



ORDINARY MEETING

MINUTES

27 SEPTEMBER 2022

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 27 SEPTEMBER 2022 COMMENCING AT 9:02AM**

1 OPENING

1.1 Acknowledgement of Country

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
Mr A Russell – Executive Manager Strategy and Planning
Mr G Bowden – Executive Manager Advance Rockhampton (via video link)
Mr D Morrison – Manager Workforce and Governance
Mr D Scott – Manager Planning and Regulatory Services
Ms A O'Mara – Coordinator Development Assessment
Ms G Dwyer – Acting Coordinator Media and Communications (via video link)
Ms S Muggerridge – Planning Officer
Mr M Paudyal – Senior Development Engineer
Mr J Bulwinkel – Supervisor Business Support
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 13 September 2022 be confirmed.

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

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 OFFICERS' REPORTS

10.1 TENDER CONSIDERATION PLAN - WATER AND WASTE WATER PROJECTS - ENGAGEMENT OF BECAHUNTER H2O

File No: 5127
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

The purpose of this report is to seek approval under S230 of the Local Government Regulation (2012), to enter into a contract for design, asset condition appraisal and advisory services in relation to Council's water and wastewater assets.

COUNCIL RESOLUTION

THAT Council:

1. Receives this report for the preparation and adoption of the Tender Consideration Plan; and
2. Approves the further engagement of Becahunter H2O as the design, asset condition appraisal and advisory consultant for Council's water and wastewater assets.

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

10.2 2021-24 WORKS FOR QUEENSLAND (ROUND 4)

File No: 12534
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

This report seeks Council approval to introduce new projects into the 2021-24 Works for Queensland Round 4 program and submit a variation to the State Government for consideration.

Suspension of Standing Orders**COUNCIL RESOLUTION**

9:13AM

THAT pursuant to s7.8 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be suspended to allow adequate time for informal discussion on Item 10.2 – 2021-24 Works for Queensland (Round 4) prior to entering into formal debate.

Moved by: Councillor Kirkland
Seconded by: Councillor Mathers

MOTION CARRIED

Resumption of Standing Orders**COUNCIL RESOLUTION**

9:27AM

THAT pursuant to s7.8 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be resumed.

Moved by: Councillor Mathers
Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

THAT Council:

1. Endorses the re-allocation of \$200,000 from Works for Queensland Round 4 program saving to cover additional civil works required to protect the historic trees around the new playground at the Botanic Gardens.
2. Endorses the 'Animal Enclosures Zoo' to be funded from savings generated from the current Round 4 Works for Queensland program.

Moved by: Councillor Rutherford
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

10.3 D/74-2022 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR CLUB (EXTENSION) AND OPERATIONAL WORKS FOR ADVERTISING DEVICES (1 X FREESTANDING SIGN, 1 X GROUND SIGN AND 2 X WALL SIGNS)

File No: D/74-2022

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

Author: Sophie Muggeridge - Planning Officer

SUMMARY

Development Application Number: D/74-2022

Applicant: The Frenchville Sports Club Ltd

Real Property Address: Lots 1 and 2 on RP605044 and Lots 20 and 21 on SP270237

Common Property Address: 268 and 272 Eldon Street and 105 Clifton Street, Berserker

Area of Site: 30,416 square metres

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

Planning Scheme Zone: Low Density Residential Zone (Lot 1)
Sports and Recreation Zone (Balance)

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

Existing Development: Club and Outdoor Sport and Recreation

Approval Sought: Development Permit for Material Change of Use for Club (extension) and Operational Works for Advertising Devices (1 x Freestanding Sign, 1 x Ground Sign and 2 x Wall Signs)

