



# **ORDINARY MEETING**

## **MINUTES**

**13 SEPTEMBER 2022**

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## MEETING ATTACHMENTS

### ANNEXURE A

Documents presented for reference to Item 10.3

Documents presented for reference to Item 10.4

**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 13 SEPTEMBER 2022 COMMENCING AT 9:00AM**

## **1 OPENING**

1.1 Acknowledgement of Country

1.2 Opening prayer delivered by Pastor John Buchholz, Lighthouse Baptist Church

9:03AM

Councillor Mathers attended the meeting

## **1.3 MOTION OF CONDOLENCE**

### **COUNCIL RESOLUTION**

People throughout Australia and indeed the world continue to mourn the passing of Her Majesty Queen Elizabeth II and I wish to express on behalf of the Rockhampton Regional Council our deepest condolences to His Majesty The King and The Royal Family.

This motion of condolence will provide an opportunity for the Rockhampton Regional Council to pay tribute to The Queen's life of service and her enduring bond with Australia and its people.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

Following the Motion of Condolence a minute's silence was observed in memory of Her Majesty The Queen.

## 2 PRESENT

### Members Present:

Acting Mayor, Councillor N K Fisher (Chairperson)  
Councillor S Latcham  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor D Kirkland  
Councillor G D Mathers

### In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Mr P Kofod – General Manager Regional Services  
Ms A Cutler – General Manager Community Services  
Ms M Taylor – Chief Financial Officer (via video link)  
Mr G Bowden – Executive Manager Advance Rockhampton  
Mr D Morrison – Manager Workforce and Governance  
Ms M Younger – Manager Corporate and Technology Services  
Ms K Moody – Acting Manager Planning and Regulatory Services  
Ms A O'Mara – Coordinator Development Assessment  
Mr J McCaul – Coordinator Development Engineering  
Ms K Roberts – Coordinator Property and Insurance  
Mr M Mansfield – Coordinator Media and Communications (via video link)  
Mr B Standen – Senior Planning Officer  
Ms K McDonald – Planning Officer  
Ms K Ramm – Senior Risk and Assurance Advisor  
Mr P Lilleboe – Internal Communications Officer  
Ms E Davis – Administration Officer  
Ms K Walsh – Committee Support Officer  
Ms L Leeder – Senior Committee Support Officer

## 3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to the Mayor, Councillor Tony Williams.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 23 August 2022 be confirmed.

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

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Drew Wickerson informed the meeting:

“I believe that I have a declarable conflict of interest in **Item 15.1 – Proposed Disposal of Part of a Lot to an Adjoining Owner** relating to property that is the subject of this report, as the owner, Mr Michael White, assisted me with my 2016 Local Government Election campaign by handing out how-to-vote cards.

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:** 10097

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Evan Pardon - Chief Executive Officer

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#### 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 matter be lifted from the table and dealt with accordingly:

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

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Smith

**MOTION CARRIED**

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COUNCILLOR/DELEGATE REPORTS**

Nil



## 10 OFFICERS' REPORTS

### COUNCIL RESOLUTION

THAT pursuant to s5.3 *Council Meeting Procedures* the Order of Business be amended to consider Item 10.2 – Risk Registers - Quarterly Update as at 1 July 2022 after Item 10.9 – Sale of Access Restriction Strip – 66A MacFarlane Street, Berserker.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

### 10.1 SPONSORSHIP OF 2022 FITZROY RIVER BARRA BASH

**File No:** 6097

**Authorising Officer:** Wade Clark - Acting Executive Manager Advance  
Rockhampton

**Author:** Eileen Brown - Events Coordinator

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### SUMMARY

*A request for sponsorship for the 2022 Fitzroy River Barra Bash event to be held in Rockhampton from 16 – 19 October 2022 is presented to Council for consideration.*

### COUNCIL RESOLUTION

THAT Council approves the allocation of \$10,000 in funding for sponsorship of the 2022 Fitzroy River Barra Bash event to be held in Rockhampton from 16 - 19 October 2022.

**Moved by:** Councillor Kirkland

**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

### 10.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A CLUB AND OPERATIONAL WORKS FOR ADVERTISING DEVICES (CREATIVE AWNING SIGN AND FIVE (5) WALL SIGNS)

**File No:** D/58-2022

**Authorising Officer:** Amanda O'Mara - Acting Coordinator Development Assessment  
Doug Scott - Acting General Manager Community Services

**Author:** Kathy McDonald - Planning Officer

#### SUMMARY

**Development Application Number:** D/58-2022

**Applicant:** Rockhampton Leagues Club Ltd

**Real Property Address:** Lot 21 on SP171783

**Common Property Address:** 984-986 Yaamba Road, Parkhurst

**Area of Site:** 3.812 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:** Korte's Resort – Hotel and Function Facility

**Approval Sought:** Development Permit for Material Change of Use for a Club and Operational Works for Advertising Devices (creative awning sign and five (5) wall signs)

**Level of Assessment:** Impact Assessable

**Submissions:** Nil

**Referral Agency:** State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

9:16AM Councillor Rutherford attended the meeting

#### COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Material Change of Use for a Club and Operational Works for Advertising Devices (creative awning sign and five (5) wall signs), made by Rockhampton Leagues Club Ltd, located at 984-986 Yaamba Road, Parkhurst, described as Lot 21 on SP171783, Council resolves to provide the following reasons for its decision:

#### STATEMENT OF REASONS

<b>Description of the development</b>	Material Change of Use for a Club and Operational Works for Advertising Devices (creative awning sign and five (5) wall signs)
<b>Reasons for Decision</b>	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>	
<b>Assessment Benchmarks</b>	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Low Density Residential Zone Code;</li> <li>• Advertising Devices Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	<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>	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	<p>Strategic Framework</p> <p>Settlement pattern New Urban Area</p>	<p>The proposed development presents conflicts with the strategic outcomes for the Settlement Pattern theme. Specifically, the outcomes anticipate residential rather than commercial development.</p> <p>The site is designated within the 'New Urban Area' where residential development is anticipated. Despite this, the subject site is considered suitable for the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The development will not expand an existing centre into the residential zoned area and will not compromise the role and function of designated centres including the proposed local centre in North Parkhurst (along William Palfrey Road on Lot 5 SP238731).</li> <li>• The development will contribute to the facilities that service the residential growth corridor in North Rockhampton and is commensurate with the population of the immediate catchment.</li> <li>• The site can be safely and efficiently accessed by residents in the surrounding area by methods including public, active and private transport. The Club will be a supported recreational facility of 'The Rockhampton Leagues Club' and will</li> </ul>

