



# **ORDINARY MEETING**

## **MINUTES**

**9 MAY 2023**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 9 MAY 2023 COMMENCING AT 9:03AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Reverend Jennifer Hercott from the Anglican Diocese

9:06AM Councillor Rutherford attended the meeting.

## **2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr P Kofod – General Manager Regional Services  
Ms M Taylor – Chief Financial Officer (via video-link)  
Mr D Morrison – Acting General Manager Corporate Services  
Mr Z Garven – Acting Executive Manager Advance Rockhampton  
Mr J Kann – Manager Office of the Mayor  
Ms E Brown – Events Coordinator  
Ms A Brennan – Coordinator Legal and Governance  
Ms A O'Mara – Coordinator Development Assessment  
Mr B Standen – Principal Planning Officer  
Mr M Paudyal – Senior Development Engineer  
Ms K Walsh – Committee Support Officer

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Drew Wickerson tendered his apology and was not in attendance.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 27 April 2023 be confirmed.

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

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Grant Mathers informed the meeting:

"I have a perceived declarable conflict of interest in **Item 11.2 – 2023 Capricorn Food and Wine Festival Sponsorship** as I was an employee of the event organisers, Stage and Audio Event Solutions Group Pty. Ltd., for a period of approximately five years from 2010 to 2015.

I believe given the length of time that has passed it is in the public interest that I remain in the meeting and participate in the discussion, including by voting on the matter.

However I acknowledge that eligible councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, whether I:

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

### COUNCIL RESOLUTION

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

**Moved by:** Councillor Smith  
**Seconded by:** Councillor Kirkland

### MOTION CARRIED

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

Pending further advice from the Chief Executive Officer, Councillor Rutherford did not participate in the vote as Councillor Mathers is her brother.

Councillor Ellen Smith informed the meeting:

“I have a prescribed conflict of interest in **Item 11.6 – 2022-23 Operational Plan Quarterly Report – Quarter 3 and Proposed Amendments to the 2022-2023 Operational Plan-Mount Morgan Water Supply Pipeline Project**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Industries which has a contract with Fitzroy River Water to cart potable drinking water to Mount Morgan. My brother John James McEvoy is employed by MTC Industries to drive the water tanker.

In relation to the proposed water pipeline to Mount Morgan, the alignment goes along Kabra Road where my brother owns a property at 248 Kabra Road. The proposed alignment also goes along Moonmera Road where my sister and brother-in-law Trish and Don McKinnon own a property on the corner of Moonmera and Poison Creek Roads.

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**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## **8 PRESENTATION OF PETITIONS**

Nil

## **9 COMMITTEE REPORTS**

Nil

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## 10 COUNCILLOR/DELEGATE REPORTS

### 10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - MOUNT MORGAN PROMOTION AND DEVELOPMENT INC

**File No:** 8295  
**Authorising Officer:** Justin Kann - Manager Office of the Mayor  
Evan Pardon - Chief Executive Officer  
**Author:** Nicole Semfel - Executive Support Officer

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#### SUMMARY

*Mayor Tony Williams, Councillor Cherie Rutherford, Councillor Donna Kirkland, Councillor Grant Mathers and Councillor Drew Wickerson are requesting approval for a donation of \$5,000 from their Councillor Discretionary Funds to the Mount Morgan Promotion and Development Inc.(MMPAD).*

#### COUNCIL RESOLUTION

THAT Council approves the allocation of \$1,000 from Mayor Tony Williams, \$2,000 from Councillor Cherie Rutherford, \$1,200 from Councillor Donna Kirkland, \$300 from Councillor Grant Mathers and \$500 from Councillor Drew Wickerson's Councillor Discretionary Fund to the Mount Morgan Promotion and Development Inc. towards their "Mount Morgan CBD - Links to its historic past" project.

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

**MOTION CARRIED UNANIMOUSLY**

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## 11 OFFICERS' REPORTS

### 11.1 2023 POP-UP POLO - SPONSORSHIP PROPOSAL

**File No:** 6097  
**Authorising Officer:** Zac Garven - Acting Executive Manager Advance  
Rockhampton  
**Author:** Eileen Brown - Events Coordinator

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#### SUMMARY

*Council have received correspondence requesting sponsorship of the 'Pop-Up Polo Rockhampton 2023 Event'. The event will be held on Saturday June 3. This is the fifth year of the event being held in Rockhampton.*

#### COUNCIL RESOLUTION

THAT Council sponsors the 2023 'Pop-Up Polo Rockhampton' event to be held on Saturday 3 June 2023 and agree to:

1. Provide sponsorship contribution to the value of \$10,000 (plus GST) cash; and
2. Provide in-kind support to the value of \$5,000 (plus GST) for the provision of waste bins and the removal and re-installation of goal posts on the field.