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency: Nil

COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for Material Change of Use for a Club (extension) and Operational Works for Advertising Devices (1 x Freestanding Sign, 1 x Ground Sign and 2 x Wall Signs), made by The Frenchville Sports Club Ltd, located at 268 and 272 Eldon Street and 105 Clifton Street, Berserker, described as Lots 1 and 2 on RP605044 and Lots 20 and 21 on SP270237, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Material Change of Use for a Club (extension) and Operational Works for Advertising Devices (1 x Freestanding Sign, 1 x Ground Sign and 2 x Wall Sign)	
Reasons for Decision	<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low Density Residential Zone Code; • Sport and Recreation Zone Code; • Airport Environs Overlay Code; • Acid Sulfate Soils Overlay Code; • Advertising Devices Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Strategic Framework	The development advances and does not compromise the balance of the strategic outcomes sought for the Settlement Pattern theme, except for outcomes (2) and (7) relating to providing land for dwelling houses. The proposed development (car parking area) occupies land that formerly accommodated a dwelling house and that is zoned Low Density Residential. However, the appropriation of a residential lot for car parking associated with the Club is considered a natural progression of development for the site and within reasonable community

		<p>expectations, given that Club is the predominant feature for the block. Therefore, despite a conflict with the strategic outcomes, regard to this relevant matter is considered to outweigh the conflict.</p>
	<p>Low Density Residential Zone Code</p>	<p>PO14</p> <p>The proposed development does not comply with AO14.1 as the parking areas are not located behind the front building setback. The proposed car parking area into Lot 1 on RP605044 is an expansion of the existing car parking area located forward of the entrance to the Club building.</p> <p>The proposed car parking spaces represent a minor increase to the existing car parking area. The existing and proposed parking spaces are separated from residential development by landscaped garden beds and formed roads, which assists in visually screening and softening the appearance and scale of the paved areas. Conditions of approval have also been included requiring shade tree planting within and around the new car parking area to ensure it is better concealed and provides a more attractive streetscape.</p> <p>Therefore, the proposed development is considered to comply of PO14.</p> <p>PO 16</p> <p>The collective scale of the development is not considered to be small scale and does not meet the requirements outlined within PO16 due to a cumulative gross floor area (GFA) of 4,316m².</p> <p>Despite this, the proposed development within the land zoned Low Density Residential is for additional car parking spaces only, rather than new buildings or structures. The expansion of the car parking area onto the Low Density Residential zoned land is considered a logical expansion of the Club, which already predominates the block and is a prominent feature in the locality.</p> <p>Notwithstanding this, the proposed development represents a relatively minor expansion to an existing club that has been gradually developed and modernised since 1948. The proposed</p>

		<p>car parking area supports a community and recreational activity that services the local neighbourhood and contributes to the social and physical health of the community.</p> <p>Due to the site being bound by several road frontages, one of which being Berserker Street (Major Urban Collector Road), the development is well connected to transport routes and facilities. The development provides an increase to parking spaces, beyond that required by the Planning Scheme, thereby reducing the number of off-street parking spaces required by the development. No changes to access points are proposed ensuring there is minimal disruption to the local road network.</p> <p>Therefore, it is considered the development complies with the intent of PO16.</p>
		<p>PO17</p> <p>The development does not comply with AO17.1 as the existing vehicle accesses are not from a road classified as a minor urban collector or higher. The existing vehicle accesses are achieved from Urban Access Streets (Eldon Street, Clifton Street and Leamington Street).</p> <p>The development does not change the existing access point locations that have been historically used by the Club and allows for efficient vehicle movement due to multiple existing entry – exit driveways. The expansion of the site involves the addition of 26 parking spaces that will accommodate any demand generated by the development based on the expansion of the site.</p> <p>Despite the site’s location and access being from lower order roads, it is considered that the development complies with PO17.</p>
		<p>PO21</p> <p>The development does not comply with AO21.1 as the operational hours of the development fall outside of 07:00 – 22:00, being 10:00 - 02:00 Monday – Sunday, including Public Holidays.</p> <p>Despite this, current operational hours were approved by council in 2021</p>