		<p>provide employment opportunities for the local community.</p> <ul style="list-style-type: none"> <li>• The built form is sited with appropriate separation distances from all boundaries and conditions of approval have also been included that seek to mitigate the risk of adverse impacts on any future residential development on adjoining lots. This is anticipated to provide an effective buffer for residents to minimise any potential adverse amenity impacts generated from the development.</li> </ul> <p>Despite conflicts with several of the strategic outcomes sought for the Settlement Pattern theme, there is an established non-residential use on the subject site. It is considered that the likely impacts of redeveloping the non-residential use have been satisfactorily addressed, and regard to relevant matters is considered to outweigh these conflicts.</p>
	<p>Low Density Residential Zone Code</p>	<p>PO13</p> <p>The development does not comply with Acceptable Outcomes (AO) 13.2 and 13.3 as the proposed development is not orientated towards the street and contains exterior walls exceeding a length of 12 metres respectively.</p> <p>AO13.2</p> <p>The existing building to be redeveloped already presents internal to the site. Despite this, the proposal looks to improve the presentation of the building with a new feature screen and landscaping along the existing walls presenting to Yaamba Road and the southern adjoining lot. The orientation of the building will remain to the north, however, the pedestrian entry access via the internal carpark will be a prominent feature.</p> <p>Furthermore, an open swale drain and easement over the sites frontage form part of the stormwater management and encumber direct access to the building from the road frontage.</p> <p>AO13.3</p> <p>The length of the existing exterior walls fronting Yaamba Road and the vacant lot to the south are 25 metres and 49 metres respectively. The proposal involves constructing a new building adjoining the existing building, which will result in an exterior wall of 48 metres in length presenting to the east (internal to the site).</p> <p>A combination of landscaping, appropriate boundary setbacks and improved integration with the streetscape assist in softening and breaking up the perceived bulk and scale of the existing exterior walls. Specifically, this will be achieved by:</p> <ul style="list-style-type: none"> <li>• Maintaining the existing boundary setbacks of the building, approved under earlier development approvals.</li> <li>• Landscaping along the existing exterior walls</li> </ul>

		<p>(presenting to Yaamba Road and south).</p> <ul style="list-style-type: none"> <li>• New feature screen along the existing walls presenting to Yaamba Road and southern adjoining lot.</li> </ul> <p>Therefore, the proposal is considered to comply with Performance Outcome 13 (PO13).</p>
		<p>PO16</p> <p>The development does not comply with aspects of PO16, which sets out scenarios where non-residential development is contemplated in the Low Density Residential Zone. Specifically, the development does not comply with the following:</p> <ul style="list-style-type: none"> <li>• Does not service the day-to-day needs of residents of the local neighbourhood.</li> <li>• It is not considered 'small-scale' in a low-density residential context.</li> <li>• Does not serve a convenience function.</li> </ul> <p>While the proposed development is not considered 'small-scale' in an ordinary low-density residential context, it is considered relatively small-scale in the context of the existing development on the site and that existing along Yaamba Road.</p> <p>The proposed development does not comply with all aspects of PO16 outlined above, it is considered to comply with the remaining outcomes. Specifically:</p> <ul style="list-style-type: none"> <li>• It does not compromise the existing residential character or amenity of the surrounding area. The level of residential amenity directly adjoining Yaamba Road, where the proposal is located, is considered low. Conditions of approval have also been included that seek to mitigate the risk of adverse impacts on any future residential development on adjoining lots.</li> <li>• It is generally consistent with the surrounding built form and streetscape, given the mix of residential and non-residential development. The proposed built form is below the maximum building height for the zone and will be well integrated with the existing built form on-site.</li> <li>• Does not adjoin an existing centre zone. The nearest centre zone is Parkhurst Centre approximately 1.7 kilometres (km) to the south.</li> <li>• Is located near public transport, being 600 metres to the south.</li> </ul> <p>Therefore, on balance the development is considered to comply with PO16. To the extent any conflicts are identified, regard to relevant matters is considered to outweigh those conflicts.</p>
		<p>PO21</p> <p>The development does not comply with Acceptable Outcome 21.1 as it will operate outside the nominated land use hours.</p> <p>The proposed development will operate Sunday to</p>

		<p>Thursday from 9am to midnight and Friday and Saturday from 9am to 2am.</p> <p>Despite this, the majority of operational areas associated with the proposed facility will be undertaken indoors and where outdoor areas are proposed, they are inward-facing and appropriately setback from all boundaries.</p> <p>Furthermore, the proposal is considered to minimise any adverse amenity impacts with proposed dense landscaping and a solid 1.8 metre fence, which will screen and visually buffer the development from any existing or future adjoining residential premise.</p> <p>Therefore, the proposal is considered to achieve the overarching performance outcome.</p>
	Advertising Devices Code	<p>PO1</p> <p>The advertising devices proposed for the development does not comply with AO1.2 as they do not wholly meet the sign specific outcomes for a Creative Awning Sign or Wall Sign.</p> <p>The Creative Awning Sign is not centrally located on the fascia. As an alternative the design features of the built form warrant this sign to be located centrally over the covered entryway. The sign will be single-sided and oriented towards the north internal carpark and is for identifying purposes.</p> <p>Three (3) logo Wall Signs and two (2) identifying (name plate) Wall Signs will be located in the Low Density Residential Zone. The Wall Signs are not anticipated to result in the proliferation of unnecessary advertising and are for identifying purposes.</p> <p>The Creative Awning Sign and Wall Signs will be integrated with the design of the new feature screen and are not anticipated to impede vehicle or pedestrian movements, nor do they resemble road or traffic signs.</p> <p>Therefore, the proposal is considered to achieve the overarching performance outcome.</p>
<b>Relevant Matters</b>	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>• The proposal only results in a 24.6m<sup>2</sup> increase in gross floor area (GFA) compared to a building (restaurant) approved in the same location under development approval D/389-2010 (Stage 2A), which was not constructed.</li> <li>• The site is already developed with a non-residential use, despite the Low Density Residential zoning. It is not considered reasonable or practical for that part of the site where the Club is proposed to be developed for low density residential development.</li> <li>• The Yaamba Road corridor (State-controlled Road) north of Yeppoon Road through to Rockhampton Regional Council's northern boundary is characterised by a combination of residential, commercial and industrial development with heavy traffic. For those lots fronting Yaamba Road there is not considered to be an established level of residential amenity to maintain.</li> <li>• It is considered that the likely impacts of the development have been</li> </ul>	

	satisfactorily addressed such that the development will not compromise the ability of adjoining land to be reasonably developed for its intended purpose.
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Material Change of Use for a Club and Operational Works for Advertising Devices (creative awning sign and five (5) wall signs), made by Rockhampton Leagues Club Ltd, located at 984-986 Yaamba Road, Parkhurst, described as Lot 21 on SP171783, Council resolves to Approve the application subject to the following conditions:

**MATERIAL CHANGE IN USE FOR A CLUB****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 Plumbing and Drainage Works; and
- 1.5.2 Building Works:
- 1.6 All Development Permits for 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.

**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>
Title Sheet	Design + Architecture	8 July 2022	RL-002 SK-001	11

Overall Site Plan	Design + Architecture	8 July 2022	RL-002 SK-002	11
Area Schedule	Design + Architecture	8 July 2022	RL-002 SK-003	11
Existing Plan	Design + Architecture	8 July 2022	RL-002 SK-004	11
Proposed Plan	Design + Architecture	8 July 2022	RL-002 SK-005	11
Elevations	Design + Architecture	8 July 2022	RL-002 SK-006	11
Sections	Design + Architecture	8 July 2022	RL-002 SK-007	11
3D Views	Design + Architecture	8 July 2022	RL-002 SK-008	11
3D Views	Design + Architecture	8 July 2022	RL-002 SK-009	11

- 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 PLUMBING AND DRAINAGE WORKS

- 3.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the development site.
- 3.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.3 The development must be connected to Council's reticulated sewerage and water networks.
- 3.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.5 Adequate domestic and firefighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 3.6 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.
- 3.7 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 3.8 Amended sewerage and sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.



#### 4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice.
- 4.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

#### 5.0 SITE WORKS

- 5.1 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.

