	Issue	How matter was dealt with
	Health concerns	<p>Submitters raised concerns regarding the potential health impacts of such facilities on nearby residents, aged care facility and the church on the subject land, particularly because of 'electromagnetic radiation', also commonly referred to as 'electromagnetic energy' (EME).</p> <p>As part of a further advice request the applicant submitted an Environmental EME Report, which provided a summary of levels of radiofrequency (RF) and electromagnetic energy (EME) around the proposed base station at 652-664 Norman Road, Norman Gardens. The RF, EME levels were calculated using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The maximum EME level calculated for the proposed development is 1.67% out of 100% of the public exposure limit that is deemed safe.</p> <p>As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant Radiation Protection Standard and once operational must have this compliance certified by an accredited person.</p> <p>Therefore, based on the reporting provided there is no known adverse health concerns that would result from the development.</p>
	Devaluing of nearby properties	<p>Submitters raised concerns the proposal would devalue their properties. Property value is not a matter Council may or must have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application. Notwithstanding, there is no evidence that the installation of these facilities has had any adverse and direct impact upon property values. Access to essential telecommunications services, particularly in developing areas, is increasingly seen as not only beneficial but necessary.</p>
	Poor public consultation / notification	<p>Submitters raised concerns about the lack of public awareness of the proposed development. Particularly, why residents in the surrounding area were not more widely consulted.</p> <p>The Applicant undertook public notification in accordance with the mandatory requirements of the <i>Planning Act 2016</i>. This included:</p> <ul style="list-style-type: none"> • Notifying adjoining landowners with a <u>common boundary</u> by post. • Placing a notice in a newspaper circulating in the locality.

		<ul style="list-style-type: none"> Two (2) notice signs were placed on the Norman Road frontage of the site for 15 business days. <p>There is no requirement for the Applicant or Assessment Manager (Council) to consult with or undertake public notification beyond that required by the <i>Planning Act 2016</i>.</p> <p>Furthermore, a Council Officer attended the site following concerns that the public notification sign had fallen over along Norman Road on the thirteenth (13) day of notification. It was concluded the sign had been placed upright against a tree. As there were two (2) notice signs placed along the Norman Road frontage and only one (1) required, it was deemed to not adversely affect the public's awareness of the existence and nature of the application or restrict the public's opportunity to make properly made submissions about the application.</p>
	Visual Impact	<p>Submitters raised concerns regarding visual impacts to the subject site and surrounding area. Siting of the proposed facility allows for significant setbacks and screening by existing tree cover. The closest residential property is approximately 140 metres to the north, and it is unlikely that any directly adjoining, or nearby residential property will have a clear view of the proposed facility. Any views available are more likely to be substantially obscured and could not be described as unreasonable or dominant. Furthermore, it has been conditioned that the monopole, headframe and antennas are to be painted and finished in a non-competing colour that will further minimise its visual impact.</p>
	Wildlife	<p>Submitters raised concerns regarding the potential impacts on the surrounding habitat of existing wildlife. The subject site is not mapped as containing matters of state or local environmental significance. Existing studies by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on the effects of low-level RF and EME exposure on plants and animals indicate that the exposure limits set within the Standard are adequate in providing protection to the environment. Furthermore, no vegetation is proposed to be removed as part of the development.</p>
	Alternate Locations	<p>Submitters made comment to the relocation of the telecommunications tower on other potential sites, however provided no viable alternative suggestions.</p> <p>The need for the telecommunications facility has arisen as a result of increased demand on the network in the Norman Gardens</p>

		<p>area, particularly east of Yaamba Road. A site selection methodology was undertaken and first sought to assess the suitability of existing facilities for upgrade or collocation, before moving to new sites where existing facilities were not appropriate. The methodology took into account proximity to residential areas, impacts on visual amenity and benefit to the network.</p> <p>The investigations determined the proposed facility needs to be close to where it is currently proposed to ensure the radio-frequency and network outcomes for the area can be achieved. Moving it well away from the residential area it is intending to serve is an unviable option and found the proposed site to be the most suitable.</p> <p>The subject site, whilst located in the Low Density Residential Zone provides the ability to minimise its impacts by way of acceptable setbacks from allotment boundaries and screening available from existing dense vegetation.</p>
<p>Matters prescribed by regulation</p>	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Stilmark Holdings Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

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	Stilmark	18 July 2022	AQ4701-001-P1	F-2
Site Setout Plan	Stilmark	18 July 2022	AQ4701-001-P2	F-2
Site Elevation	Stilmark	18 July 2022	AQ4701-001-P3	F-2

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

3.0 STORMWATER WORKS

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

4.0 SITE WORKS

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

5.0 BUILDING WORKS

5.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

5.2 All external elements, such as cooling fans and associated equipment, must be adequately screened from public view to Council's satisfaction.

5.3 A 2.4 metre high security fence is to be provided around the telecommunications facility compound. All fencing must be maintained to the satisfaction of Council.

5.4 The telecommunications tower must be built out of non-reflective dark green or grey material in order to reduce any nuisance (glare) to surrounding sensitive land uses.

6.0 ELECTRICITY

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

7.0 ASSET MANAGEMENT

7.1 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.

- 7.2 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.
- 8.0 ENVIRONMENTAL HEALTH
- 8.1 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"*.
- 8.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 9.0 OPERATING PROCEDURES
- 9.1 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 Norman Road.
- 9.2 Submit to and have approved by Council a 'Tree Protection Zone/s' plan, prior to the issue of a Development Permit for Building Works. Once approved, the 'Tree Protection Zone/s' plan will form part of the approved plans in Condition 2.1. A property note to this effect will be entered against Lot 2 on RP801347.
- 9.3 The 'Tree Protection Zone/s' plan must show the location of existing established trees on the subject site that must be retained.

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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.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. Property Note (Building Works)

Submit to and have approved by Council a 'Tree Protection Zone/s' plan, prior to the issue of a Development Permit for Building Works.

The 'Tree Protection Zone/s' plan must show the location of existing established trees on the subject site that must be retained.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for a Telecommunications Facility, made by Stilmark Holdings Pty Ltd, located at 652-664 Norman Road, Norman Gardens, described as Lot 2 on RP801347, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Mathers

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Latcham recorded his vote against the motion

10.2 D/167-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY (90 BEDROOMS)

File No: D/167-2021
Authorising Officer: Amanda O'Mara - Acting Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Brendan Standen - Senior Planning Officer

SUMMARY

Development Application Number: D/167-2021
Applicant: Mercy Health and Aged Care Central Queensland Limited
Real Property Address: 75 Ward Street, The Range
Common Property Address: Lot 100 on SP225770
Area of Site: 26,710 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (v2.2)
Planning Scheme Zone: Low Density Residential Zone
Planning Scheme Overlays: Airport Environs Overlay; and Steep Land Overlay
Existing Development: Residential Care Facility
Approval Sought: Development Permit for a Material Change of Use for a Residential Care Facility (90 bedrooms)
Level of Assessment: Impact Assessable
Submissions: One (1) properly made submission
Referral Agency: State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)
Infrastructure Charges Area: Charge Area 1

Councillor Drew Wickerson informed the meeting:

“I have a declarable conflict of interest in this matter: **Item 10.2 – D/167-2021 Development Application for a Material Change of Use for a Residential Care Facility (90 Bedrooms)**, as I reside at 195 Upper Dawson Road which is in the vicinity of, approximately three blocks away from, the proposed development.

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

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting and stay away from the meeting while the eligible Councillors discuss and vote on the matter.”

COUNCIL RESOLUTION

The table determined that Councillor Wickerson’s interest is reasonably far removed and it is in the public interest that Councillor Wickerson remains in the meeting and participates in the decision, including by voting on the matter.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT the matter lay on the table pending further discussions with the applicant regarding the provision of additional car parking on the site of the proposed development.