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



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**11.2 2023 CAPRICORN FOOD AND WINE FESTIVAL SPONSORSHIP**

**File No:** 6097  
**Authorising Officer:** Zac Garven - Acting Executive Manager Advance  
Rockhampton  
**Author:** Eileen Brown - Events Coordinator

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**SUMMARY**

*Council have received correspondence regarding opportunity to continue their support of this regional event in its 11<sup>th</sup> year and sponsor the '2023 Capricorn Food and Wine Festival' that is proposed to run from 7 – 11 September 2023.*

**COUNCIL RESOLUTION**

THAT Council sponsors the '2023 Capricorn Food and Wine Festival' and agree to provide sponsorship to the value of \$20,000.00 (plus GST) cash support.

**Moved by:** Mayor Williams  
**Seconded by:** Councillor Kirkland

**MOTION CARRIED UNANIMOUSLY**

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

**11.3 2023 ROCKHAMPTON AGRICULTURAL SHOW COMMITTEE CHAIR**

**File No:** 14298  
**Authorising Officer:** Zac Garven - Acting Executive Manager Advance Rockhampton  
**Author:** Eileen Brown - Events Coordinator

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**SUMMARY**

*This report outlines the proposed replacement for the Rockhampton Agricultural Show Committee Chair position for the 2023 Show.*

**COUNCIL RESOLUTION**

THAT in the absence of Greg Bowden, Council appoint the Executive Manager of Advance Rockhampton as Committee Chair of the Rockhampton Agricultural Show Committee.

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

**MOTION CARRIED UNANIMOUSLY**

**11.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (444,000TPA)**

**File No:** D/163-2021  
**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Brendan Standen - Principal Planning Officer

**SUMMARY**

*Development Application Number:* D/163-2021  
*Applicant:* Amcor Quarries & Concrete Pty Ltd  
*Real Property Address:* Lot 1 on RP616642 and Lot 44 on SP140243  
*Common Property Address:* 294 Hume Road, Kabra and 397 Power Station Road, Stanwell  
*Area of Site:* 1,440.5 hectares  
*Planning Scheme:* Rockhampton Region Planning Scheme 2015 (version 2.2)  
*Planning Scheme Zone:* Lot 1 – Rural Zone  
Lot 44 – Special Industry and Rural Zone  
*Planning Scheme Overlays:* Biodiversity Areas Overlay;  
Bushfire Hazard Overlay;  
Flood Hazard Overlay;  
Heritage Place Overlay;  
Special Management Area Overlay; and  
Steep Land Overlay.  
*Existing Development:* Lot 1 – Extractive Industry  
Lot 44 – Special Industry  
*Approval Sought:* Development Permit for Material Change of Use for Extractive Industry  
*Level of Assessment:* Impact Assessable  
*Submissions:* One (1)  
*Referral Agency:* Department of State Development, Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) and PowerLink

**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for Extractive Industry (444,000tpa), made by Amcor Quarries & Concrete Pty Ltd, located at 294 Hume Road, Kabra and 397 Power Station Road, Stanwell, described as Lot 1 on RP616642 and Lot 44 on SP140243, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS**

<b>Description of the development</b>	Material Change of Use for Extractive Industry (444,000 tonnes per annum)	
<b>Reasons for Decision</b>	<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>	
<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>• Special Industry Zone Code;</li> <li>• Rural Zone Code;</li> <li>• Extractive Industry 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;</li> <li>• Biodiversity Overlay Code; and</li> <li>• Steep Land Overlay Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Extractive Industry Code	<p><b>PO3</b></p> <p>The development does not comply with AO3.1 as blasting operations will occur on Saturdays.</p> <p>Despite this, the development, is sufficiently buffered from any sensitive land uses and other development. The nearest development to the quarry pit is a special industry activity (Stanwell Power Station) approximately 2,700 metres (m) to the north-west. The nearest sensitive receiver is approximately 3,500m to the north-east. The development is also surrounded by established dense vegetation in all directions for at least ~1,600m.</p> <p>In addition, a Site Based Management Plan (SBMP) that forms part of the approved documents includes a Blasting Management Plan, which seeks to ensure blasting will occur in a way that protects the values of the</p>