		<p>(D/28-2021), which are maintained as part of the current development. The use of the proposed car parking area within these approved hours of operation is not anticipated to cause adverse amenity impacts on surrounding land uses.</p> <p>Therefore, the development complies with PO21.</p>
	<p>Sport and Recreation Zone Code</p>	<p>PO1</p> <p>The development does not comply with AO1.2 as the site cover exceeds 50 percent (%) of the total site area, being 52.1%.</p> <p>Despite this, the proposed development:</p> <ul style="list-style-type: none"> • Only marginally exceeds the preferred maximum site cover for the zone; • Only results in a minor increase in GFA for the club, with the majority of changes being improving the façade of the main building and internal modifications; • Maintains a large open turfed area at the eastern part of the site, which includes the sporting field; and • Proposes additional landscaping at the perimeter of the site that will somewhat assist in softening the perceived bulk and scale of the development to the adjoining residential zones, thereby maintaining residential amenity. <p>Therefore, the development is considered to comply with PO1.</p> <p>PO12</p> <p>The development conflicts with PO12 as the cumulative scale of the Club is considered to be the predominant use of the site, rather than the outdoor sport and recreation use.</p> <p>Despite this, the proposed development represents only a minor increase (approximately 6%) in the GFA of the Club. The proposed development expands on an existing club facility that has been gradually improved and modernised since 1948. The proposed</p>

		<p>development provides a community and recreational land use that services the local neighbourhood and contributes to the social and physical health of the community. Specifically, it will improve the user experience by providing better facilities in which patrons can view sporting events on the field at the eastern part of the site.</p> <p>Therefore, while the proposed development presents conflicts with aspects of PO12, it is considered to be a low-level conflict. To the extent of any conflict, regard to relevant matters is considered to outweigh the conflict.</p>
	<p>Advertising Devices Code</p>	<p>PO1</p> <p>The advertising devices associated with the development does not comply with AO1.2 as the freestanding sign area exceeds five (5) square metres being a total of 11.92 square metres and the area of the wall signs exceed four (4) square metres being 6.5 square metres (sign 4) and the amenities sign being 4.234 square metres (sign 9).</p> <p>The freestanding sign associated with the development is integrated into the Returned and Services League (RSL) Memorial providing a digital display associated with the memorial. The illuminance of the sign is conditioned to operate between the hours of 6am – 10pm to mitigate potential illumination impacts on surrounding residents. The freestanding sign is set back approximately two (2) metres from the Eldon and Clifton Street road frontages and landscaping is provided around the base of the sign ensuring the visual amenity of the area is not compromised.</p> <p>It is understood the Applicant consulted with the RSL in the relocation and design of the memorial, including the freestanding sign on top. It is understood the RSL supports the advertising device.</p> <p>The wall signs that are associated with the development are integrated into the existing club design and provide directional cues to the location of the Frenchville Sports Club. Despite the wall signs exceeding the face area, they are significantly set back from the surrounding road network and</p>

		residential areas to avoid compromising the visual amenity of the area. Therefore, it is considered that the development complies with the intent of PO1.
Relevant Matters	The proposed development was assessed against the following relevant matters: <ul style="list-style-type: none"> • No new structures are proposed within land zoned Low Density Residential. • The car park expansion is inconsequential to the existing development on site, with the character of the site being previously and predominantly defined by the existing Club. • The increase in Gross Floor Area is minor, accounting for an approximate six (6) per cent increase. The balance of changes relating to the redevelopment are mostly superficial (changes to facades) or not assessable under the Planning Scheme. 	
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Club (extension) and Operational Works for Advertising Devices (1 x Freestanding Sign, 1 x Ground Sign and 2 x Wall Signs), made by The Frenchville Sports Club Ltd, located at 268 and 272 Eldon Street and 105 Clifton Street, Berserker described as Lots 1 and 2 on RP605044 and Lots 20 and 21 on SP270237, Council resolves to Approve the application subject to the following conditions:

MATERIAL CHANGE OF USE FOR A CLUB (EXTENSION)

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) Parking Works;
- (ii) Roof and Allotment Drainage; and
- (iii) Site Works.