#### 6.0 BUILDING WORKS

- 6.1 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.
- 6.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view to Council's satisfaction.
- 6.3 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"*.
- 6.4 No structures are permitted to be constructed within the existing sewer easement (easement E on SP289434) in accordance with Council's Building Over/Adjacent to Local Government Sewerage Infrastructure Policy and the *Queensland Titles Registry Land Title Act 1994*.
- 6.5 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.
- 6.6 Impervious paved waste storage areas must be provided in accordance with the *Environmental Protection Regulation 2019* and must be:
- 6.6.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 6.6.2 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;
  - 6.6.3 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;
  - 6.6.4 setback a minimum of two (2) metres from any road frontage; and
  - 6.6.5 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.

- 6.7 A minimum 1.8 metre-high solid fence must be constructed along the southern side boundary for the length of the existing building. Approximately 52 metres.
- 6.8 The fence must be a solid acoustic screen fence to ensure privacy and security to adjoining properties. The fence must be constructed of materials and finishes that are aesthetically pleasing.
- 7.0 LANDSCAPING WORKS
- 7.1 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).
- 7.2 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*.
- 7.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 7.3.1 trees at five (5) metre intervals;
  - 7.3.2 shrubs at two (2) metre intervals; and
  - 7.3.3 groundcovers at one (1) metre intervals.
- 7.4 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:
- 7.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
  - 7.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 7.5 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.
- 7.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 7.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
  - 7.6.2 adversely affect any road lighting or public space lighting; or
  - 7.6.3 adversely affect any Council infrastructure, or public utility plant.
- 7.7 The landscaped areas must be subject to:
- 7.7.1 a watering and maintenance plan during the establishment moment; and
  - 7.7.2 an ongoing maintenance and replanting programme.
- 8.0 ELECTRICITY
- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.0 TELECOMMUNICATIONS
- 9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

**10.0 ASSET MANAGEMENT**

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

**11.0 ENVIRONMENTAL**

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

**12.0 OPERATING PROCEDURES**

- 12.1 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 Yaamba Road.
- 12.2 The hours of operations for the 'club use' must be limited to:
- (i) 0900 hours to 2400 hours on Sunday to Thursday, and
  - (ii) 0900 hours to 0200 hours on Friday and Saturday.
- 12.3 Noise emitted from the activity must not cause an environmental nuisance.
- 12.4 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 12.5 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
- 12.5.1 the area is kept in a clean and tidy condition;
  - 12.5.2 fences and screens are maintained;
  - 12.5.3 no waste material is stored external to the waste storage area/s;
  - 12.5.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

**ADVISORY NOTES****NOTE 1. Aboriginal Cultural Heritage**

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

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

**NOTE 5. General Safety Of Public During Construction**

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

**NOTE 6. Infrastructure Charges Notice**

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

**OPERATIONAL WORKS FOR ADVERTISING DEVICES (CREATIVE AWNING SIGN AND FIVE (5) WALL SIGNS)****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>
Elevations	Design + Architecture	8 July 2022	RL-002 SK-006	11

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 LUMINANCE

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

**Table 2: Luminance levels for Advertising Devices**

(Source: OMA)

Lighting Condition	Zone 1	Zone 2	Zone 3
Full Sun on Sign face	Maximum Output	Maximum Output	Maximum Output
Day Time Luminance	6000-7000 cd/m2	6000-7000 cd/m2	6000-7000 cd/m2
Morning/Evening/Twilight/incomplete weather	1000 cd/m2	700 cd/m2	600 cd/m2
Night Time	500 cd/m2	350 cd/m2	300 cd/m2

**Note:**

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

Zone 2 high to medium off street ambient lighting

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

### 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.

## 6.0 ASSET MANAGEMENT

6.1 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:

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

6.1.2 as soon as reasonably possible as agreed with Council.

## 7.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

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

7.2 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.

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

7.4 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.

7.5 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.

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

7.7 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](http://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 a Club and Operational Works for Advertising Devices (creative awning sign and five (5) wall signs), made by Rockhampton Leagues Club Ltd, located at 984-986 Yaamba Road, Parkhurst, described as Lot 21 on SP171783, Council resolves to issue an Infrastructure Charges Notice for the amount of \$46,342.04.

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

#### 10.4 D/167-2021 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR 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  
**Author:** Brendan Standen - Senior Planning Officer  
**Previous Items:** 10.3 - D/167-2021 - Development Application for a Material Change of Use for a Residential Care Facility (90 bedrooms) - Ordinary Council - 23 Aug 2022 9:00am

#### 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

#### COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Material Change of Use for a Residential Care Facility (90 bedrooms), made by Mercy Health and Aged Care Central Queensland Limited, located at 75 Ward Street, The Range, described as Lot 100 on SP225770, Council resolves to provide the following reasons for its decision:

#### STATEMENT OF REASONS

<b>Description of the development</b>	Material Change of Use for a Residential Care Facility (90 bedrooms)
<b>Reasons for</b>	a) Assessment of the development against the relevant zone



<b>Decision</b>	<p>purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>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>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Low Density Zone Code;</li> <li>• Access, Parking And Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code;</li> <li>• Water and Sewer Code; and</li> <li>• Airport Environs Overlay Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	<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>	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Low Density Residential Zone Code	<p>PO1</p> <p>The development does not comply with AO1.1 as the development exceeds the maximum building height of 2 storeys and 8.5 metres. The maximum building height of the development is approximately 12.5 metres above ground level.</p> <p>Despite this, the building height of the development is a similar building height to that currently exhibited on the site. Therefore, the height of the development is considered be consistent with the built form known and expected on the site and immediately surrounding area. The site is also bound by 20 metre wide road reserve on all sides, which assists in reducing the scale and bulk of the building from nearby residences.</p> <p>On this basis, the development is not considered to adversely impact on the urban form of the surrounding low density residential area or significant scenic landscape features and complies</p>

		with PO1.
	Landscape Code	<p>PO11</p> <p>The development does not comply with AO11.1-11.6 as shade trees have not been provided in the new car parking areas, accessed from Ward Street, at the rates set out in the Planning Scheme.</p> <p>Despite this, some shade tree planting around the new car parking areas has been proposed and conditioned. The approved shade tree planting along with other landscaping proposed ensures that carparks and internal accesses are landscaped to provide shade, reduce glare and reduce heat stored on hard surfaces. On this basis, the development complies with PO11.</p>
	Airport Environs Overlay Code	<p>PO1</p> <p>The development does not comply with AO1.1 or PO1 as the proposed maximum building height exceeds the maximum height limit prescribed in the Zone Code.</p> <p>Despite this, written advice from Airport Services Australia confirmed the proposed development will not have any adverse impacts on the Rockhampton Airport operations. Therefore, the proposed development complies with the overall outcomes for the Airport Environs Overlay, which allows development to protrude into the Obstacle Limitation Surface where it does not compromise airport operations.</p>
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	Noise	<p>The submitter raised concerns about the potential for the development to exacerbate existing and introduce new noise impacts from the facility, including from workers, delivery trucks, fire alarms, emergency service vehicles, taxis and plant equipment. The submitter was concerned noise impacts would reduce residential amenity.</p> <p>The development is an expansion to a long standing residential care facility, which has been progressively developed and improved since the early 1960s. Therefore, the facility's presence in the surrounding area is well</p>