		<p>acoustic environment. This includes, among other things, ensuring blasting is only undertaken between 9am and 1pm (on Saturdays) and by suitably qualified people. Blasting is also separately regulated by the Department of Environment and Science (DES) through the Environmental Authority.</p> <p>Therefore, the development is considered to comply with PO3 as it ensures that noise impacts are minimised on the surrounding area.</p> <p><b>PO4</b></p> <p>The development does not comply with AO4.1 as not all existing internal access roads that will be relied on are sealed. Approximately 1,500m of the internal access road, starting from Power Station Road, is sealed. The remaining ~1,700m of the internal access road to the quarry pit is gravel.</p> <p>Despite this, the development, including the unsealed internal access road, is sufficiently buffered from sensitive land uses and other development by distance and established vegetation (see response to PO3 above).</p> <p>A Site Based Management Plan that forms part of the approved document includes strategies and mitigation measures to manage dust, including implementation of water trucks, limiting speed limits and vehicle movements when winds are unfavourable.</p> <p>Therefore, the development is considered to comply with PO4 as it minimises dust impacts upon adjoining properties.</p> <p><b>PO5</b></p> <p>The development does not comply with AO5.1 as security fencing is not provided for the full length of the perimeter of the site and around the extractive industry stockpiles and operations.</p> <p>Despite this, the quarry pit is significantly setback from Power Station Road (approximately 2,500m) and is surrounded in all directions by established dense vegetation. A lockable gate with signage at the entry of the site provides security. Given the area of the site, it would be unreasonable to require perimeter fencing and fencing of the stockpiles and operation are considered unnecessary given the extensive setback from a public road.</p> <p>Therefore, the development is considered to comply with PO5 as it does not compromise public safety.</p>
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	Bushfire Hazard Overlay Code	<p><b>PO2</b></p> <p>The development does not comply with AO2.1.2 as a water tank has not been proposed or conditioned in accordance with the requirements of the Acceptable Outcome.</p> <p>Despite this, quarries by their nature are well equipped to deal with bushfire events. The machinery uses are part of a quarry operation, including earthmoving equipment and water trucks, can be used in a bushfire event. Further, the quarry sump and sediment basins can be used for water supply.</p> <p>Therefore, the development is considered to comply with PO2 as it provides adequate accessible water for fire fighting purposes.</p>
<b>Relevant Matters</b>	Nil	
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	Suitability of the Power Station Road and internal access road intersection.	<p>The submitter raised concern that Power Station Road and internal access road intersection may be inadequate to cater for the vehicle types, movements and numbers associated with the existing and proposed extractive industry.</p> <p>The minor deficiencies of the access were identified in the Traffic Impact Assessment (TIA) prepared by the Applicant. Conditions of approval have been recommended requiring works to repair and upgrade the existing access in accordance with the recommendations of the TIA and requirements of a Development Permit for Operational Works and the <i>Capricorn Municipal Development Guidelines</i>.</p>
	Suitability of internal access roads.	<p>The submitter raised concern about the suitability of the internal access road within Lot 44 to cater for the vehicle types, movements and numbers associated with the proposed development.</p> <p>The suitability of the internal access road is a matter for the Applicant and no conditions have been recommended requiring upgrades to the existing road. It is noted the submitter (Stanwell) owns Lot 44 and provided landowner consent to the Applicant for the making of the development application. The construction and maintenance of the internal access road is separate matter between Stanwell and the Applicant and is not a matter Council must or may have regard to in the assessment of the development application.</p>
Potential adverse impacts on Stanwell Nature	<p>The submitter raised concern the increase in vehicle movements through Lot 44 may adversely impact on the Stanwell Nature Refuge Conservation Area.</p> <p>The existing internal access road will be used and no additional vegetation clearing is proposed within Lot 44.</p>	

	Refuge Conservation Area.	While the proposal will result in an increase in vehicle movements through Lot 44, the hours of operation are unchanged and it is understood that vehicles travelling through Lot 44 are subject to separate agreements with Stanwell limiting the speed of vehicles to 15 km/h.
	Potential adverse impacts on Stanwell infrastructure, including raw water dam.	<p>The submitter raised concern the use of explosives in the extractive industry operation could compromise the structural integrity of Stanwell's raw water dam on Lot 44. Concern was also raised about increased sediment laden stormwater being discharged to the dam.</p> <p>The use of explosives and associated vibrations is separately regulated by the Department of Environment and Science (DES) as part of the Environmental Authority (EA). It is expected the conditions of the EA will limit the use of explosives to ensure vibrations cannot adversely impact nearby infrastructure. Similarly, conditions of the EA regulate stormwater discharge, which may assist in ensuring sediment laden stormwater is not released to the raw water dam.</p>
<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 a Material Change of Use for Extractive Industry (444,000tpa), made by Amcor Quarries & Concrete Pty Ltd, located at 294 Hume Road, Kabra and 397 Power Station Road, Stanwell, described as Lot 1 on RP616642 and Lot 44 on SP140243, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 Reconfiguring a Lot (Access Easement)
  - 1.5.2 Operational Works:
    - (i) Access Works
  - 1.5.3 Building Works
  - 1.5.4 Plumbing and Drainage Works
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 1.9 The extractive industry is limited to extracting in a year a maximum of 444,000 tonnes of material.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Site and Surrounds	Groundwork Plus	12 August 2020	1662.DRG.009	-
Site Layout Plan	Groundwork Plus	06 October 2020	1662.DRG.015	1
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	26 July 2021	087-20-21	A
Site Based Management Plan	Groundwork Plus	October 2020	2490_610_001	0