Moved by: Councillor Fisher
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

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

10.3 D/171-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR HEALTH CARE SERVICES AND SHOP (PHARMACY) AND OPERATIONAL WORKS FOR ADVERTISING DEVICE

File No: D/171-2021

Authorising Officer: Amanda O'Mara - Acting Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Brendan Standen - Senior Planning Officer

SUMMARY

Development Application Number: D/171-2021

Applicant: S6 Grace Medical Pty Limited

Real Property Address: Lot 1-3 on RP605736

Common Property Address: 90 and 94 High Street, Berserker

Area of Site: 2,763 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Low Density Residential Zone

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

Existing Development: Dwelling Houses and Vacant Land

Approval Sought: Development Permit for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices

Category of Assessment: Assessable (Impact Assessment)

Submissions: Nil

Referral Agency: N/A

COUNCIL RESOLUTION

In relation to the application for a Development Permit for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices, made by S6 Grace Medical Pty Limited, located at 90 and 94 High Street, Berserker, described as Lot 1-3 on RP605736, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices
Reasons for Decision	a) 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>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<p>Assessment Benchmarks</p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework • Low Density Residential Zone Code • Access, Parking and Transport Code • Landscape Code • Stormwater Management Code • Waste Management Code • Water and Sewer Code • Advertising Devices Code • Airport Environs Overlay Code 	
<p>Compliance with assessment benchmarks</p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
	<p>Assessment Benchmark</p>	<p>Reasons for the approval despite non-compliance with benchmark</p>
	<p>Low Density Residential Zone Code</p>	<p>PO13</p> <p>The development does not comply with AO13.3 as the eastern exterior wall of the building exceeds 12 metres (m) in length, being 48.95m.</p> <p>Despite this, the combination of building height below that contemplated for the zone, the wall presenting to a side boundary rather than directly to the street, adequate side boundary setbacks and provision made for landscaping to soften the bulk of the wall to the adjoining properties all assist in ensuring compliance with PO13. Specifically:</p> <ul style="list-style-type: none"> • Maximum height for the exterior wall exceeding 12m in length is approximately 3.9m, which is below the 8.5m maximum height limit prescribed for the Zone. • The wall presents towards the eastern adjoining lots, being used for residential purposes, rather than the street so has less of an impact on streetscape amenity.

		<ul style="list-style-type: none">• The side boundary setback is 2.4m, which exceeds the 1.5m setback normally required for a building or structure with the same building height.• Conditions of approval have been included requiring landscape screening along part of the eastern boundary to soften the bulk of the exterior wall. <p>Therefore, the development is considered to comply with PO13.</p> <p>PO16</p> <p>The development does not comply with aspects of PO16, including it is not small scale in terms of what is generally contemplated for the Zone and does not service the day-to-day needs of residents of the local neighbourhood or is not a community or emergency facility.</p> <p>Despite this, the development complies with the remaining outcomes sought for PO16. Specifically:</p> <ul style="list-style-type: none">• The existing character and level of amenity for the area is characterised by a combination of both residential and non-residential development.• The built form is generally consistent with that exhibited along High Street, particularly west of the site. A range of commercial activities in buildings with a non-residential appearance extend west of the site on both the northern and southern side of High Street.• The site does not adjoin an existing centre zone and an Economic Impact Assessment demonstrates the development is unlikely to compromise the role or function of existing centres.• The site is located on a higher order road and has a bus stop within 20m that provides bus services that connect it with other areas in Rockhampton.
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		<ul style="list-style-type: none"> • A Traffic Impact Assessment demonstrates the development will not compromise the safety or efficiency of the local road network, subject to some minor road works. <p>Therefore, on balance the development is considered to comply with PO16. To the extent any conflicts are identified with PO16 regard to relevant matters are considered to outweigh those conflicts.</p>
	<p>Access, Parking and Transport Code</p>	<p>PO5</p> <p>The development does not comply with AO5.1.1 as 42 on-site car parking spaces are required where 34 are provided.</p> <p>Despite this, adequate provision has been made for on-site car parking commensurate with likely demand generated by the development such that on-street car parking should not be required. The car parking rate for AO5.1.1 has been calculated for the two individual uses (Health Care Service and Shop) operating independently. However, there are synergies between these uses that will mean customers will likely use both at the same time, requiring fewer on-site car parking spaces.</p> <p>Therefore, the development is considered to comply with PO5.</p> <p>PO14</p> <p>The development does not comply with AO14.2 as direct access to the property is from High Street, which is classified as an Urban Sub-Arterial road.</p> <p>Despite this, a Traffic Impact Assessment has been provided by the Applicant and conditioned, which demonstrates access to High Street can be provided without compromising the safety or efficiency of the local road network, subject to some minor upgrades. The minor upgrade includes an auxiliary left turn lane. It is also noted the site has no other road frontage.</p> <p>Therefore, the development is considered to comply with PO14.</p>
	<p>Landscape Code</p>	<p>PO6</p>

		<p>The development does not comply with AO6.5 as landscaping has not been provided to create a ‘three-tier’ landscape treatment in all areas indicated on the approved plans for landscaping.</p> <p>Despite this, adequate area and locations for landscaping have been shown on the approved plans and conditions of approval have been included requiring landscaping that achieves compliances with PO6. Specifically, this includes:</p> <ul style="list-style-type: none"> • Groundcover and shrubs along the front property boundary and at the perimeter of the car parking area. • Shade tree planting within the car parking area. • Screen planting along part of the eastern property boundary to reduce the bulk of the building to the eastern adjoining properties and soften the hard surface of the 48.95m long exterior wall. • The requirement for at least fifty (50) percent of all new plantings to be locally native species with low water dependency. <p>Therefore, the development is considered to comply with PO6.</p>
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	<p>Waste Management Code</p>	<p>PO3</p> <p>The development does not comply with AO3.1 as the waste storage area is located immediately adjoining the northern side boundary, rather than being setback a minimum of two (2) metres.</p> <p>Despite this, a 1.8m high screening fence has been conditioned around the waste storage area, along with requirements to ensure it can be appropriately cleaned and drained. Further, the northern adjoining property is developed with offices rather than residential uses, which are considered to be a less sensitive use. On this basis, the waste storage area minimises adverse impacts on adjoining properties.</p> <p>Therefore, the development is considered to comply with PO3.</p>
	<p>Advertising Devices Code</p>	<p>PO1</p> <p>The free standing sign does not comply with AO1.2 as it is located in the Low Density Residential Zone and setback less than three (3) metres from a property boundary.</p> <p>Despite this, in the context of the main building, which will be the predominant built form on the site, and existence of other commercial uses on High Street to the west that include free standing signs, the free-standing sign is not considered to adversely impact on streetscape amenity, impede vehicle or pedestrian movements or result in the proliferation of advertising devices.</p> <p>Therefore, the free-standing sign is considered to comply with PO1.</p>
<p>Relevant Matters</p>	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • An Economic Impact Assessment demonstrates there is an overriding planning need for the development. There is a significant demand for health care and pharmaceutical services, driven by high rates of illness, chronic disease and mental health issues, particularly in the surrounding suburbs and Rockhampton more broadly. • There is a growing demand and expectation by consumers for convenience health care services that are consolidated at a single location. Therefore, given the level of demand for health care services in the region and consumer expectations, the development is considered to be of a reasonable and 	

	<p>appropriate size.</p> <ul style="list-style-type: none"> • An Economic Impact Assessment demonstrates the development will not have an undue level of impact on the role or function of centres but would generate positive economic and community benefits for local residents. • An Economic Impact Assessment demonstrates there are no or very limited appropriately zoned sites of a size that could reasonably accommodate health care and pharmaceutical services at a scale expected or required by consumers. The site is also located proximate to existing non-residential activities and a Major Centre Zone. 	
Matters raised in submissions	Issue	How matter was dealt with
	Nil	N/A
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices, made by S6 Grace Medical Pty Limited, located at 90 and 94 High Street, Berserker, described as Lot 1-3 on RP605736, Council resolves to Approve the application subject to the following conditions:

MATERIAL CHANGE OF USE (HEALTH CARE SERVICES AND SHOP)