1.5.2 Plumbing and Drainage Works; and

1.5.3 Building Works:

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

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

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

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

1.9 Lot 1 on RP605044, Lot 2 on RP605044 and Lot 21 on SP270237 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Area Plans	BSPN Architecture	04 July 2022	B2100039 / A0.03	2
Floor Plan – Site (Existing)	BSPN Architecture	20 May 2022	B2100039 / A1.00	2
Floor Plan - Site	BSPN Architecture	25 July 2022	B2100039 / A1.01	7
Elevations	BSPN Architecture	20 May 2022	B2100039 A2.01	3
Elevations - Proposed	BSPN Architecture	25 July 2022	B2100039 / A2.11	6
Street Elevations	BSPN Architecture	25 July 2022	B2100039 / A2.13	4
Landscape Plan	BSPN Architecture	26 May 2022	B2100039 / A9.02	2

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

3.0 PARKING WORKS

- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any parking works on the development site.
- 3.2 All 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 (parking works).
- 3.3 All car parking, access and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction.
- 3.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 3.5 A minimum of twenty-four (24) additional parking spaces must be provided on-site. This includes two (2) additional universal access parking spaces.
- 3.6 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"*.
- 3.7 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 (parking works).
- 3.8 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"*.
- 3.9 Signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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.
- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be remained connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.6 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.

4.7 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.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 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.

5.2 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).

5.3 All stormwater runoff from the proposed new roof and car-parking areas must be discharged to the existing internal drainage system.

5.4 All roof and allotment runoff from the development must be directed such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

6.0 SITE WORKS

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

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

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

7.0 BUILDING WORKS

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

7.2 All proposed structures must be located clear of existing sewerage easement located adjacent to northern property boundary.

7.3 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.

7.4 Building Over / Adjacent to Local Government Sewer Application must be submitted to Council for assessment of the footing design at Building Application stage. The existing sewerage main is greater than 3.5 metres in depth and piers may be required in the footings to comply with Council's Policy.

7.5 All proposed structures must maintain adequate clearance from any maintenance point (access chamber / lamp-hole) or connection point(s).

Note: Adequate clearance will be decided at the assessment of Building Over/ Adjacent to Local Government Sewer Application, as sewerage infrastructure is greater than 3.5 metres in depth.

7.6 All waste storage areas must be:

7.6.1 aesthetically screened from any frontage or adjoining property; and

- 7.6.2 surrounded by at least a 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 7.6.3 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*.

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

8.0 ASSET MANAGEMENT

- 8.1 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.
- 8.2 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.

9.0 ENVIRONMENTAL

- 9.1 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:
 - 9.1.1 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
 - 9.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

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 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, except as varied by Condition 10.5:
 - 10.3.1 trees at five (5) metre intervals;
 - 10.3.2 shrubs at two (2) metre intervals; and
 - 10.3.3 groundcovers at one (1) metre intervals.
- 10.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
 - 10.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 10.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.

- 10.5 Shade trees must be provided for all carparking spaces directly adjoining Clifton, Eldon and Leamington streets generally at a rate of one (1) tree per three (3) car parks. The shade trees must be provided generally along the road boundary, within the bounds of the site.
- 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 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.
- 10.8 Each shade tree has 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.
- 10.9 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 10.10 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 10.11 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 10.11.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 10.11.2 adversely affect any road lighting or public space lighting; or
 - 10.11.3 adversely affect any Council infrastructure, or public utility plant.
- 11.0 ENVIRONMENTAL HEALTH
- 11.1 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"*.
- 11.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 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 Leamington Street, Eldon Street, Clifton Street or Berserker Street.
- 12.2 All waste storage areas must be:
- 12.2.1 kept in a clean and tidy condition; and
 - 12.2.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 12.3 The hours of operation for the approved development must be limited to 10:00 to 02:00, from Monday to Sunday including Public Holidays.

Note: *The hours of operation for the gaming room area are limited in accordance with development approval D-28-2021.*

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. 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.