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

## 3.0 ROAD WORKS

- 3.1 A road maintenance levy, being 66.88 cents per tonne, must be paid on a six-monthly basis for the duration of the activity, calculated by the owner or occupier of the premises. Details are to be provided to Council every six months, which includes tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable.

The calculation must be based on the above rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).



**Note:** CPI of September 2022 – 130.2

**Note:** Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

#### 4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.
- 4.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 4.3 The existing access throat, within the road reserve of Power Station Road, must be repaired in accordance with the Traffic Impact Assessment report (refer to condition 2.1).
- 4.4 The existing sealed widening of the access intersection throat and the northern edge of the Power Station Road fronting the access must be repaired in accordance with the Traffic Impact Assessment report (refer to condition 2.1).
- 4.5 An access easement must be registered over Lot 44 on SP140243, benefiting Lot 1 on RP616642.
- 4.6 Adequate parking must be provided on-site for staff and visitors.

#### 5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 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*, and Council's Plumbing and Drainage Policies.
- 5.2 On-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks, water tankers or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.

**Note:** Fire-fighting protection, if required, and must be certified by an hydraulic engineer or other suitably qualified person.

- 5.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 5.4 The existing on-site sewerage facilities must be adequate for the proposed development. Should the existing on-site sewerage facilities not be adequate; an upgrade of the system must be provided. The upgrade must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

**Advisory Note:** *If the proposal is to use portable toilet facilities for on-site sewerage facilities. All waste from the portable toilet facilities must be disposed at Council's sewage treatment plant by regulated waste disposal contractor. The regulated waste disposal contractor must be licensed and must have an Agreement with Council.*

- 5.5 The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

#### 6.0 STORMWATER WORKS

- 6.1 All stormwater drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or

infrastructure.

## 7.0 SITE WORKS

- 7.1 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.

## 8.0 BUILDING WORKS

- 8.1 Waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:

8.1.1 designed and located so as not to cause a nuisance to neighbouring properties; and

8.1.2 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor.

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

## 9.0 ASSET MANAGEMENT

- 9.1 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.

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

## 10.0 OPERATING PROCEDURES

- 10.1 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 Power Station Road.

- 10.2 The hours of operations for the development site (Quarry – Extracting and Screening) must be limited to:

(i) 0600 hours to 1800 hours on Monday to Saturday, and  
with no operations on Sundays or Public Holidays.

- 10.3 The hours of operations for blasting activity must be limited to:

(ii) 0900 hours to 1500 hours on Monday to Friday; and  
(iii) 0900 hours to 1300 hours on Saturday;

- 10.4 All waste storage areas must be:

10.4.1 kept in a clean and tidy condition; and

10.4.2 maintained in accordance with *Environmental Protection Regulation 2019*.

- 10.5 The processing of End of Waste Code (EOWC) resources can occur on-site where ancillary to the primary extractive industry land use occurring on the site. Suitable ancillary activities include processing of:

(i) concrete products (concrete washout and returned hardened concrete from concrete plants);

(ii) recovered pavement products (removed, surplus and/or unused asphalt,

bitumen, road base and sub-base materials)

(iii) brick, tile and masonry products; and

(iv) coal combustion products (Furnace Bottom Ash from Stanwell Power Station).

**Note:** The developer must maintain registration to the End of Waste Codes for the relevant resources used in this activity, including EOWC Recycled Aggregates, EOWC Returned Concrete, EOWC Solid Concrete Washout and EOWC Coal Combustion Products.

**Note:** 'Processing of' is taken to include the mixing of EOWC product with extracted quarry material. It does not include accepting raw construction waste or the use of the site as a waste management service or landfill.

10.6 The developer must limit the range of products produced using EOWC resources to those that are required to be mixed or blended with or added to extracted material and the resulting by-products. The above activities are only considered ancillary to the approved Extractive Industry use on the site where consistent with the following parameters:

10.6.1 The maximum quantity of EOWC resource that is imported to the site is limited to 15% of the quantity of material extracted in that year.

10.6.2 The maximum quantity of EOWC resource that is sold and exported from the site is limited to 10% of the quantity of material extracted in that year.