		<p>established and known. The expansion and improvement of the existing facility, including infrequent noise impacts from different noise sources, is considered to be within reasonable community expectations. In addition, an Environmental Noise Assessment submitted by the Applicant demonstrates the proposed development can achieve the acoustic quality objectives at all times, subject to compliance with recommendations. The Environmental Noise Assessment forms part of the approved documents.</p> <p>Notwithstanding, conditions of approval have been included that require the development to comply with the <i>Environmental Protection (Noise) Policy 2019</i>.</p>
	Traffic	<p>The submitter raised concern the development would exacerbate existing traffic congestion issues in Ward Street because of the increase in on-site car parking spaces gaining access from this road.</p> <p>Ward Street is categorised as a 'Minor Urban Collector' road, with anticipated traffic volumes of between 751 and 3,000 average annual daily traffic (AADT). However, considering the road characteristics, Ward Street can be classified as a 'Major Urban Collector' (3,001 – 6,000 AADT) and is therefore suited to higher vehicle volumes.</p> <p>Therefore, despite the increase in on-site car parking spaces gaining access from Ward Street, these vehicle movements are considered to be within the road's capacity.</p>
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (2.2); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Residential Care Facility (90 bedrooms), made by Mercy Health and Aged Care Central Queensland Limited, located at 75 Ward Street, The Range, described as Lot 100 on SP225770, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve

or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:

1.3.1 to Council's satisfaction;

1.3.2 at no cost to Council; and

1.3.3 prior to the commencement of the use,  
unless otherwise stated.

- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

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

1.5.1 Operational Works:

- (i) Access and Parking Works;
- (ii) Sewerage Works;
- (iii) Stormwater Works;
- (iv) Roof and Allotment Drainage; and
- (v) Site Works.

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works:

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

- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

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

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

- 1.9 A maximum of 206 beds occupied by people who cannot live independently and require regular nursing or personal care is permitted across 100 on SP225770 at any given time.

## 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 and Development Summary	Thomson adsett	30 June 2022	A-1.02	3

Site Plan - Staging	Thomson adsett	30 June 2022	A-1.03	3
Site Section	Thomson adsett	30 June 2022	A-1.10	3
RACF Ground Floor Plan	Thomson adsett	30 June 2022	A-2.02	4
RACF Level 1	Thomson adsett	30 June 2022	A-2.03	2
RACF Level 2	Thomson adsett	30 June 2022	A-2.04	2
RACF Roof Plan	Thomson adsett	30 June 2022	A-2.05	2
Kitchen Plan	Thomson adsett	3 December 2021	A-2.11	2
Kitchen Roof Plan	Thomson adsett	3 December 2021	A-2.12	1
Ward Street Car Parking	Thomson adsett	30 June 2022	A-2.20	2
Elevations – RACF	Thomson adsett	30 June 2022	A-3.01	3
Elevations – RACF	Thomson adsett	30 June 2022	A-3.02	3
Kitchen Elevations	Thomson adsett	3 December 2021	A-3.11	2
Sections – RACF	Thomson adsett	30 June 2022	A-4.01	2
Sections – Street Scape	Thomson adsett	3 December 2021	A-4.02	1
Sections – Kitchen	Thomson adsett	3 December 2021	A-4.11	1
Environmental Noise Assessment	RoadPro Acoustics	16 December 2021	1338R1-R0	0
Traffic Impact Assessment	McMurtrie Consulting	14 December 2021	0402122	A
Technical Memorandum	McMurtrie Consulting	7 December 2021	040-21-22	-
Landscape Concept Plan 1: Key Plan	Alderson + Associates Landscape Architects	3 December 2021	964-LCP01	A
Landscape Concept Plan 2: Stage 1 – Additional Parking	Alderson + Associates Landscape Architects	3 December 2021	964-LCP02	A

Landscape Concept Plan 3: Stage 2 – 90 Bed RACF	Alderson + Associates Landscape Architects	3 December 2021	964-LCP03	A
Landscape Concept Plan 4: Stage 2 – 90 Bed RACF	Alderson + Associates Landscape Architects	3 December 2021	964-LCP04	A
Landscape concept Plan 6: Stage2/3-90 Bed RACF + Kitchen	Alderson + Associates Landscape Architects	14 February 2022	964-LCP06	B
Landscape Concept Plan 5: Stage 2- 90 Bed RACF	Landscape Concept Plan 5: Stage 2- 90 Bed RACF	14 February 2022	964-LCP05	B
Landscape Concept Plan 7: Lower Car Park	Landscape Concept Plan 5: Stage 2- 90 Bed RACF	4 July 2022	964-LCP07	A
Technical Letter – Traffic and Stormwater	JS <sup>2</sup> Structures	6 July 2022	21145	-

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 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two discrete stages, namely:

3.1.1 Residential Care Facility and On-site Car Parking (Stage One); and

3.1.2 Kitchen Facility, Loading Dock and Refuse Storage (Stage Two),

in accordance with the approved plan (refer to condition 2.1).

The stages are required to be undertaken in chronological order.

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

### 4.0 ACCESS AND PARKING WORKS

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

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

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

- 4.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.5 A minimum of fifty five (55) new parking spaces must be provided on-site.  
Note: Existing twenty five (25) car parking spaces will be removed as a part of this development.
- 4.6 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"*.
- 4.7 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).
- 4.8 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.9 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"*.
- 4.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.11 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 point(s) must be retained and upgraded, if necessary, to service the development.
- 5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.6 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.
- 5.7 The existing 150mm diameter sewerage infrastructure that traverses the development site must be re-aligned in accordance with approved technical memorandum (refer to condition 2.1). The section of redundant sewerage infrastructure must be removed from the development site.
- 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 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into

the sewer system.

#### 6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated water network. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.4 The existing water connection point must be retained, and upgraded if necessary, to service the development.
- 6.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 6.6 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.
- 6.7 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.8 Fixtures installed in the basement or other locations, where surcharge could damage the premises and contents, must be connected to the reticulated sewerage system by means of a pumping installation complying with *Australian Standard AS3500 "Sanitary plumbing and drainage"*.

#### 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a 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, nuisance or worsening to surrounding land or infrastructures.
- 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 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 7.5.1 details around the implementation and design of the adopted stormwater management strategy;

Note: Should the underground tank strategy be adopted, details regarding



- the pump setup and pressure main must be provided and should comply with *Australian Standard AS3500 "Sanitary plumbing and drainage"*.
- 7.5.2 details of the low / high flow outlets;
- 7.5.3 demonstration of how the major design storm flows are conveyed to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 7.5.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
- 7.5.5 identification of the area of development site inundated as a consequence of the major design storm event for post-development scenario; and
- 7.5.6 details of all calculations, assumptions and data files (where applicable).
- 7.6 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner / operator.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by earthworks plan that clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
- 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
- 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
- 9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 9.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.4 Site works must be constructed such that they do not, at any time, in any way restrict,

impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

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

#### 10.0 LANDSCAPING

- 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 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*.

- 10.3 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:

10.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and

10.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.

- 10.4 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.

- 10.5 Each shade tree must have a clean trunk with a minimum height of two (2) metres and each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.

- 10.6 Shade trees must comply with the following requirements:

10.6.1 Be planted clear of services and utilities;

10.6.2 Be planted clear of park furniture and embellishments;

10.6.3 Not obstruct pedestrian or bicycle traffic; and

10.6.4 Comply with crime prevention through environmental design principles.

- 10.7 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.

- 1.1 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.