1.0 ADMINISTRATION

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

- (ii) Access and Parking Works;
 - (iii) Sewerage Works; and
 - (iv) Roof and Allotment Drainage.
- 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 Lots 1, 2 and 3 on RP605736 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>
Site and Ground Floor Plan	Dileigh Civil/Structural Design & Project Management	20 July 2022	D21.546-SK01	2
Concept Level 1 Plan	Dileigh Civil/Structural Design & Project Management	12 May 2022	D21.546-SK02	1
Concept Elevations	Dileigh Civil/Structural Design & Project Management	12 May 2022	D21.546-SK03	-
Concept Pylon Signage	Dileigh Civil/Structural Design & Project Management	12 May 2022	D21.546-SK04	
Vehicle Swept Path Refuse Truck	Dileigh Civil/Structural Design & Project Management	20 July 2022	D21.546-01	B
Stormwater Management Report	Dileigh Civil/Structural Design & Project Management	13 May 2022	D21.546-RP01(B) SWMP	B

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.
- 3.4 An Auxiliary Left Turn (short) lane is required for the entry access point to the development.
- 3.5 Drawing D21.546-SK06 submitted with the Traffic Impact Assessment (dated 10/05/2022) prepared by Dileigh Civil / Structural Design & Project Management is to be revised to reflect the approved access arrangement and submitted for approval with an application for a Development Permit for Operational Works.
- 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 car parking and access areas must be paved or sealed to Council’s satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 Two (2) new access points to the development must be provided from High Street. The eastern access is to provide for left-in ingress only and the western access is to provide for left-out egress only.
- 4.5 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 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”*.
- 4.8 A minimum of thirty-four (34) parking spaces must be provided on-site.
- 4.9 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”*.
- 4.10 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).

- 4.11 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"*.
- 4.12 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.13 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage 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* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection points for Lots 1, 2 and 3 must be disconnected.
- 5.5 A new sewerage connection point must be provided for the development.
- 5.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.8 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.9 The development must comply with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy. Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 5.10 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 A Development Permit for Plumbing and Drainage Works must be obtained for the construction of new structures on the development site.
- 6.3 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.4 The development must be connected to Council's reticulated water network.
- 6.5 The existing water connection points for Lot 1 and 2 on RP605736 must be disconnected. The existing water connection point for Lot 3 on RP605736 must remain to service the development. A hydraulic engineer or other suitably qualified person must determine whether the size of the existing connection is adequate.
- 6.6 The proposed development must be provided with a master meter at the

development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.

- 6.7 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 6.8 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.9 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.10 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 7.1 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.
- 7.2 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).
- 7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 All the roof drainage system (downpipes and gutters) for the proposed development (buildings) must be designed to accommodate the twenty percent (20%) Annual Exceedance Probability defined storm event from the roof area.
- 7.6 All the roof drainage pipes (downpipes) from the proposed development (buildings) must be connected to rainwater tanks which are used as the detention system.

8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 BUILDING WORKS

- 9.1 The two (2) existing residential dwellings on the subject land must be demolished and/or removed and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 9.2 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of construction of any new structures on the development site.

- 9.3 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 9.4 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.
- 9.5 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.
- 9.6 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:
- 9.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.6.2 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;
 - 9.6.3 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;
 - 9.6.4 setback a minimum of two (2) metres from any road frontage; and
 - 9.6.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.7 A minimum 1.8-metre-high screen fence must be erected between the subject development site and adjacent residential properties south and east of the development.
- 10.0 **LANDSCAPING WORKS**
- 10.1 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).
- 10.2 The landscaped areas must be subject to:
- 10.2.1 a watering and maintenance plan during the establishment moment; and
 - 10.2.2 an ongoing maintenance and replanting programme.
- 10.3 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 parts 1, 2, 3 and 4 — Design for access and mobility*.
- 10.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 10.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning*

Scheme Policy.

- 10.5 Landscaping screening must be established and maintained along the eastern side boundary, extending from the alignment of the northern exterior wall of the 'Allied Health' tenancy south for a minimum of thirty (30) metres and:
- 10.5.1 Include plant species that have a minimum mature height of three (3) metres; and
- 10.5.2 Provides a minimum porosity of fifty (50) percent between 1.8 metres and three (3) metres in height for that part of the eastern exterior wall where landscape screening is required.
- 10.6 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 10.7 Each shade tree(s) has/have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
- 10.7.1 One (1) tree per three (3) car parks;
- 10.7.2 One (1) tree per six (6) car parks; and
- 10.7.3 Each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 10.8 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.9 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.
- 10.10 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 13.0 ASSET MANAGEMENT
- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and

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

14.0 ENVIRONMENTAL

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

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

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

15.0 ENVIRONMENTAL HEALTH

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

15.2 Noise emitted from the activity must not cause an environmental nuisance.

15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

15.4 Airconditioning units must be located so as not to cause a noise nuisance and maintained in a proper working order at all times. Installation is to be as per manufacturer's directions to ensure the efficiency of the equipment. Any external plant equipment e.g., Airconditioning units will have to be located and screened appropriately so as not to impact negatively on the amenity of the surrounding residential properties.

16.0 OPERATING PROCEDURES

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

- 16.2 The hours of operations for the development site must be limited to:
- (i) 0800 hours to 1700 hours on Monday to Saturday, with no operations on Sundays or Public Holidays.
- 16.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1900 Monday to Saturday and between the hours of 0800 and 1500 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 16.4 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:
- 16.4.1 the area is kept in a clean and tidy condition;
 - 16.4.2 fences and screens are maintained;
 - 16.4.3 no waste material is stored external to the waste storage area/s;
 - 16.4.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 16.5 The approved 'Shop' use is restricted to that tenancy shown as 'Pharmacy' on the approved plans (refer to Condition 2.1). The Shop use is restricted to the sale of pharmaceutical goods.

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 Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

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

OPERATIONAL WORKS (ADVERTISING DEVICES)**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further development permits are required prior to the commencement of any works on the site:
- 1.4.1 Building Works.
- 1.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 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>
Site and Ground Floor Plan	Dileigh Civil/Structural Design & Project Management	20 July 2022	D21.546-SK01	2
Concept Elevations	Dileigh Civil/Structural Design & Project Management	12 May 2022	D21.546-SK03	-
Concept Pylon Signage	Dileigh Civil/Structural Design & Project Management	12 May 2022	D21.546-SK04	-

- 2.2 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.
- 2.3 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.
- 3.0 OPERATING PROCEDURE**
- 3.1 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.
- 3.2 All text and images displayed on the approved advertising device:
- 3.2.1 must be static;
- 3.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example ‘stop’); and

- 3.2.3 must not involve moving parts or flashing lights.
- 3.3 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*'.
- 4.0 ASSET MANAGEMENT
- 4.1 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:
- 4.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
- 4.1.2 as soon as reasonably possible as agreed with Council.
- 5.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE
- 5.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 5.2 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.
- 5.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 5.4 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.
- 5.5 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.
- 5.6 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007 – "Electrical Installations"*.
- 5.7 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 Act, 2003

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Devices, made by S6 Grace Medical Pty Ltd, located at 90 and 94 High Street, Berserker, described as Lot 1-3 on RP60573, Council resolves to issue an Infrastructure Charges Notice for the amount of \$79,032.10.

Moved by: Councillor Mathers

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

10.4 PROPOSED ANIMAL INSPECTION PROGRAM

File No: 11741
Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Jon Buckenham - Coordinator Local Laws

SUMMARY

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

COUNCIL RESOLUTION

THAT in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Local Government Act 2009*, Council approves a Selective Inspection Program for all properties within the Rockhampton Regional Council where a dog/s had been registered up to 31 August 2022 and Council has not received a renewal for that registration, to be undertaken between 3 October 2022 and 9 December 2022.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10:19AM

THAT the meeting be adjourned for 15 minutes, to resume at 10:35am.

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

10:33AM The meeting resumed.

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Mr D Scott – Acting General Manager Community Services
Ms M Taylor – Chief Financial Officer
Mr G Bowden – Executive Manager Advance Rockhampton
Mr A Russell – Executive Manager Strategy and Planning (via video link)
Mr A Collins – Manager Project Delivery
Ms M Younger – Manager Corporate and Technology Services
Mr D Morrison – Manager Workforce and Governance
Mr M Mansfield – Coordinator Media and Communications (via video link)
Ms A Brennan – Coordinator Legal and Governance
Ms S Jennings – Senior Solicitor
Ms K Dorman – Administration Supervisor
Ms L Leeder – Senior Committee Support Officer

10.5 5TH AUSTRALIAN OPEN (JUNIOR GOLF) CHAMPIONSHIP

File No: 12535
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor
Previous Items: 10.2 - 5th Australian Open (Junior Golf) Championship - Ordinary Council - 09 Aug 2022 9:00am

SUMMARY

The Rockhampton Golf Club will be venue host to the 5th Australian Open to be held on 27 and 28 September 2022.