10.6.3 The EOWC resources used on site are limited to those required to be mixed or blended with extracted material from the site.

10.6.4 The maximum quantity of material outgoing from the site (i.e., both produced and sold) is within the limits considered as part of the approved Traffic Impact Assessment Report.

10.6.5 Any waste generated during this activity that is not re-used as a resource must be disposed of at an approved facility that is the holder of a relevant ERA for the type of waste being disposed. Stockpiling of waste at the site is not permitted. Disposal of waste to landfill at the site is not permitted.

10.7 A record of all weighbridge receipts must be kept on-site for Council inspection as requested. Weighbridge receipts must be recorded, maintained and retained for a minimum period of ten (10) years.

10.8 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.

#### 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. 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. 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 4. General Safety of Public During Construction

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

NOTE 5. Haulage Road in Lot 44

Changes to the existing haul road on Lot 44 on SP140243 are not permitted. Any alterations to the alignment or width of the haul road over Lot 44 would constitute a change (minor) to the development approval. It is recommended the quarry operator and owner of Lot 44 prepare a Driver Code of Conduct that is to be implemented.

**Moved by: Councillor Mathers**

**Seconded by: Councillor Latcham**

**MOTION CARRIED UNANIMOUSLY**

### 11.5 D/138-2022 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A SHOP (FLORIST) AND OPERATIONAL WORKS FOR ADVERTISING DEVICES (WALL SIGN X 1 AND AWNING FASCIA SIGN X 2)

**File No:** D/138-2022

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

**Author:** Brendan Standen - Principal Planning Officer

#### SUMMARY

*Development Application Number:* D/138-2022

*Applicant:* Shannon-Leigh Ann Hawkes

*Real Property Address:* Lot 6 on RP603231

*Common Property Address:* 211 Upper Dawson Road, Allenstown

*Area of Site:* 405m<sup>2</sup>

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

*Planning Scheme Zone:* Low Density Residential

*Planning Scheme Overlays:* Airport Environs Overlay

*Existing Development:* Dwelling House

*Approval Sought:* Development Permit for Material Change of Use for a Shop (Florist) and Operational Works for Advertising Devices (Wall Sign x 1 and Awning Fascia Sign x 2)

*Level of Assessment:* Impact

*Submissions:* Two (one in support and one in objection)

*Referral Agency:* Nil

#### COUNCIL RESOLUTION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shop (Florist) and Operational Works for Advertising Devices (Wall Sign x 1 and Awning Fascia Sign x 2), made by Shannon-Leigh Ann Hawkes, located at 211 Upper Dawson Road, Allenstown, described as Lot 6 on RP60323, 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 Shop (Florist) and Operational Works for Advertising Devices (Wall Sign x 1 and Awning Fascia Sign x 2)
<b>Reasons for Decision</b>	<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</p>

	<p>favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
<p><b>Assessment Benchmarks</b></p>	<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>• 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;</li> <li>• Advertising Devices Code; and</li> <li>• Airport Environs Overlay Code.</li> </ul>	
<p><b>Compliance with assessment benchmarks</b></p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p>	
	<p><b>Assessment Benchmark</b></p>	<p><b>Reasons for the approval despite non-compliance with benchmark</b></p>
	<p>Low Density Residential Zone Code</p>	<p><b>PO16</b></p> <p>The proposed development is taken to comply with PO16, which relates to scenarios where non-residential development may occur in the Low Density Residential Zone. However, it is acknowledged there may be perceived conflicts and therefore the Performance Outcome is addressed.</p> <ul style="list-style-type: none"> <li>• The proposal is for the reuse of a building that was historically a shop and is generally consistent with the prevailing built form in the surrounding area, being of “tin and timber” character;</li> <li>• Is small-scale, with the proposed ‘Shop’ component of the building comprising only 66m<sup>2</sup> Gross Floor Area (GFA), with the remainder of the building being used for a residential purpose (dwelling unit);</li> <li>• The proposed development is not of a scale where it is considered to undermine the primacy of activities in the centre zones; and</li> <li>• Has direct access to a higher order road, being Upper Dawson Road, which is categorised as Urban Sub-Arterial.</li> </ul> <p>Therefore, on balance, the proposed development is taken to comply with PO16. To the extent any conflicts are identified with PO16, regard to relevant matters is considered to outweigh those conflicts.</p> <p><b>AO21.1</b></p> <p>The proposed development does not comply with AO21.1 because the proposed hours of operation are 06:30 to 16:30 Monday to Friday, rather than 07:00 to 22:00.</p> <p>Despite this, the proposed development will be unlikely to cause adverse impacts on the current levels of amenity of adjoining land uses and the surrounding area. The reasons for this are:</p> <ul style="list-style-type: none"> <li>• The site was historically used as a shop, and therefore</li> </ul>