#### 11.0 BUILDING WORKS

- 11.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 11.2 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*

- 11.3 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:

- 11.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 11.3.2 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;
- 11.3.3 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;
- 11.3.4 setback a minimum of two (2) metres from any road frontage; and
- 11.3.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

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

- 11.4 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined storm inundation level.
- 11.5 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual Exceedance Probability storm event, must be designed and constructed using suitable flood resilient materials.
- 11.6 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined storm inundation level.

## 12.0 ELECTRICITY

- 12.1 Underground electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

## 13.0 TELECOMMUNICATIONS

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

## 14.0 ASSET MANAGEMENT

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

**15.0 ENVIRONMENTAL**

15.1 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:

15.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

15.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

**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 Spencer Street, Jessie Street, Agnes Street or Ward Street.

16.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:

16.2.1 the area is kept in a clean and tidy condition;

16.2.2 fences and screens are maintained;

16.2.3 no waste material is stored external to the waste storage area/s;

16.2.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

16.3 Building plant or air conditioning equipment must be screened from view of the street and adjoining properties.

**17.0 ENVIRONMENTAL HEALTH**

17.1 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"*.

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

17.3 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.

17.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*. Airconditioning units must be located so as not to cause a noise nuisance and maintained in appropriate working order at all times. Installation is to be as per manufacturer's directions to ensure the efficiency of the equipment.

**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](http://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. Licensable Activities

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

NOTE 5. General Safety Of Public During Construction

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

NOTE 6. Infrastructure Charges Notice

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

Total Contributions Payable = \$587,953.50

## RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Residential Care Facility (90 bedrooms), made by Mercy Health and Aged Care Central Queensland Limited, located at 75 Ward Street, The Range, described as Lot 100 on SP225770, Council resolves to apply the *Adopted Infrastructure Charges Resolution (No. 5) 2015* rather than the *Charges Resolution No.1 of 2022*, and issue an Infrastructure Charges Notice for the amount of \$587,953.50.

## INFRASTRUCTURE CHARGES

As per Recommendation C of this report, it is recommended the *Adopted Charges Resolution (No. 5) 2015* be applied instead of the *Charges Resolution No. 1 2022*. The reason for this is because the development application would have been decided prior to the new resolution coming into effect, except it was realised late in the assessment process that advice provided by the Rockhampton Airport to the Applicant prior to the development application being lodged was inconsistent with that provided later in the assessment process.

Specifically, the Applicant sought early advice from the Rockhampton Airport about the maximum permissible height for buildings and structures given the site is mapped under the Planning Scheme as being affected by the Airport Environs Overlay (Airport Obstacle – Height Limit 8.5m) and the proposed buildings exceeded the Obstacle Limitation Surface

(OLS). It is understood the Rockhampton Airport indicated the proposed maximum building height would be acceptable, however, was later found this may not be the case and further advice was required from Airport Services Australia. Airport Services Australia took approximately nine (9) weeks to provide a response.

On this basis, the below calculation is based on *Adopted Infrastructure Charges Resolution (No. 5) 2015* for non-residential development. The site falls within Charge Area 1. The Infrastructure Charges are as follows:

Column 1 Use Schedule		Column n 2 Charge Area	Column 3 Adopted Infrastructure Charge		Column 4 Adopted Infrastructure Charge for stormwater network		Calculated Charge
			(\$)	Unit	(\$)	Unit	
Essential Services	All uses as per AICN 5/14 Table 2.2.1	Areas 1 and 2	119	per m <sup>2</sup> of GFA	8.50	per m <sup>2</sup> of impervi ous area	\$587,953.5 0
Total							\$587,953.5 0
Less Credit							Nil
<b>TOTAL CHARGE</b>							<b>\$587,953.5 0</b>

This is based on the following calculations:

- (a) A charge of \$560,014.00 for Gross Floor Area being 4,706 square metres;
- (b) A charge of \$27,939.50 for Impervious Area being 3,287.00 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) No Infrastructure Credit being applicable.

Therefore, a total charge of \$587,953.50 is payable and will be reflected in an Infrastructure Charges Notice for the development.

As the proposed development is staged, Infrastructure Charges will need to appear for each stage as follows:

Stage	GFA (m <sup>2</sup> )	Impervious Area (m <sup>2</sup> )	Charge (\$)		Total (\$)
			GFA	Impervious	
1	4,575	3,086	544,425.00	26,231.00	570,656.00
2	131	201	15,589.00	1,708.50	17,297.50

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

**COUNCIL RESOLUTION**

THAT Council review the parking arrangements for the precinct surrounding the Mater Hospital, St Peter's School and Bethany facility 12 months after the completion of D/167-2021 – Development Application for a Material Change of Use for Residential Care Facility (90 Bedrooms).

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

**10.5 RENEWAL OF LEASE - RED CROSS SOCIETY, 32 THOMPSON AVENUE, MOUNT MORGAN**

**File No:** 14285  
**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Kellie Roberts - Coordinator Property and Insurance

**SUMMARY**

*Coordinator Property & Insurance reporting on request to renew lease to Red Cross Society over 32 Thompson Avenue, Mount Morgan (former childcare centre).*

**COUNCIL RESOLUTION**

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld), Council approve the renewal of the lease to the Australian Red Cross Society over 32 Thompson Avenue, Mount Morgan (Lot 2 on SP100506); and
2. Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to negotiate the terms and conditions of the lease in preparation for execution by the delegated Officer.

**Moved by:** Councillor Rutherford

**Seconded by:** Councillor Wickerson

**MOTION CARRIED**

**COUNCIL RESOLUTION**

9:43AM

THAT the meeting be adjourned until 12:00 noon.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**



The meeting resumed at 12:00 noon.

Members Present:

Acting Mayor, Councillor N K Fisher (Chairperson)  
Councillor S Latcham  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor D Kirkland  
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Mr P Kofod – General Manager Regional Services  
Ms A Cutler – General Manager Community Services  
Ms M Taylor – Chief Financial Officer (via video link)  
Mr D Morrison – Manager Workforce and Governance  
Ms M Younger – Manager Corporate and Technology Services  
Ms K Roberts – Coordinator Property and Insurance  
Ms A Brennan – Coordinator Legal and Governance  
Mr M Mansfield – Coordinator Media and Communications (via video link)  
Ms K Ramm – Senior Risk and Assurance Advisor  
Mr P Lilleboe – Internal Communications Officer  
Ms L Leeder – Senior Committee Support Officer

**10.6 FLEET SERVICES - SPECIALISED AND SOLE SUPPLIERS REPORT****File No:** 5471**Authorising Officer:** Marnie Taylor - Acting General Manager Corporate Services**Author:** Megan Younger - Manager Corporate and Technology Services

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**SUMMARY**

*This report details a number of specialised and sole suppliers required to support Council's fleet operations. Council approval is sought to deem the nominated suppliers as specialised or sole suppliers in accordance with s235(a) and (b) of the Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT pursuant to s235(a) and (b) of the *Local Government Regulation 2012*, Council approves the use of the nominated suppliers as specialised or sole suppliers to support Council's fleet operations without the need to seek additional quotes or tenders.