COUNCIL RESOLUTION

THAT Council provide support to the Rockhampton Golf Club (Junior Club Sub-Committee) towards the 5th Australian Open (Junior Golf) Championship to be held on 27 and 28 September 2022 in the amount of \$5,000.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Williams and Councillor Smith recorded their vote against the motion

10.6 SPONSORSHIP OF 2022 LAND FORCES AUSTRALIA INDO ASIA PACIFIC INTERNATIONAL LAND DEFENCE EXPOSITION

File No: 11715
Authorising Officer: Greg Bowden - Executive Manager Advance
Rockhampton
Author: Sue O'Meara - PA to Executive Manager Advance
Rockhampton

SUMMARY

A request for sponsorship for the 2022 Land Forces Exposition, Official VIP Luncheon Event and Showcase Pod is presented to Council for consideration.

COUNCIL RESOLUTION

THAT Council approves the allocation of \$8,000 (inclusive of GST) in funding for sponsorship of the 2022 Land Forces Exposition.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

10.7 SPONSORSHIP OPPORTUNITY - INNOVATION AND ENTREPRENEURSHIP COMMUNITY

File No: 12472
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

Previous members of the SmartHub are proposing to establish a not-for-profit group to support start-ups and foster innovation in the Rockhampton Region. The group have requested support in the form of in-kind sponsorship by provision of the SmartHub's intellectual property, marketing collateral and technology and other equipment.

COUNCIL RESOLUTION

1. THAT Council approves the in-kind sponsorship request (excluding members contact information and the SmartHub mailing list database) subject to the establishment of a not-for profit legal entity.
2. THAT Council authorises the Chief Executive Officer (Manager Corporate and Technology Services) to negotiate a Deed of Transfer (including sub-licencing requirements for the intellectual property) between the parties with the Deed to be executed by Council's delegated officer.

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

10.8 COUNCIL DECISION MAKING STRUCTURE REVIEW

File No: 10072
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

This report is presented as resolved by Council on 1 February 2022 to review the implementation of its revised Decision Making Framework.

COUNCIL RESOLUTION

THAT Council:

- i. Continue with the current Committee Structure; and
- ii. Adopt the meeting schedule for 2022 as attached to the report.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Rutherford recorded her vote against the motion

10.9 MOUNT MORGAN WATER PIPELINE PROJECT

10:58AM Councillor Smith, having earlier informed the meeting of a prescribed conflict of interest, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: 14781
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

The Business Case has been completed and planning and design has commenced for the construction of a potable water pipe from Gracemere to Mount Morgan. The alignment of the pipeline has been reassessed and a more efficient route has been determined to minimise the required approvals and improve constructability.

COUNCIL RESOLUTION

THAT Council receives the revised alignment for the Mount Morgan Water Pipeline Project.

Moved by: Councillor Kirkland
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

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

Councillor Smith was not in the meeting room and did not participate in the vote.

11:12AM Councillor Smith returned to the meeting room

**10.10 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
31 JULY 2022**

File No: 8148
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 July 2022.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 July 2022 be received.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

10.11 FEES AND CHARGES 2022/2023 AMENDMENTS

File No: 7816
Authorising Officer: Ross Cheesman - Acting 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 2022/2023 financial year.

COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2022/2023 financial year.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

**10.12 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING JULY 2022**

File No: 1392
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 31 July 2022 for Councillors' information.

COUNCIL RESOLUTION

THAT the Whole of Council Corporate Performance Report for period ending 31 July 2022 be 'received'.

Moved by: Councillor Kirkland
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - COUNCILLORS ATTENDANCE AT FUTURE BOWEN BASIN MINING CLUB LUNCHEONS

File No: 10072

Responsible Officer: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Councillor Shane Latcham has indicated his intention to move a Notice of Motion at the next Council Meeting scheduled for Tuesday 23 August 2022 regarding Councillors' attendance at future Bowen Basin Mining Club Luncheons.

COUNCILLOR RECOMMENDATION

THAT Council approve Councillors attendance at any Bowen Basin Mining Club meetings in Mackay, during their current term of office.

Moved by: Councillor Latcham

Seconded by: Councillor Smith

MOTION LOST

Mayor Williams used his casting vote in the negative

11.2 NOTICE OF MOTION - COUNCILLOR DONNA KIRKLAND - ALGWA TRAVEL TO BRISBANE**File No: 10072****Responsible Officer: Nicole Semfel - Acting Senior Executive Assistant to the Mayor
Ross Cheesman - Acting Chief Executive Officer**

SUMMARY

Councillor Donna Kirkland has indicated her intention to move a Notice of Motion at the next Council Meeting scheduled for Tuesday 23 August 2022 regarding attendance at the ALGWA Queensland Branch Annual General Meeting.

COUNCIL RESOLUTION

THAT Council approve Councillor Donna Kirkland's attendance at the ALGWA (Australian Local Government Women's Association), Queensland Branch Annual General Meeting to be held in Brisbane on Thursday 1 September 2022 as an observer.

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

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS\QUESTIONS**13.1 TRAVEL REQUEST - COUNCILLOR SHANE LATCHAM**

File No: 10072

COUNCIL RESOLUTION

THAT Councillor Shane Latcham be approved to attend the next Bowen Basin Mining Club Luncheon in Mackay on 15 September 2022.

Moved by: Councillor Latcham
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

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 Legal Matter

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Moved by: Councillor Smith
Seconded by: Councillor Kirkland

MOTION CARRIED

COUNCIL RESOLUTION

11:56AM

THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Smith
Seconded by: Councillor Mathers

MOTION CARRIED

COUNCIL RESOLUTION

12:30PM

THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Wickerson
Seconded by: Councillor Mathers

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 LEGAL MATTER

File No: 5827
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Acting Chief Executive Officer
Author: Allysa Brennan - Coordinator Legal and Governance
Marnie Taylor - Chief Financial Officer

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

SUMMARY

The purpose of this report is to provide Councillors with an update on a current legal matter and seek approval to proceed as outlined in the report.

COUNCIL RESOLUTION

THAT Council proceed with the actions set out in Option B in the report.

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

16 CLOSURE OF MEETING

There being no further business the meeting closed at 12:32pm.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

23 AUGUST 2022

ANNEXURE A

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

- Item 7.1 Deputation – D/34-2022 Development Application for a Material Change of Use for a Telecommunications Facility**

- Item 10.1 D/34-2022 Development Application for a Material Change of Use for a Telecommunications Facility**

- Item 10.2 D/167-2021 Development Application for a Material Change of Use for a Residential Care Facility (90 Bedrooms)**

- Item 10.3 D/171-2021 Development Application for a Material Change of Use for Health Care Services and Shop (Pharmacy) and Operational Works for Advertising Device**