		<p>the proposed development is simply returning it to its historical use;</p> <ul style="list-style-type: none"> <li>• The proposal is for a florist (shop), which is considered to be a passive land use with respect to on-site and off-site impacts (for example minimal noise, odour and lighting);</li> <li>• The site has frontage to Upper Dawson Road, which is categorised as an Urban Sub-arterial road that is heavily trafficked (up to 10,000 vehicles per day). Given this, adjoining land uses and the surrounding area already experience high levels of vehicular activity; and</li> <li>• Hours of operation for delivery vehicles have been conditioned to be limited to 07:00 to 22:00 to comply with AO21.1.</li> </ul> <p>Therefore, the proposed development is taken to comply with PO21.</p> <p><b>AO21.2</b></p> <p>The proposed development does not comply with AO21.2 because a 1.8 metre (m) high screen fence is not provided along the side and rear property boundaries. Currently, an approximate 1.2m high fence currently exists.</p> <p>Despite this, there is no new external building work and the proposal simply results in the building being used for the purpose it was originally established for (shop). Further, for the reasons outlined in response to AO21.1 the proposed development is unlikely to have adverse amenity impacts external to the site.</p> <p>Therefore, the proposed development is taken to comply with PO21.</p>
	Access, Parking and Transport Code	<p><b>AO14.2</b></p> <p>The proposed development does not comply with AO14.2 because the property access is directly to Upper Dawson Road, which is categorised as an Urban Sub-arterial road.</p> <p>Despite this, the site has single frontage to Upper Dawson Road and no other access options exist. Council's Development Engineering Unit has assessed the proposed development and is satisfied the use of the existing property access will not impact on the safety or efficiency of the local road network, compared to the pre-developed scenario.</p> <p>Therefore, the proposed development is taken to comply with PO21.</p>
	Waste Management Code	<p><b>PO1</b></p> <p>The proposed development does not comply with AO1.1 because the development will not be provided with commercial waste bins or a waste storage area in accordance with the waste management planning scheme policy.</p> <p>Despite this, the development will be provided with general waste bins that are considered appropriate to cater for waste of a florist activity. Further, because the commercial waste bins are not provided, a waste storage area typical of housing these types of bins are not considered appropriate. Conditions of approval have been included with the requirement for waste bins to be screened from the public realm and adjoining lots.</p> <p>Therefore, the proposed development is, on balance, taken to</p>

		comply with PO1.
	Advertising Devices Code	<p><b>PO1</b></p> <p>The proposed development does not comply with AO1.2 because the proposal includes advertising devices for wall sign and awning fascia signs that are in the Low Density Residential Zone.</p> <p>Despite this, the signage is to support a proposed shop, which is the historical use of the premises, are of a scale and type that are not going to compromise the character or amenity of the surrounding area.</p> <p>Therefore, the proposed development is taken to comply with PO1.</p>
	Landscape Code	<p><b>AO11.1-11.6</b></p> <p>The proposed development does not comply with AO11.1-11.6 because shade tree planting has not been dedicated within the car parking areas located at the rear of the site (behind the building).</p> <p>Despite this, existing shade trees exist that assist in providing shade to the proposed car parking area. This will assist in reducing their visual appearance, glare and heat stored on hard surfaces.</p> <p>Therefore, the proposed development is taken to comply with PO11.</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 site and building were historically used as a shop; however, the use was taken to be abandoned when it was more recently wholly used as a Dwelling House.</li> </ul>	
<b>Matters raised in submissions</b>	<b>Issue</b>	<b>How matter was dealt with</b>
	Inappropriately located	<p>The submitter raised concern the development is inappropriately located in the Low Density Residential Zone, and rather should be located in the centre zone at Allenstown as it would adversely impact their current levels of residential amenity.</p> <p>The <i>Rockhampton Region Planning Scheme 2015</i> contemplates small-scale non-residential development occurring in the Low Density Residential Zone in a limited number of circumstances. The proposed development satisfies the majority of those circumstances, as outlined in response to PO16 of the Low Density Residential Zone Code contained in the Statement of Reasons.</p> <p>It is highlighted that when the submitter lodged their submission, the application included a Food and Drink Outlet. The Applicant removed this component of development in response to concerns raised by Council and the submitter. The removal of this component of the development is likely to ameliorate the concerns of the submitter.</p>
	Road impacts	<p>The submitter raised concern the development would compromise the safety and efficiency of Upper Dawson Road.</p> <p>Council's Development Engineering Unit has reviewed the proposal, including the proposed vehicle types and numbers, and access arrangement, and are satisfied it will not compromise the safety or efficiency of Upper Dawson Road.</p>