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

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**10.7 ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER**

**File No:** 12660  
**Authorising Officer:** Marnie Taylor - Acting General Manager Corporate Services  
Damon Morrison - Manager Workforce and Governance  
**Author:** Allysa Brennan - Coordinator Legal and Governance

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**SUMMARY**

*This report seeks Council's approval for delegation under State legislation to the position of Chief Executive Officer and the revoking of powers under repealed State legislation. Further, in accordance with s257(5) of the Local Government Act 2009 the legislative delegations to the Chief Executive Officer are presented for Council's annual review.*

**COUNCIL RESOLUTION**

THAT:

1. Council resolves under section 257 of the *Local Government Act 2009*, to delegate to the CEO the exercise of powers contained within attachment 1 of the report *Building Regulation 2021* subject to any limitations contained in schedule 2 of the Delegation Register – *Building Regulation 2021*.
2. The powers previously delegated to the CEO for the *Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020* be revoked.
3. In accordance with s257(5) of the *Local Government Act 2009*, the annual review of the legislative and financial delegations to CEO contained in attachments 3, 4 and 5 of the report be received.

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

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**10.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 JUNE 2022**

**File No:** 8148  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marnie Taylor - Acting General Manager Corporate Services

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**SUMMARY**

*The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2022. This report has been prepared along similar lines to the normal month end Management Reports and is the best comparison against the 2021/2022 Budget.*

**COUNCIL RESOLUTION**

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2022 be received.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Latcham

**MOTION CARRIED UNANIMOUSLY**

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**10.9 SALE OF ACCESS RESTRICTION STRIP - 66A MACFARLANE STREET, BERSERKER**

**File No:** 1680  
**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Michelle Mills - Property and Resumptions Officer  
Kellie Roberts - Coordinator Property and Insurance

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**SUMMARY**

*Coordinator Property and Insurance reporting on a request from the Department Communities, Housing and Digital Economy to purchase a Council owned access restriction strip located at 66A MacFarlane Street, Berserker.*

**COUNCIL RESOLUTION**

THAT pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, the Chief Executive Officer (Property and Resumptions Officer) be authorised to negotiate and enter into a contract for the sale of 66A MacFarlane Street, Berserker (Lot 9 on RP603468) to the State of Queensland (represented by Department of Communities, Housing and Digital Economy), the adjoining owner of 48-54 Musgrave Street, Berserker (Lot 1 on SP335282), subject to the following conditions:

1. The sale price will be \$1,191 + GST;
2. The purchaser must amalgamate 66A MacFarlane Street, Berserker (Lot 9 on RP603468) with their adjoining lot; and
3. All costs incurred will be paid by the purchaser, including but not limited to stamp duty, survey costs, planning application costs (if applicable), purchaser's legal costs (if applicable) and registration fees.

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

**10.2 RISK REGISTERS - QUARTERLY UPDATE AS AT 1 JULY 2022**

**File No:** 8780  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Kisane Ramm - Senior Risk and Assurance Advisor

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**SUMMARY**

*Submission of the quarterly risk register updates, as at 1 July 2022, for adoption by Council.*

**COUNCIL RESOLUTION**

THAT the matter lay on the table pending a workshop.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Kirkland

**MOTION CARRIED UNANIMOUSLY**

## 11 NOTICES OF MOTION

### 11.1 NOTICE OF MOTION - COUNCILLOR DONNA KIRKLAND - TRAVEL TO REEF GUARDIAN COUNCIL EXECUTIVE MEETING AND LGAQ CONFERENCE

**File No:** 10072

**Responsible Officer:** Nicole Semfel - Acting Senior Executive Assistant to the Mayor  
Evan Pardon - Chief Executive Officer

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#### SUMMARY

*Councillor Donna Kirkland has indicated her intention to move a Notice of Motion at the next Council meeting scheduled for Tuesday 13 September 2022 regarding attendance at 2022 LGAQ Annual Conference.*

#### COUNCIL RESOLUTION

THAT Council:

1. Approve Councillor Donna Kirkland's attendance at the 2022 Annual LGAQ Conference to be held in Cairns from 17–19 October 2022;
2. Approach Great Barrier Reef Marine Park Authority (The Reef Authority) for contribution towards travel expenses of Councillor Donna Kirkland's accommodation and flights for the Reef Guardian Council Executive Biannual Meeting, in Cairns on 20 October 2022; and
3. Note that Mayor Williams is unable to attend the conference and that the Deputy Mayor Neil Fisher be appointed as a delegate with voting rights for Rockhampton Regional Council.

**Moved by:** Councillor Kirkland

**Seconded by:** Councillor Wickerson

**MOTION CARRIED UNANIMOUSLY**

**11.2 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - BOWEN BASIN MINING CLUB LUNCHEON****File No:** 10072**Responsible Officer:** Nicole Semfel - Acting Senior Executive Assistant to the Mayor  
Evan Pardon - Chief Executive Officer

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**SUMMARY**

*Councillor Shane Latcham has indicated his intention to move a Notice of Motion at the next Council meeting scheduled for Tuesday 13 September 2022 regarding attendance at Bowen Basin Mining Club Luncheons.*

**COUNCIL RESOLUTION**

THAT Council approve Councillor Shane Latcham's attendance at any Bowen Basin Mining Club luncheon meetings in Mackay during this current term with costs expended from within the Councillor's budget allocation.

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



**12 QUESTIONS ON NOTICE**

Nil

**13 URGENT BUSINESS\QUESTIONS**

## 14 CLOSED SESSION

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

### COUNCIL RESOLUTION

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

12:37PM

Having earlier informed the meeting of a declarable conflict of interest in Item 15.1 Proposed Disposal of Part of a Lot to an Adjoining Owner, Councillor Wickerson left the place at which the meeting was held, including any area for the public and stayed away while the decision to deal with the matter in closed session was voted on.

#### 15.1 Proposed Disposal of Part of a Lot to an Adjoining Owner

In accordance with section 254J(3)(g) (i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Mathers

#### MOTION CARRIED UNANIMOUSLY

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

Councillor Wickerson was not in the meeting room.

12:38PM

Councillor Wickerson returned to the meeting room

### COUNCIL RESOLUTION

#### 15.2 Request for Trustee Consent to Purchase Part of State Reserve

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**Moved by:** Councillor Kirkland

**Seconded by:** Councillor Smith

#### MOTION CARRIED UNANIMOUSLY

**COUNCIL RESOLUTION****12:39PM**

**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 Wickerson

**MOTION CARRIED**

**12:40PM**

Having earlier informed the meeting of a declarable conflict of interest, Councillor Wickerson left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed.

**12:59PM**

Councillor Wickerson returned to the meeting room

**COUNCIL RESOLUTION****1:03PM**

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

**Moved by:** Councillor Smith

**Seconded by:** Councillor Mathers

**MOTION CARRIED**

## 15 CONFIDENTIAL REPORTS

**1:04PM**

Having earlier informed the meeting of a declarable conflict of interest, Councillor Wickerson left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

### 15.1 PROPOSED DISPOSAL OF PART OF A LOT TO AN ADJOINING OWNER

**File No:** 1680

**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Ross Cheesman - Deputy Chief Executive Officer

**Author:** Michelle Mills - Property and Resumptions Officer  
Kellie Roberts - Coordinator Property and Insurance

In accordance with section 254J(3)(g) (i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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### SUMMARY

*Council has received a request to purchase part of Council freehold land by an adjoining property owner.*

### COUNCIL RESOLUTION

- 1) THAT Council considers all applications to purchase Council owned laneways on a case by case basis.
- 2) THAT Council Authorises the Chief Executive Officer (Property and Resumptions Officer) to dispose of part of the land at 80 South Street, Allentown (part of Lot 11 on RP601722) to the adjoining owner of 207 West Street, Allentown (Lot 1 on RP606542), subject to the following conditions:
  - a) The sale price will be determined by an independent valuation report.
  - b) The purchaser must amalgamate part of the land at 80 South Street, Allentown with their adjoining lot.
  - c) All costs incurred will be paid by the purchaser, including but not limited to the valuation report, stamp duty, survey costs, planning application costs (Development Application for the Boundary Realignment), purchaser's legal costs (if applicable) and registration fees.
- 3) THAT Council retains ownership of the balance land at 80 South Street, Allentown (balance of Lot 11 on RP601722) due to the overland stormwater flow path to South Street.