OPERATIONAL WORKS FOR ADVERTISING DEVICES

1.0 ADMINISTRATION

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

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Elevation Details – RSL Memorial	BSPN Architecture	20 May 2022	B2100039/ A2.14	1
Signage	BSPN Architecture	4 July 2022	B2100039 / A8.01	1

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

3.0 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, except as varied by Condition 3.2.
- 3.2 The sign face for the approved digital freestanding sign (refer to Condition 2.1) that presents inward toward the Returned and Services League (RSL) memorial must only display advertisements associated with the memorial.
- 3.3 All text and images displayed on the approved advertising device:
- 3.3.1 must be static;
 - 3.3.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
 - 3.3.3 must not involve moving parts or flashing lights.
- 3.4 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 DIGITAL SCREEN DISPLAY FEATURES

- 4.1 The digital display screen must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the screen malfunction.
- 4.2 The display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 4.3 The display screen must provide for on-site control, operation, configuration and diagnosis of the screen display.
- 4.4 Messages must remain static for a minimum dwell time of eight (8) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 4.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

5.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 5.1 The display screen must not be split to display multiple advertisements on the one (1) display screen.
- 5.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 5.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 5.4 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, and legible. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

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

- 5.5 Changeover animation effects such as ‘fade’, ‘zoom’, or ‘fly-in’ between advertisements must not be used.
- 5.6 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 5.7 Advertisements that incorporate moving visual images, such as videos or animations must not be displayed.

Note: Please refer to Table 1 for description of Video and Animation.

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

6.0 LUMINANCE

- 6.1 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/m ²	6000-7000 cd/m ²	6000-7000 cd/m ²
Morning/Evening/Twilight/incomplete weather	1000 cd/m ²	700 cd/m ²	600 cd/m ²
Night Time	500 cd/m ²	350 cd/m ²	300 cd/m ²

Note:

- Zone 1 very high ambient off street lighting i.e central city locations
- Zone 2 high to medium off street ambient lighting
- Zone 3 low levels of off street ambient lighting, i.e. most residential areas, rural areas.

7.0 BUILDING WORKS

- 7.1 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.

8.0 ASSET MANAGEMENT

- 8.1 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:

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

8.1.2 as soon as reasonably possible as agreed with Council.

9.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

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

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

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

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

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

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

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

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

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

- 9.10 The approved freestanding sign (digital billboard) must not operate between 10:00pm and 6:00am at any time.

ADVISORY NotesNOTE 1. Aboriginal Cultural Heritage Act, 2003

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety of Public During Construction

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for a Club (extension) and Operational Works for Advertising Devices (1 x Freestanding Sign, 1 x Ground Sign and 2 x Wall Signs), made by The Frenchville Sports Club Ltd, located at 268 and 272 Eldon Street and 105 Clifton Street, Berserker, described as Lots 1 and 2 on RP605044 and Lots 20 and 21 on SP270237, Council resolves to issue an Infrastructure Charges Notice for the amount of \$8,342.60.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.4 FULL DRAW FIELD ARCHERS INC - REQUEST FOR FREEHOLD LEASE OVER PART OF LOT 2 YEPPON ROAD

File No: 374
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Justin Bulwinkel - Supervisor Business Support

SUMMARY

Full Draw Field Archers Inc are requesting a lease over Part of Lot 2 Yeppoon Road. Council has previously denied their interest into this site as there have been plans to dispose of the land. The last resolution was in June 2017, and with time passed the matter is again presented to Council.

With over five (5) years now lapsed, Lot 2 Yeppoon Road, Limestone Creek remains Councils owned Freehold Land and one of the more suitable operating locations for Full Draw Archers to occupy.

COUNCIL RESOLUTION

THAT

1. Council select Option 1 in the body of the report and Lease part of Lot 2 RP616741 to Full Draw Archers Inc.
2. Any lease will be subject to conditions met; this includes but not limited to:
 - a. Field Archers obtaining necessary development approval for Material Change of Use;
 - b. Compliance with any conditions imposed through applicable development approvals;
 - c. Provision of any waivers of liability that Council may require around the potential presence of UXO on the site.
3. Council authorises the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions of the agreements with the organisations listed in the report in preparation for execution by the delegated officer.

Moved by: Councillor Latcham

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

10.5 FEES AND CHARGES 2022/2023 AMENDMENTS

File No: 7816
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The intention of this report is to submit minor amendments to Council's Fees and Charges Schedule for the 2022/2023 financial year.