	Vehicle parking and access	<p>The submitter raised concern the proposed development could not practically provide on-site vehicle parking, and that vehicles parked in front of the site would result in safety issues.</p> <p>Council's Development Engineering Unit has reviewed the proposal, including the proposed use of the rear of the site for vehicle parking. Council's officers requested swept path analysis from the Applicant that demonstrated there was sufficient area for vehicles to manoeuvre within the site such that they enter and exit in a forward gear.</p> <p>It is expected that some vehicle parking will occur within the road reserve at the front of the site, however, given the type of use this is expected to be minimal.</p>
	Adverse amenity impacts	<p>The submitter raised concern the proposed development would adversely affect their residential amenity.</p> <p>The proposed development is for a small-scale florist within a building that was historically used as a shop, before it was internally modified to be a dwelling house. There proposed development is not expected to adversely impact residential amenity for the reasons outlined in response to AO2.1 of the Low Density Residential Zone Code contained in this Statement of Reasons.</p>
	Lack of need	<p>The submitter raised concern the application material states there is a need for the development to service the Allentown and The Range communities; however, no technical reporting was provided to support this statement.</p> <p>While the Applicant has not demonstrated with supporting technical reporting a need for the proposal at this site, this is considered to be a low-level conflict with the assessment benchmarks of the Planning Scheme and, on balance, the proposal is one that is contemplated for in the Low Density Residential Zone.</p>
	Sewer connection	<p>The submitter raised concern that the site benefits from a combined line with their property, and that they object to this combined line being used for a commercial/business purpose.</p> <p>The combined sewer line is an historical arrangement and will not compromise any activity over their property. This arrangement would have existed when the building at the site was historically used for a dwelling house.</p> <p>To the extent the development proposes to discharge any commercial waste to the sewer network, a separate Trade Waste Permit would need to be sought from Council. The applicant material does not indicate the development intends to discharge any commercial waste to the sewer network.</p>
	Hours of operation	<p>The submitter has raised concern that any proposed hours of operation outside 08:00 to 17:00 would compromise their residential amenity.</p> <p>The development proposed to operate between 06:30 to 16:30 Monday to Friday and 09:00 to 13:00 Saturday, with no operations on Sunday.</p> <p>The Low Density Residential Zone Code allows for non-residential development to operate from 07:00 and 22:00, Monday to Sunday. The commencement of a florist 30 minutes earlier Monday to Friday is unlikely to cause any amenity impacts. Conditions of approval have been included restricting delivery vehicles entering the site before 07:00.</p>

	Waste management	<p>The submitter raised concern the development is not going to be serviced by a commercial waste bin, and rather will rely on general waste bins.</p> <p>Given the small scale of the proposed development, the requirement for a commercial waste bin is not considered reasonable or practical. Conditions of approval have been included requiring waste storage bins to be appropriately screened from adjoining lots.</p>
	Signage	<p>The submitter raised concern with the signage because the signage does not comply with the requirements stated in the Advertising Devices Code.</p> <p>Queensland's planning system is performance based, which generally means that if a proposed development does not comply with a prescriptive requirement, it can be considered against a higher order, performance-based outcome.</p> <p>The proposed signage complies with the provisions Advertising Devices Code contained in the <i>Rockhampton Region Planning Scheme 2015</i>.</p>
	Cold room	<p>The submitter raised concern about the prospect of a cold room being provided at the rear of the building.</p> <p>The application material does not propose a cold room; however, if the developer does provide one in the future it would be subject to the requirements of the <i>Environmental Protection Act 1994</i> and subordinate legislation with respect to noise management.</p>
	Pedestrian and cyclist facilities	<p>The submitter raised concern that dedicated bicycle parking facilities were not provided for the development. Providing dedicated bicycle parking facilities for a small-scale florist is not considered a reasonable imposition on the developer.</p>
<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 a Material Change of Use for a Shop (Florist) and Operational Works for Advertising Devices (Wall Sign x 1 and Awning Fascia Sign x 2), made by Shannon-Leigh Ann Hawkes, located at 211 Upper Dawson Road, Allenstown, described as Lot 6 on RP603231, Council resolves to Approve the application subject to the following conditions:

### **MATERIAL CHANGE OF USE FOR SHOP (FLORIST)**

#### 1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.5 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Site Plans	Dezign Elements	August 2022	S-01	=
Floor Plans	Dezign Elements	August 2022	S-02	=

- 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 ACCESS AND PARKING WORKS

- 3.1 All car parking and access areas must be paved or sealed to Council's satisfaction.
- 3.2 All vehicles must ingress and egress the development in a forward gear.
- 3.3 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

## 4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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.
- 4.2 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

## 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

## 6.0 ASSET MANAGEMENT

- 6.1 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.
- 6.2 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.