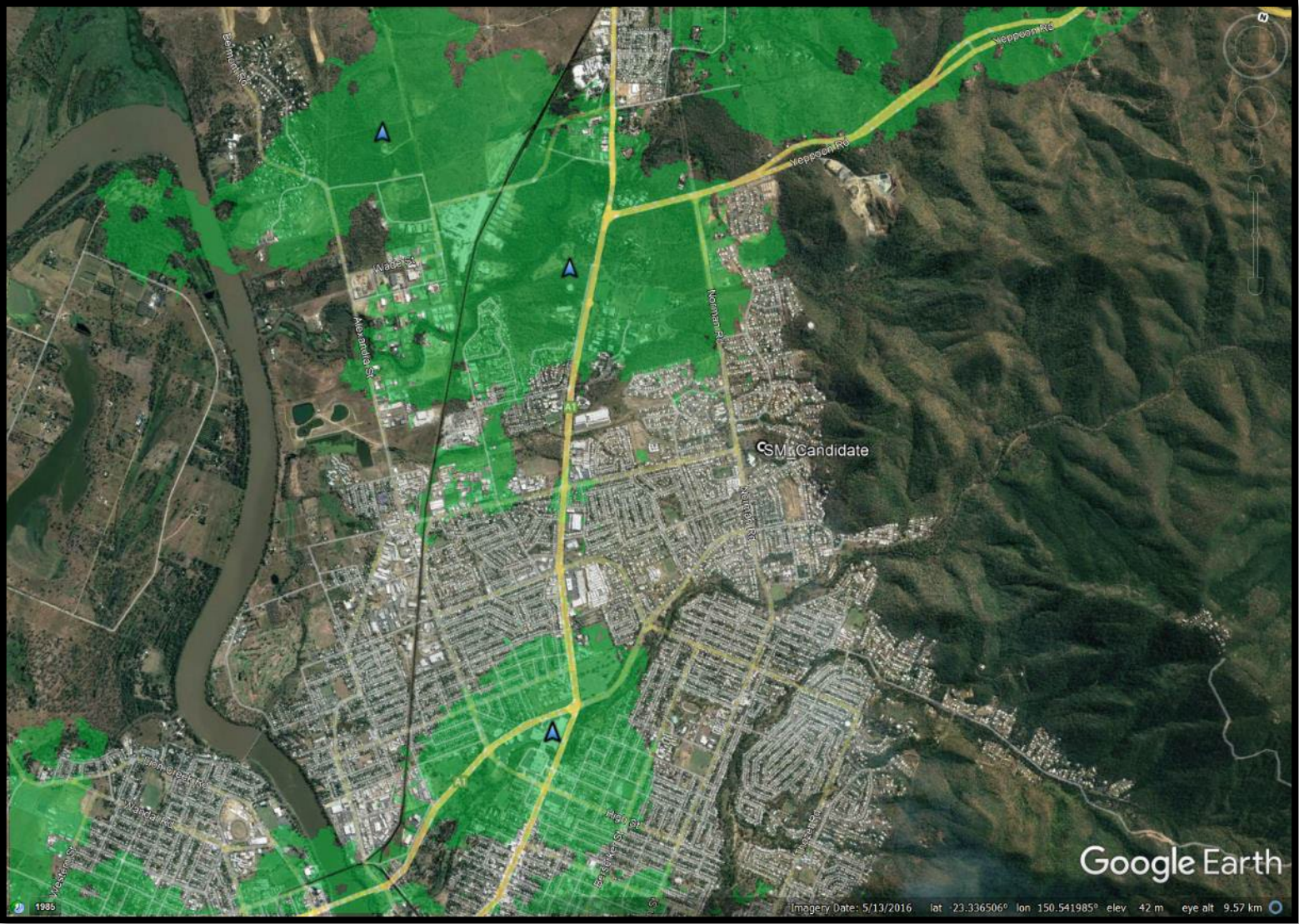
**Stilmark
Norman Gardens
Telecommunications Facility
D/34-2022**

Mark Baade, SAQ Consulting

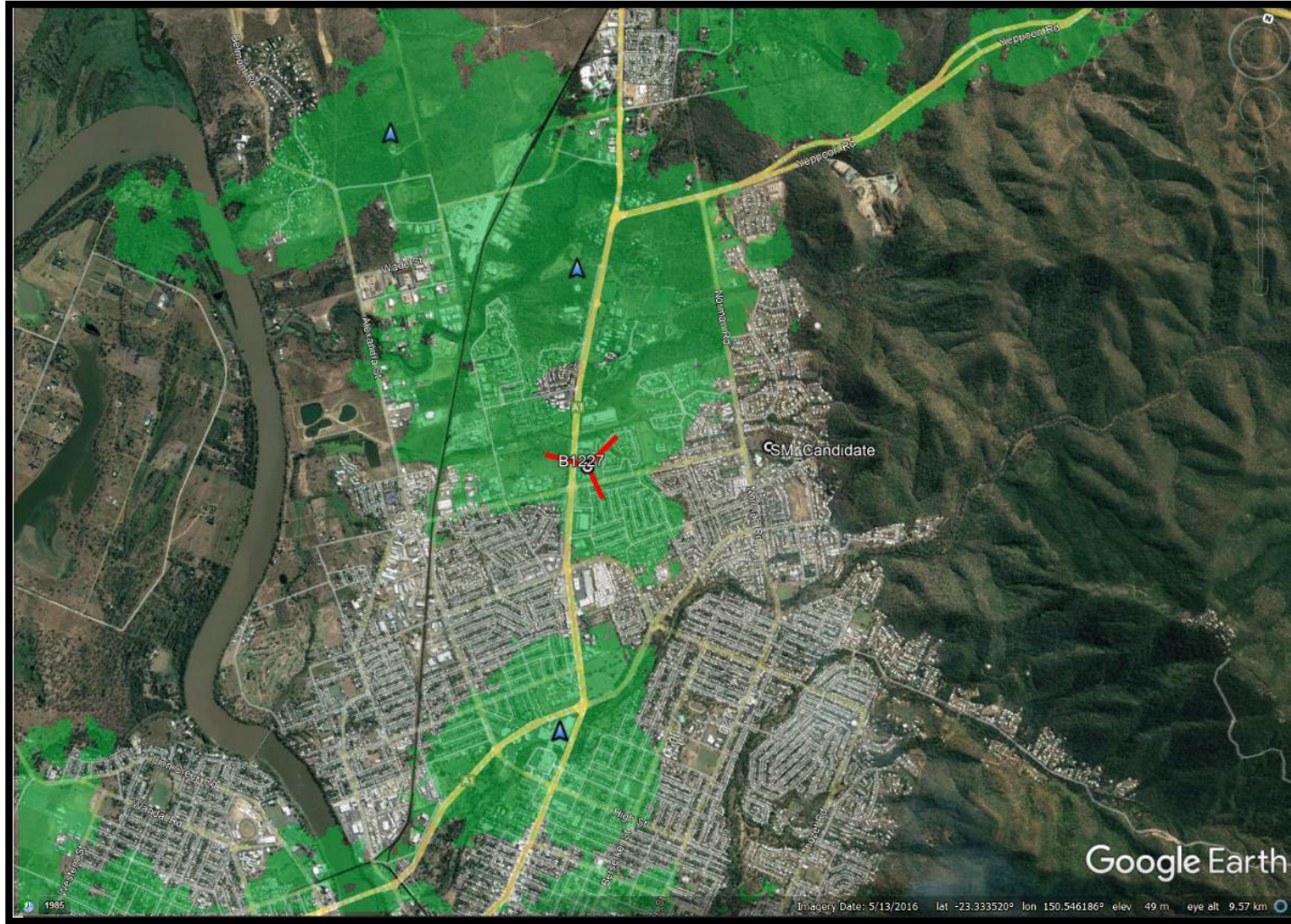
Proposal

- 30-metre monopole
 - Headframe with antennas
 - Equipment cabin
 - Fencing
-
- Will provide 4G and 5G services
 - Designed to accommodate collocation