Suspension of Standing Orders**COUNCIL RESOLUTION**

10:04AM

THAT pursuant to s7.8 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be suspended to allow adequate time for informal discussion on Item 10.5 – Fees and Charges 2022/2023 Amendments prior to entering into formal debate.

Moved by: Councillor Rutherford
Seconded by: Councillor Latcham

MOTION CARRIED

Resumption of Standing Orders**COUNCIL RESOLUTION**

10:28AM

THAT pursuant to s7.8 Council Meeting Procedures the provisions of the Rockhampton Regional Council Meeting Procedures be resumed.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedules for the 2022/2023 financial year as detailed in the report for **Community Centres**.

Moved by: Councillor Wickerson
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedules for the 2022/2023 financial year as detailed in the report for **Major Venues**.

Moved by: Councillor Wickerson

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedules for the 2022/2023 financial year as detailed in the report for **Parks, Sport and Recreation, excluding fee number 28**.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Kirkland recorded her vote against the motion

Meeting Adjourned**COUNCIL RESOLUTION**

10:49AM

THAT the meeting be adjourned until 11:10am.

Moved by: Councillor Fisher**Seconded by: Councillor Smith****MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

11:10AM

THAT the meeting be resumed.

Moved by: Councillor Fisher**MOTION CARRIED**

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
Mr A Russell – Executive Manager Strategy and Planning
Mr G Bowden – Executive Manager Advance Rockhampton (via video link)
Mr D Morrison – Manager Workforce and Governance
Ms G Dwyer – Acting Coordinator Media and Communications (via video link)
Ms L Leeder – Senior Committee Support Officer

10.6 SUMMARY BUDGET MANAGEMENT REPORT AUGUST 2022

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

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Latcham
Seconded by: Councillor Smith

MOTION CARRIED

**10.7 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING AUGUST 2022**

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

SUMMARY

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

COUNCIL RESOLUTION

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

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION - COUNCILLOR NEIL FISHER - PROPOSED TRAVEL

File No: 10072

Responsible Officer: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Councillor Neil Fisher has indicated his intention to move a Notice of Motion at the next Council Meeting scheduled for Tuesday 27 September regarding proposal travel.

COUNCIL RESOLUTION

THAT Councillor Neil Fisher be approved to attend the Land Forces 2022 International Land Defence Exposition and networking luncheon in Brisbane on Tuesday 4 October and Wednesday 5 October 2022.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS\QUESTIONS

14 CLOSURE OF MEETING

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

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

27 SEPTEMBER 2022

ANNEXURE A

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

- Item 10.3 D/74-2022 - Development Application for Material Change of Use for Club (extension) and Operational Works for Advertising Devices (1 x Freestanding Sign, 1 x Ground Sign and 2 x Wall Signs)**

**Development Application (D/74-2022)
Material Change of Use for a Club Extension
and Operational Works for Advertising Devices
(1x Freestanding Sign, 1 x Ground Sign and 2 x
Wall Sign)**