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Smith

### MOTION CARRIED

Councillors Fisher, Mathers, Smith, Kirkland and Latcham voted in the affirmative

Councillor Rutherford voted against the motion as she is opposed to the sale of 'night cart lane' land

Councillor Wickerson was not in the meeting room

1:06PM Councillor Wickerson returned to the meeting room

## **15.2 REQUEST FOR TRUSTEE CONSENT TO PURCHASE PART OF STATE RESERVE**

**File No:** 6984

**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Ross Cheesman - Deputy Chief Executive Officer

**Author:** Michelle Mills - Property and Resumptions Officer  
Kellie Roberts - Coordinator Property and Insurance

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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### **SUMMARY**

*Reporting on a request for Council's consent as Trustee for the Reserve, for an application from an adjoining owner to purchase part of Reserve land, described as Lot 200 on SP106354.*

### **COUNCIL RESOLUTION**

THAT Council authorise the Chief Executive Officer to provide Trustee's consent to the application to purchase State Reserve Land, being part of 13 Archer View Terrace, Frenchville (approximately 127m<sup>2</sup> of Lot 200 on SP106354) by the adjoining owner of 25 Archer View Terrace, Frenchville (Lot 44 on SP106354).

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

## **16 CLOSURE OF MEETING**

There being no further business the meeting closed at 1:07pm.

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SIGNATURE

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CHAIRPERSON

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DATE



# **MEETING ATTACHMENTS**

**13 SEPTEMBER 2022**

## **ANNEXURE A**

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

**Item 10.3 – Development Application for Material Change of Use for a Club and Operational Works for Advertising Devices (Creative Awning Sign and Five (5) Wall Signs)**

**Item 10.4 – D/167-2021 – Development Application for a Material Change of Use for Residential Care Facility (90 Bedrooms)**



**Development application (D/58-2022)  
Material Change of Use for a Club and  
Operational Works for Advertising Devices  
(creative awning sign and five (5) wall signs)**