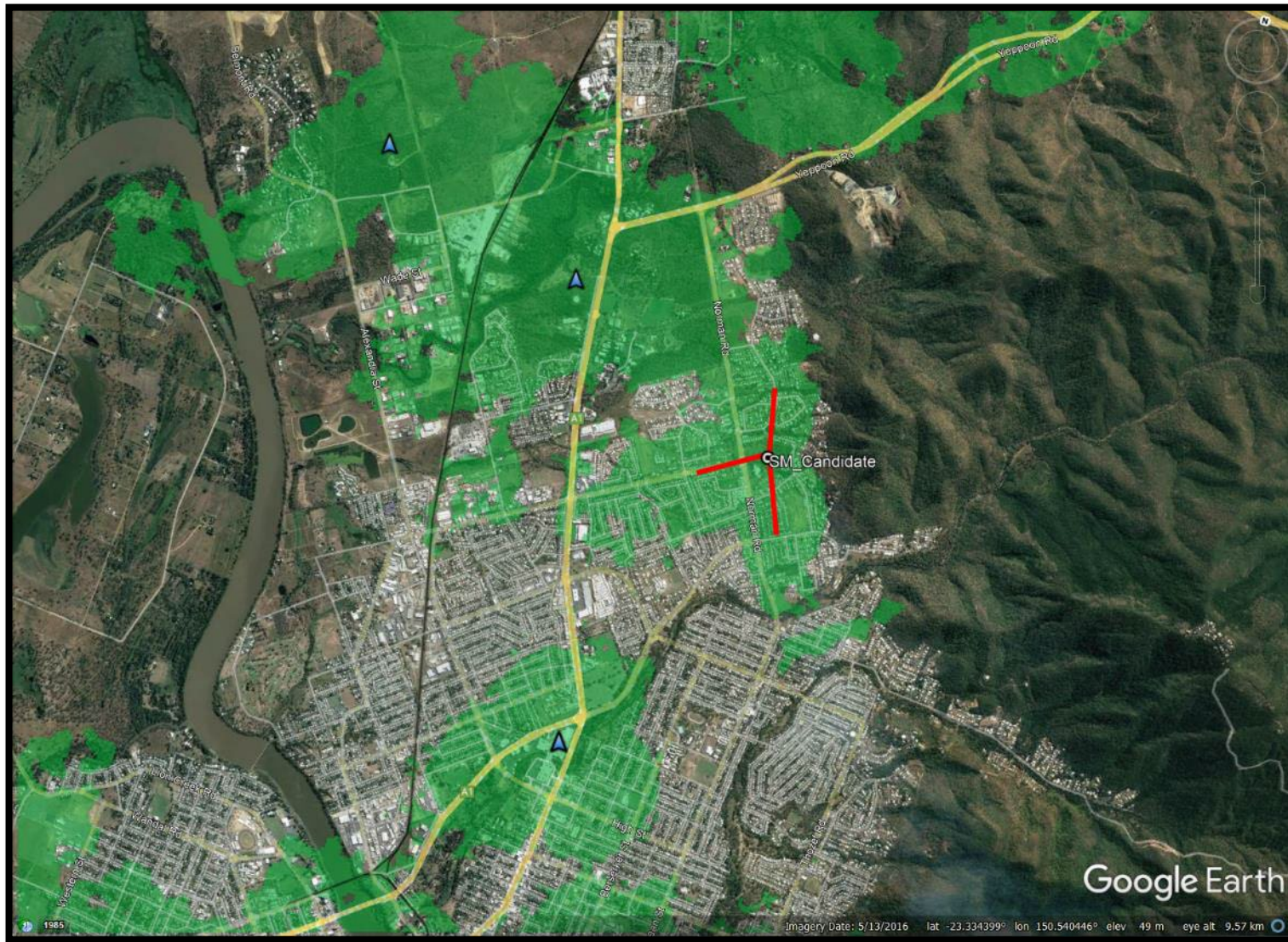
Existing 4G LTE1800 Coverage in Norman Gardens East



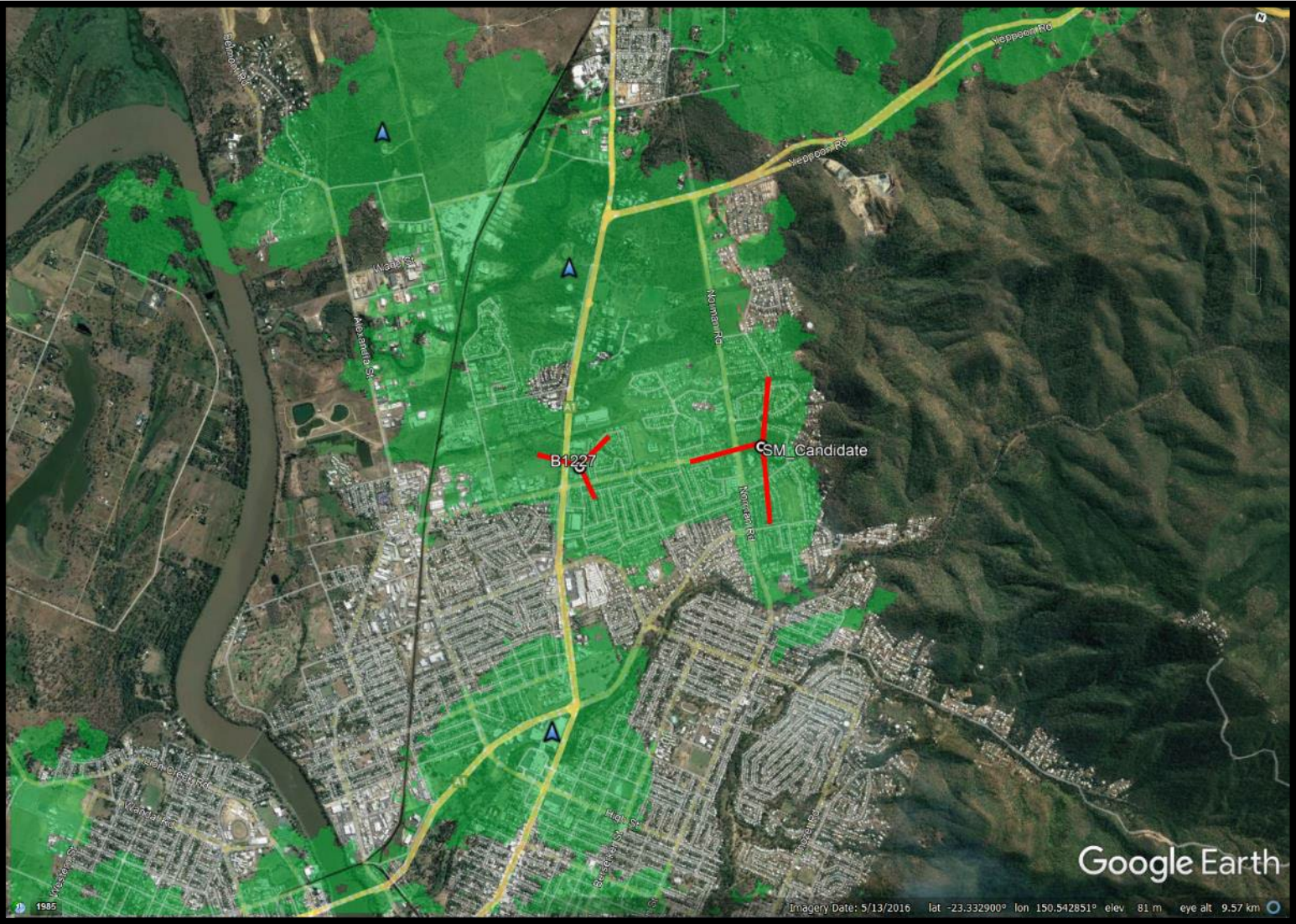
Proposed 4G LTE1800 Coverage in Norman Gardens East with Axicom Site (307 Farm Street)



Proposed 4G LTE1800 Coverage in Norman Gardens East with Stilmark Site



Proposed 4G LTE1800 Coverage in Norman Gardens East with both Axicom & Stilmark Site



Issues raised at July meeting

- EME questions
- Alternate location on the church land
- Previous advice from the church to residents
- Future use of the land for residential



EME issues

The EME report calculates maximum EME levels from the facility

The maximum level stated is a percentage of the ARPANSA standard, called RPS S-1, which was updated in 2021

The RPS S-1 standard is very conservative with a significant safety margin built in to ensure it protects people of all ages 24 hours a day, 7 days a week

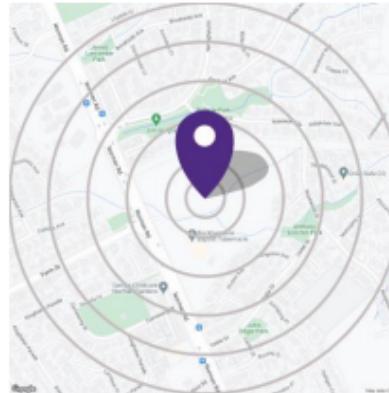
The RPS S-1 standard covers all frequencies from 100 kilohertz to 300 gigahertz and includes 5G and future technologies

The proposed site uses frequencies ranging from 700 megahertz to 3.5 gigahertz

EME issues

A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.



The maximum EME level calculated for the proposed changes at this site is

1.67%

out of 100% of the public exposure limit, 190 m from the location.

EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	0.85%
50-100 m	0.96%
100-200 m	1.67%
200-300 m	1.60%
300-400 m	0.86%
400-500 m	0.48%

- Maximum levels occur only when the facility is operating at full capacity – maximum number of calls/data sessions, maximum number of customers
- Levels are usually much lower as demand varies significantly over the course of any particular day

EME issues

Distance from the site	Existing configuration			Proposed configuration		
	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
0-50m				4.71	58.74	0.85%
50-100m				5.72	86.73	0.96%
100-200m				6.49	111.81	1.67%
200-300m				6.38	107.95	1.60%
300-400m				4.71	58.89	0.86%
400-500m				3.52	32.84	0.48%

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m ²)	Percentage of the public exposure limit
Rockhampton Baptist Church	0-7 m	3.54	33.21	0.37%
Closest dwelling (5 Parkside Place)	0-4 m	1.98	10.37	0.12%
Dwelling - 12 Brigalow Avenue	0-4 m	1.99	10.55	0.13%
Dwelling - 6 Lancewood Close	0-4 m	1.27	4.25	0.05%
Genius Childcare Centre	0-4 m	2.95	23.01	0.30%
Nursing Home	0-6 m	2.23	13.18	0.18%

EME Issues

The current position of the **World Health Organization** is:

“Studies to date provide no indication that environmental exposure to RF fields, such as from base stations, increases the risk of cancer or any other disease”

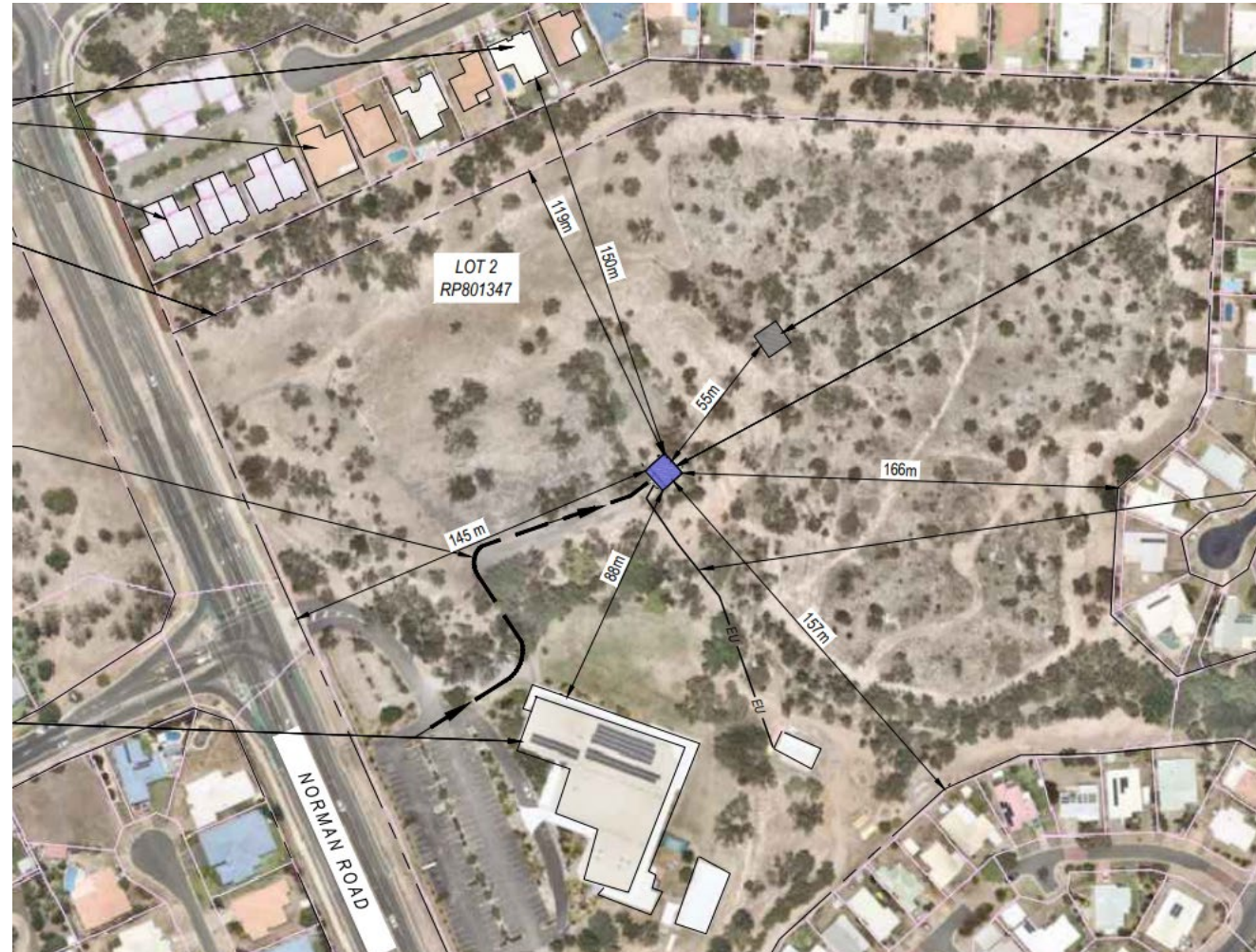
ARPANSA’s position is:

“Based on current research there are no established health effects that can be attributed to the low RF EME exposure from mobile phone base station antennas.”

The latest advice from the **WHO** on 5G states:

“As the frequency increases, there is less penetration into the body tissues and absorption of the energy becomes more confined to the surface of the body (skin and eye). Provided that the overall exposure remains below international guidelines, no consequences for public health are anticipated.”

Alternate Location



Previous church letter to residents.....

- Was initial consultation by the church with the surrounding community to obtain feedback on a potential proposal both in that location and more generally
- The feedback received rejected the northern boundary location and the church decided to pursue a more centrally located site that maximised the physical separation from all boundaries and utilised the extensive tree cover for screening purposes
- The northern boundary location was never likely to be the subject of a planning application and the church had provided no consent to lodge any planning application at that location
- The proposal is now for a location with much greater separation and screening, thereby protecting residential amenity

Future Use of subject land

- The church has advised there are no plans to utilise the balance of the site for any development in the foreseeable future;
- The land is highly constrained due to the creek alignment and is flood-prone in parts. As such, it is unlikely to yield the number of allotments one might expect from such a large parcel of land (should residential subdivision be desired by the church) and would likely come with a high servicing cost;
- There are no mandated physical separation requirements from such facilities to any other type of land use, including residential; and
- The church is at liberty to make whatever future application it sees fit to make on the land, which would be assessed on its merits against the planning scheme at that point in time. This could potentially include residential uses or other community uses near the proposed facility.



THANK YOU



QUESTIONS?



**Development application (D/34-2022)
Material Change of Use for a
Telecommunications Facility**

**652-664 Norman Road, Norman Gardens
Lot 2 on RP801347**

Council meeting – 23 August 2022

Kathy McDonald – Planning Officer

Proposed development



Development Application (D/167-2021) for Development Permit for Material Change of Use for Residential Care Facility (90 bedrooms)