*268 and 272 Eldon Street and 105 Clifton
Street, Berserker*

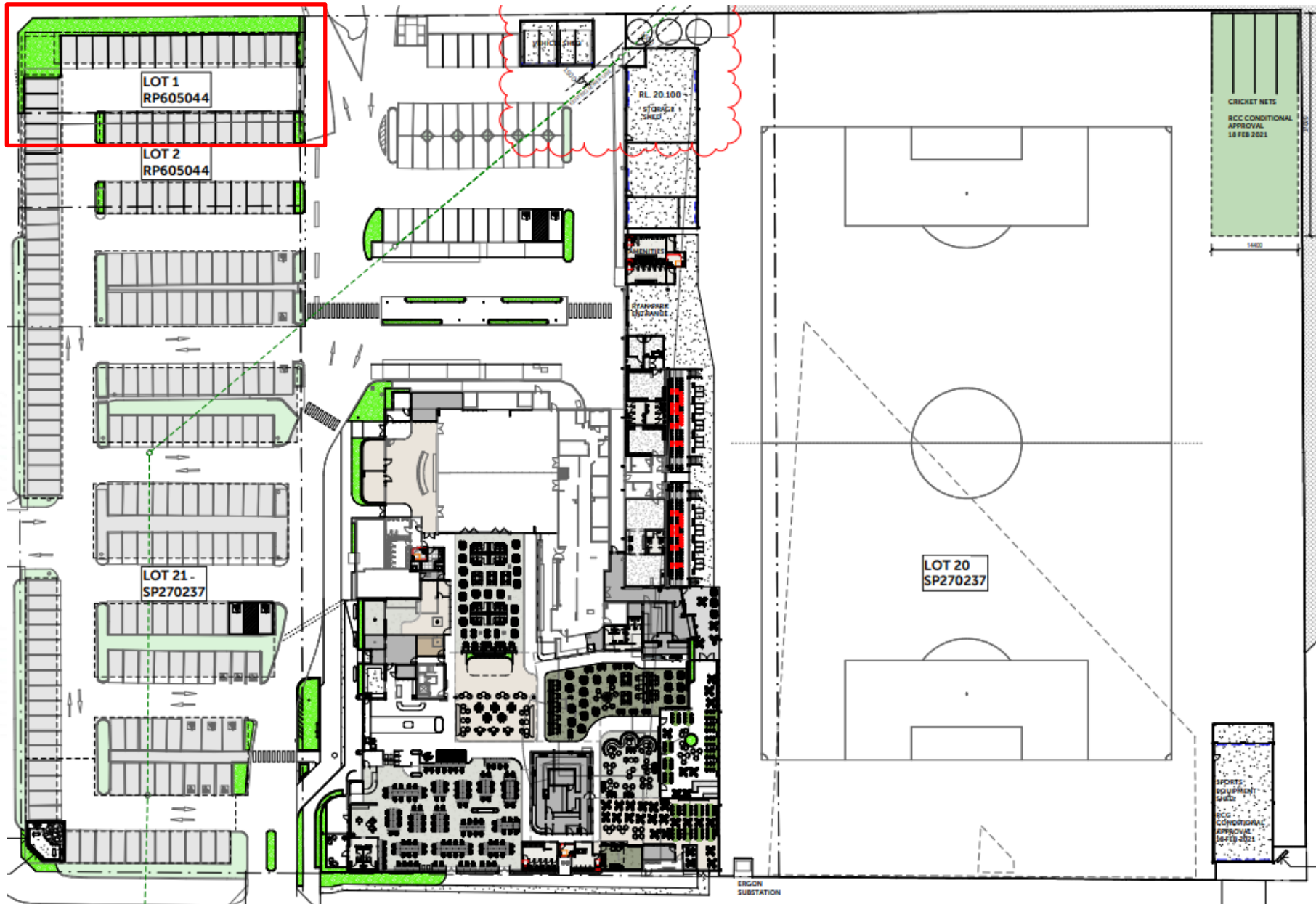
Council Meeting – 27 September 2022

Sophie Muggeridge– Planning Officer

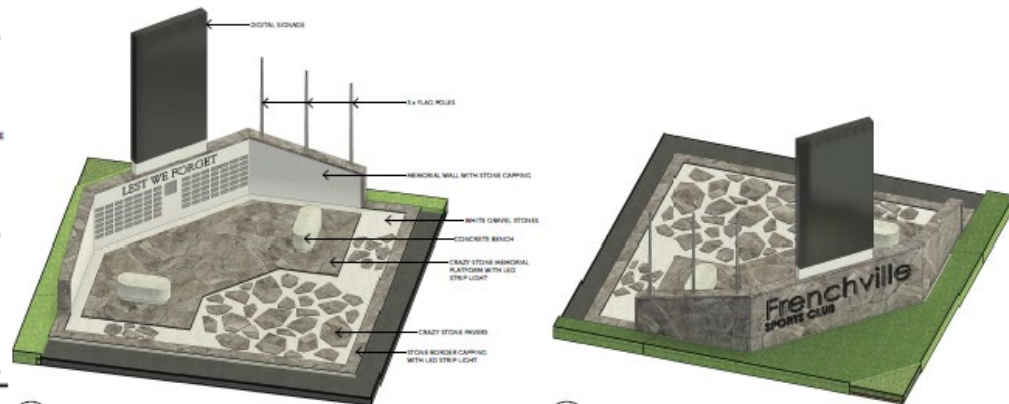
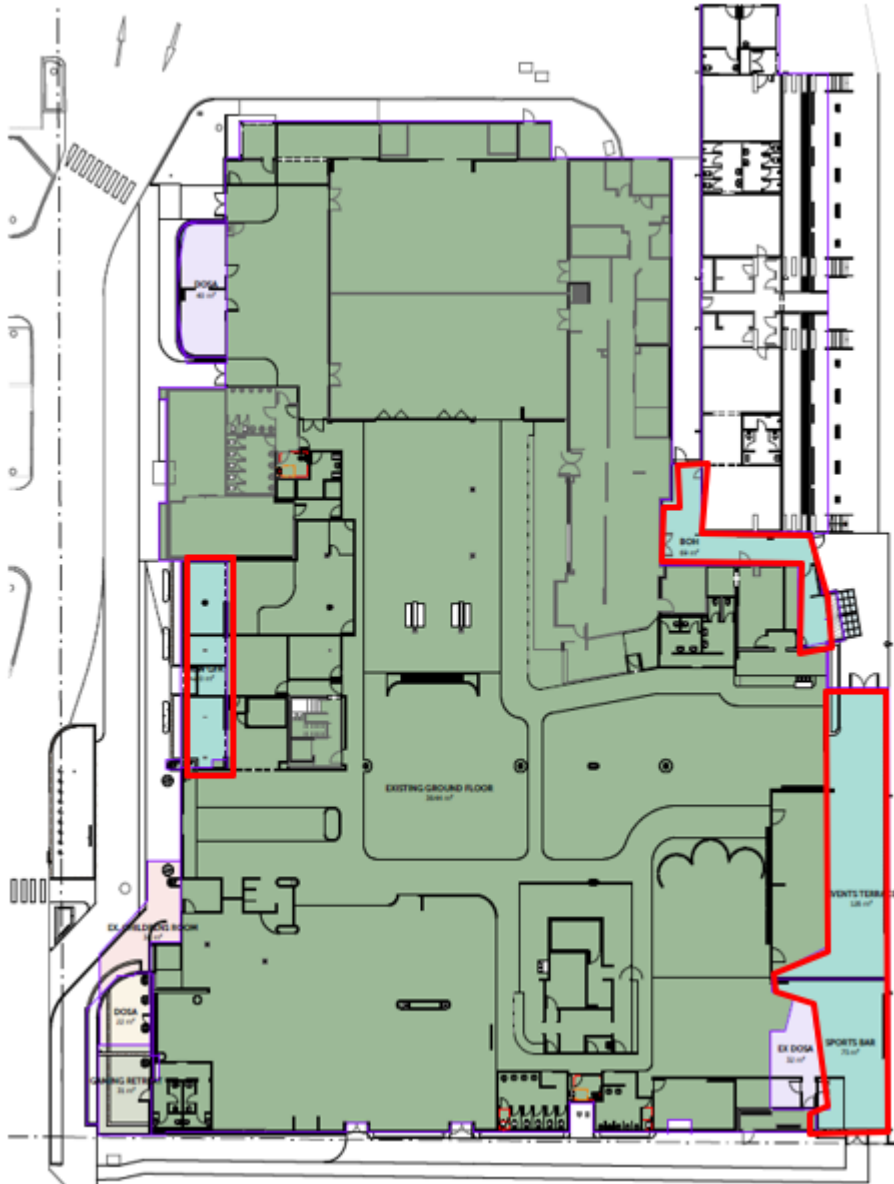
Subject Site



Proposed development



Proposed development



Assessment Summary

- The proposed car park is a natural progression of development for the site
- No new structures are proposed within land zoned as low-density residential zone;
- There is only a minor increase in GFA, with most changes being to the façade of the building.
- Therefore, the development application is recommended for approval subject to conditions.