**984-986 Yaamba Road, Parkhurst**

**Lot 21 on SP171783**

Council meeting – 13 September 2022

Kathy McDonald – Planning Officer

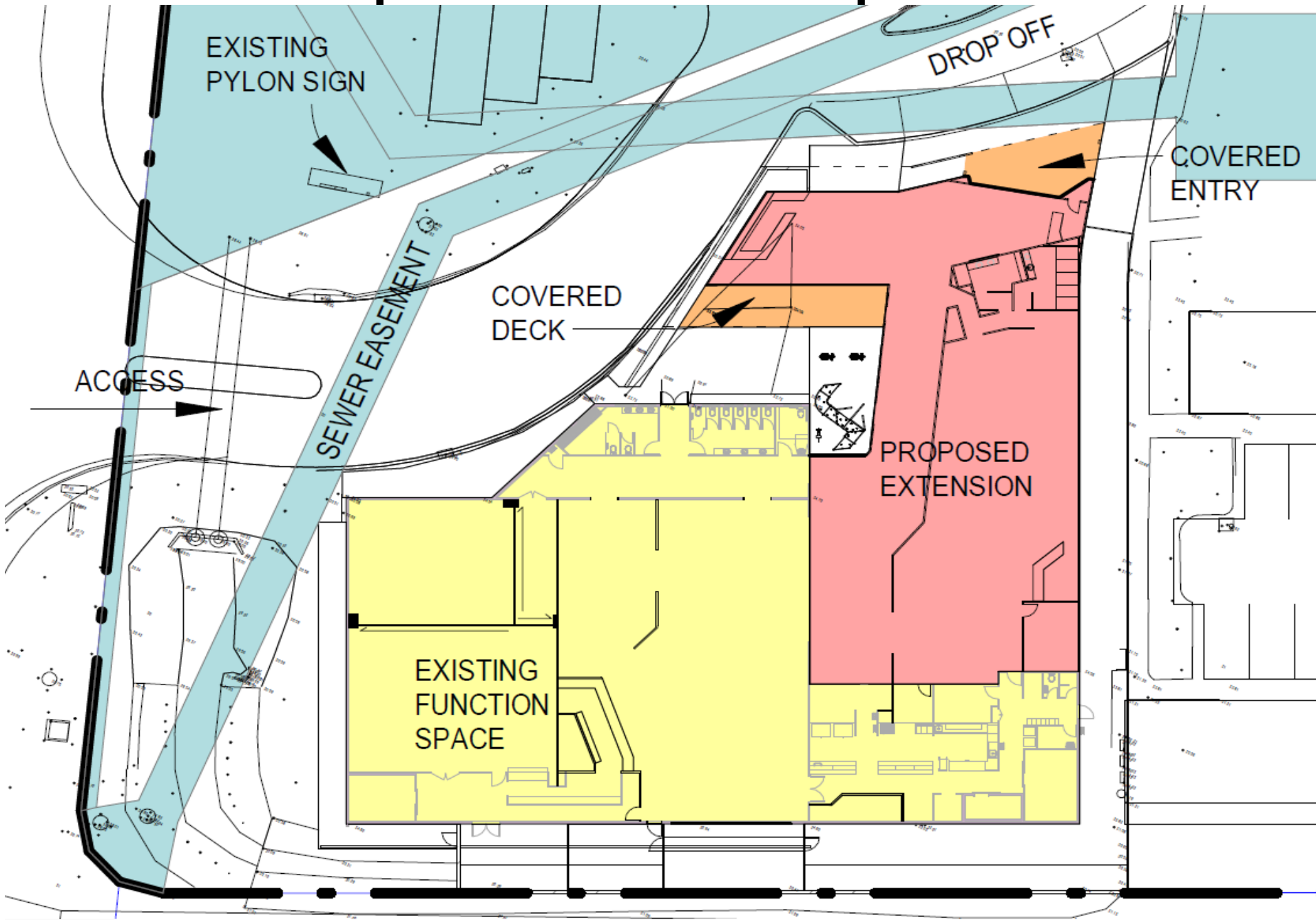


# Subject Site

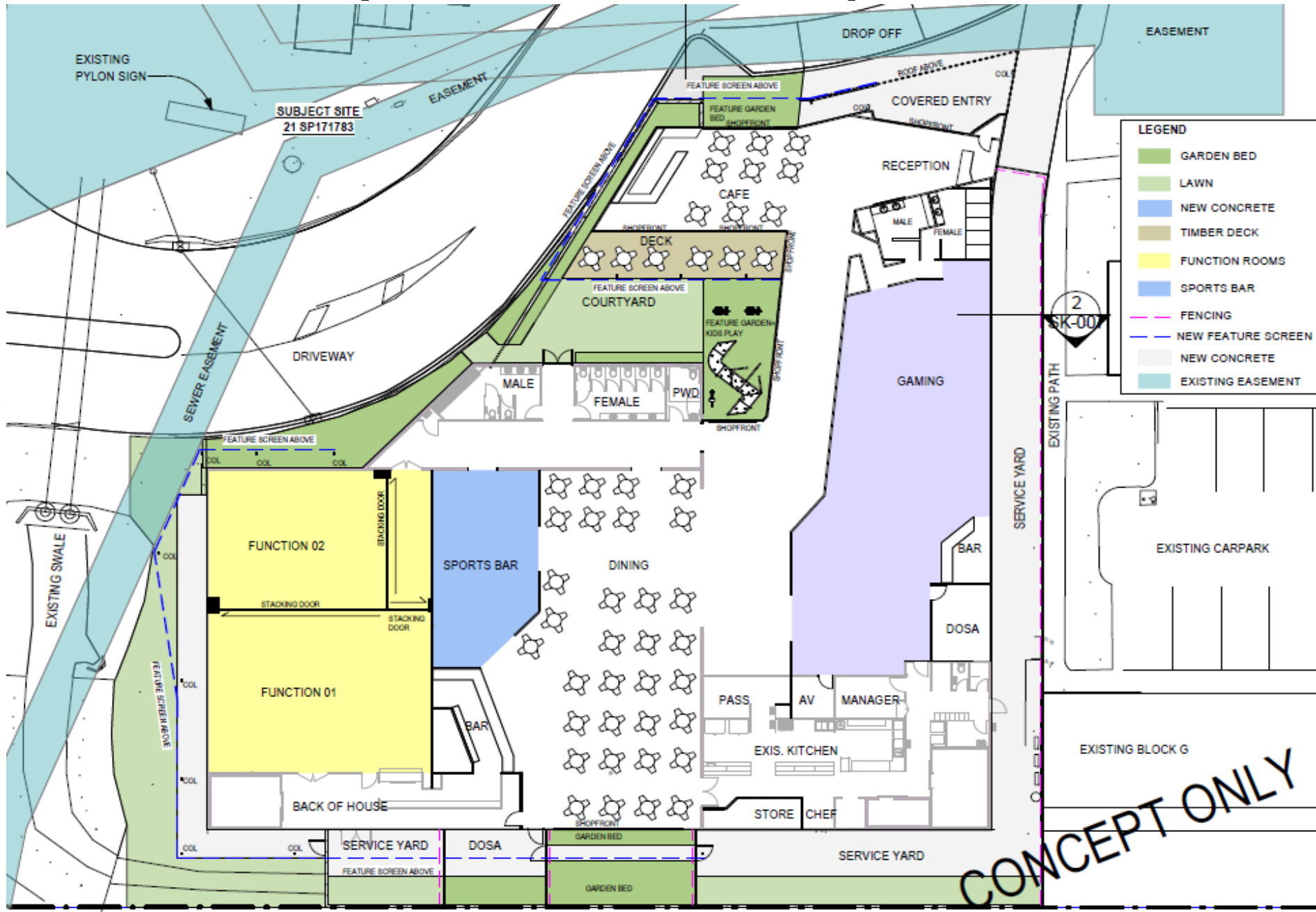




# Proposed development



# Proposed development



# Proposed development



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

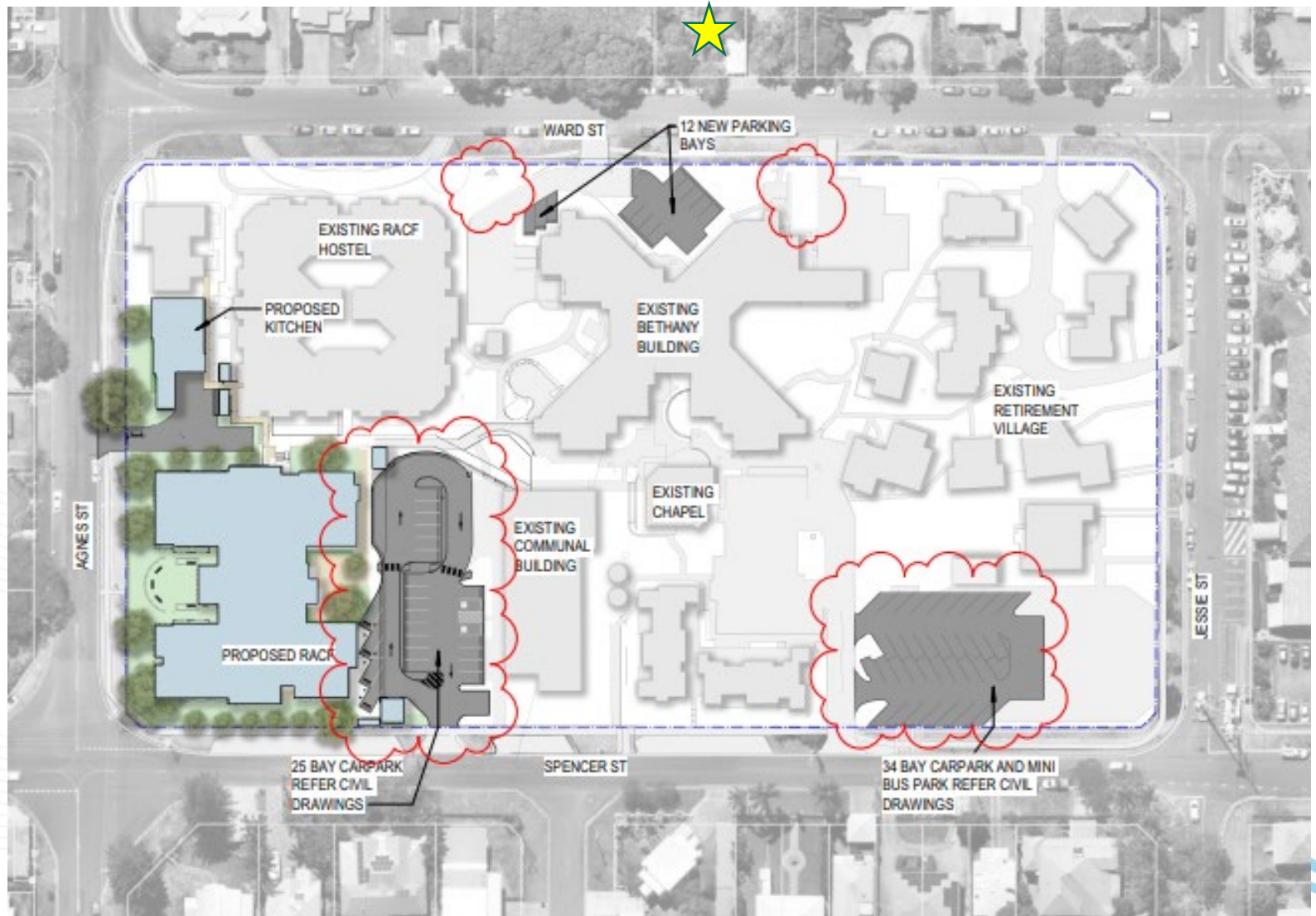
*75 Ward Street, The Range*

Council meeting – 23 August 2022

Brendan Standen – Senior Planning Officer



# Development Proposal – Overview



# Car Parking and Traffic Management

- Complies with the current car parking rate under the Planning Scheme
- Existing car parking is unregulated and informally used for parking by visitors and staff of health care service providers in the area
- Informal car parking results in a significant underutilisation of the capacity of the land.
- The proposed formalised car park, provisioning 34 parking spaces in the south-eastern portion of the property, will result in an efficient parking layout.
- Traffic management is dealt with through a Traffic Management Plan at the Operational Works Stage



# 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