75 Ward Street, The Range

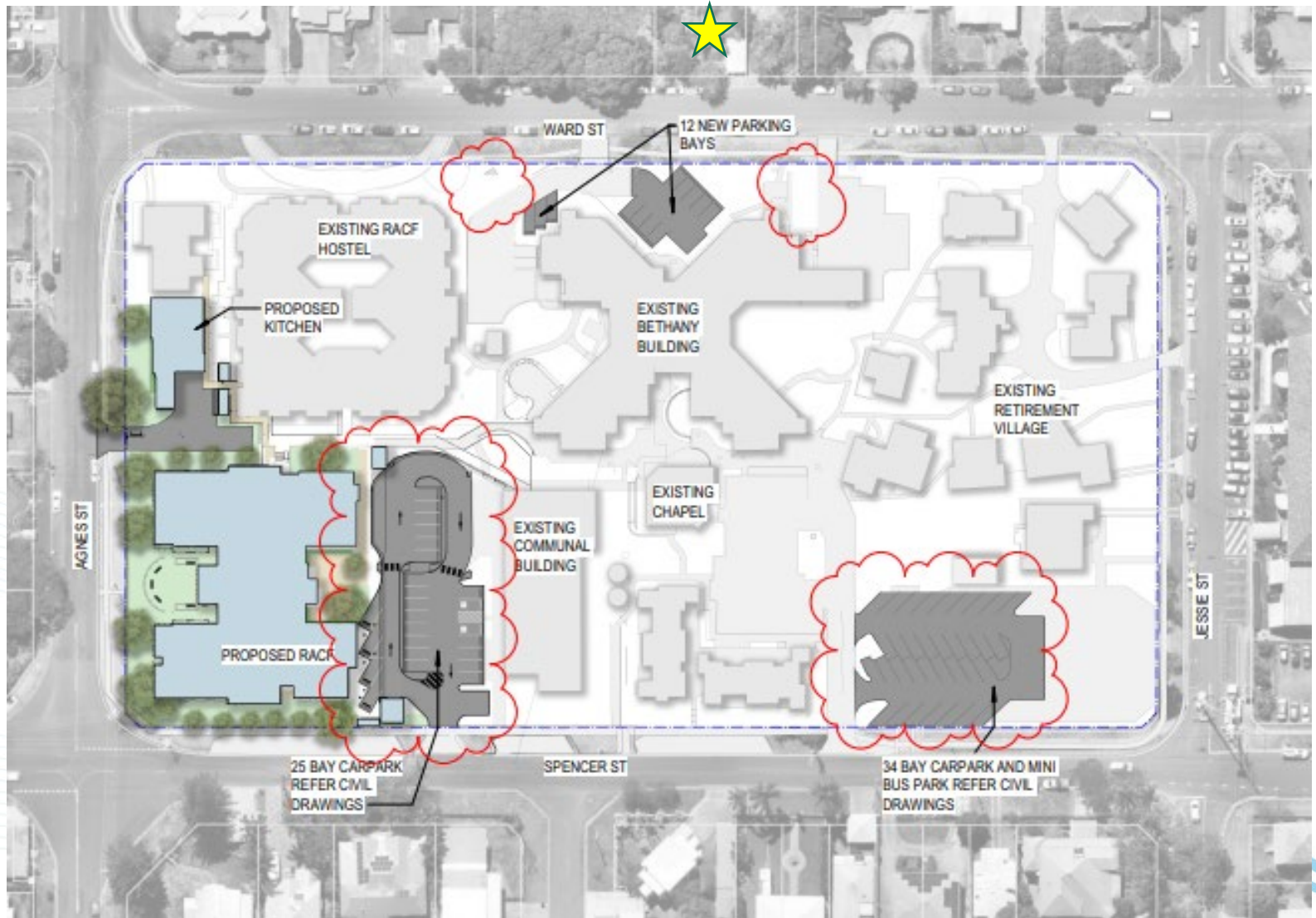
Council meeting – 23 August 2022

Brendan Standen – Senior Planning Officer

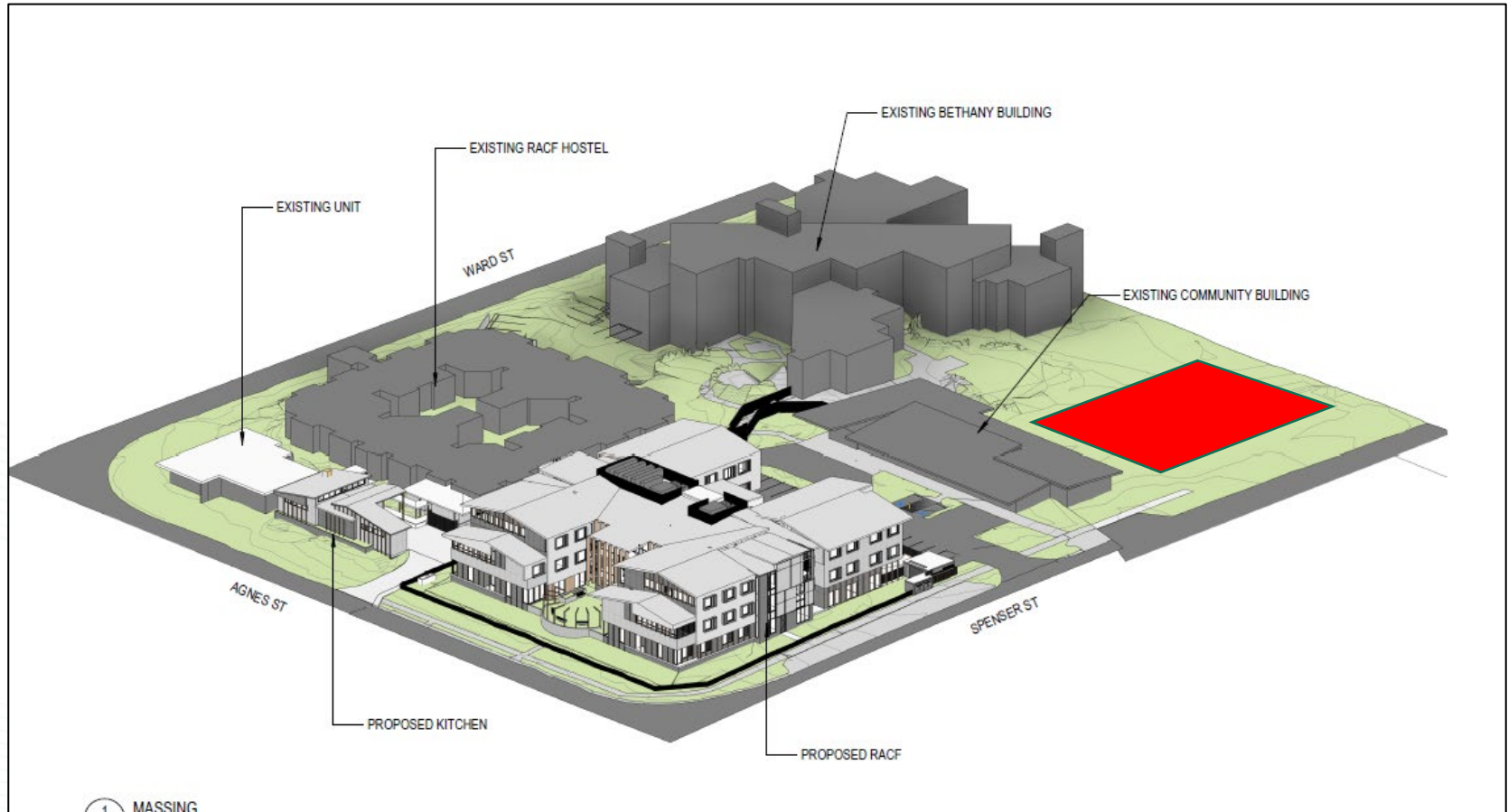
Development Proposal – Subject Site



Development Proposal – Overview



Development Proposal – Overview



Grounds for Approval

- The development generally complies with the provisions included in the applicable Planning Scheme codes and does not compromise the Strategic Framework.
- A Residential Care Facility is a use that is contemplated in the Low Density Residential Zone.
- The site is an established Residential Care Facility and it is considered and the proposed development is within reasonable community expectations, noting only one (1) submission was received.
- Therefore, the development application is recommended for approval



**Development Application (D/171-2021) for
Development Permit for Material Change of Use
for Health Care Services and Shop (Pharmacy)
and Operational Works for Advertising Devices**

90 and 94 High Street, Berserker

Council meeting – 23 August 2022

Brendan Standen – Senior Planning Officer

Rockhampton Regional Council

Development Proposal – Subject Site



Development Proposal – Overview



- General Practice (GP) Consult Rooms
- Physiotherapy Consult Rooms
- Allied Health Consult Rooms
- Pharmacy (Shop)
- 34 on-site car parking spaces

Grounds for Approval

- There are conflicts with elements of the *Rockhampton Region Planning Scheme 2015* (v2.2) because of the Low Density Residential zoning.
- Despite this, where conflicts have been identified, regard to “relevant matters” are considered to outweigh those conflicts.
- There is a clear planning and community need for additional health care services in the area.
- There is no or limited appropriately zoned land that could accommodate a proposal of this scale for the catchment it intends to service.
- Therefore, the development application is recommended for approval.