## 7.0 OPERATING PROCEDURES

- 7.1 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 Upper Dawson Road.
- 7.2 The hours of operations for the development site must be limited to:
- (i) 0630 hours to 1630 hours on Monday to Friday, except for delivery vehicles which are not permitted to enter the site before 0700 hours, and
  - (ii) 0900 hours to 1300 hours on Saturday,
- with no operations on Sundays or Public Holidays.
- 7.3 All waste storage areas must be:
- 7.3.1 kept in a clean and tidy condition; and
  - 7.3.2 maintained in accordance with *Environmental Protection Regulation 2019*.

## 8.0 WASTE STORAGE

- 8.1 A waste storage area must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 8.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 8.1.2 screened so as not to be visible from a public space;
  - 8.1.3 screened to obstruct from view the contents of the waste storage area;
  - 8.1.4 aesthetically screened from any road frontage or adjoining property;
  - 8.1.5 concealed from public view such that the contents of the waste storage area are not visible from any public place; and
  - 8.1.6 setback a minimum of two (2) metres from any road frontage and property boundary

## 9.0 ENVIRONMENTAL HEALTH

- 9.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.2 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.

ADVISORY NOTESNOTE 1. 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 2. 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 3. Infrastructure Charges Notice

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

NOTE.4 Building Works

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

**OPERATIONAL WORKS FOR ADVERTISING DEVICES (TWO (2) AWNING FASCIA SIGNS AND ONE (1) WALL SIGN)**1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 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	Dezign Elements	August 2022	S-03	-

- 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 BUILDING WORKS

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

### 5.0 ASSET MANAGEMENT

- 5.1 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.

### 6.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 6.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 6.2 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.
- 6.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 6.4 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.
- 6.5 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.

- 6.6 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – “Electrical Installations”.
- 6.7 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.

**Moved by: Councillor Mathers**

**Seconded by: Councillor Fisher**

**MOTION CARRIED UNANIMOUSLY**

**11.6 2022-23 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 3 AND PROPOSED AMENDMENTS TO THE 2022-2023 OPERATIONAL PLAN**

**File No:** 8320  
**Authorising Officer:** Damon Morrison - Manager Workforce and Governance  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Allysa Brennan - Coordinator Legal and Governance

**SUMMARY**

*The 2022-23 Operational Plan Quarterly Report for quarter three as at 31 March 2023, pursuant to section 174(3) Local Government Regulation 2012 is presented for Council endorsement together with a proposed amendment to the 2022-23 Operational Plan for Council's adoption.*

10:09AM

Councillor Smith having earlier declared a prescribed conflict of interest in the **2022-23 Operational Plan Quarterly Report for Quarter Three** left the room while the Mount Morgan Water Supply Pipeline Project was discussed.

10:09AM Councillor Smith left the room.

10:10AM Councillor Smith returned to the room.

10:12AM Chief Executive Officer left the meeting room.

10:14AM Chief Executive Officer returned to the meeting room.

**COUNCIL RESOLUTION**

THAT Council:

- (a) Receive the 2022-23 Operational Plan Quarterly Report for quarter three as at 31 March 2023 excluding Mount Morgan Pipeline Project and;
- (b) Adopt the proposed amendment to the 2022-23 Operational Plan detailed within this report and outlined in Attachment 2 of the report.

**Moved by:** Mayor Williams

**Seconded by:** Councillor Fisher

**MOTION CARRIED UNANIMOUSLY**

10:29AM Councillor Smith left the meeting room.

**COUNCIL RESOLUTION**

THAT Council receive the 2022-23 Operational Plan Quarterly Report for quarter three as at 31 March 2023 for the Mount Morgan Pipeline Project.

**Moved by:** Councillor Kirkland

**Seconded by:** Councillor Rutherford

**MOTION CARRIED UNANIMOUSLY**

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

Councillor Smith did not participate in the vote.

10:29AM Councillor Smith returned to the meeting room.



**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS\QUESTIONS**

**15 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:30am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**9 MAY 2023**

## **ANNEXURE A**

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

**Item 11.4 - Development Application for Material Change of Use for Extractive Industry (444,000TPA)**

**Item 11.5 – D/138-2022 – Development Application for a Material Change of Use for a Shop (Florist) and Operational Works for Advertising Devices (Wall Sign x 1 and Awning Fascia Sign x 2)**



# **Development Application (D/163-2021) for Development Permit for Material Change of Use for Extractive Industry**

*294 Hume Road, Kabra and 397 Power Station Road, Stanwell*

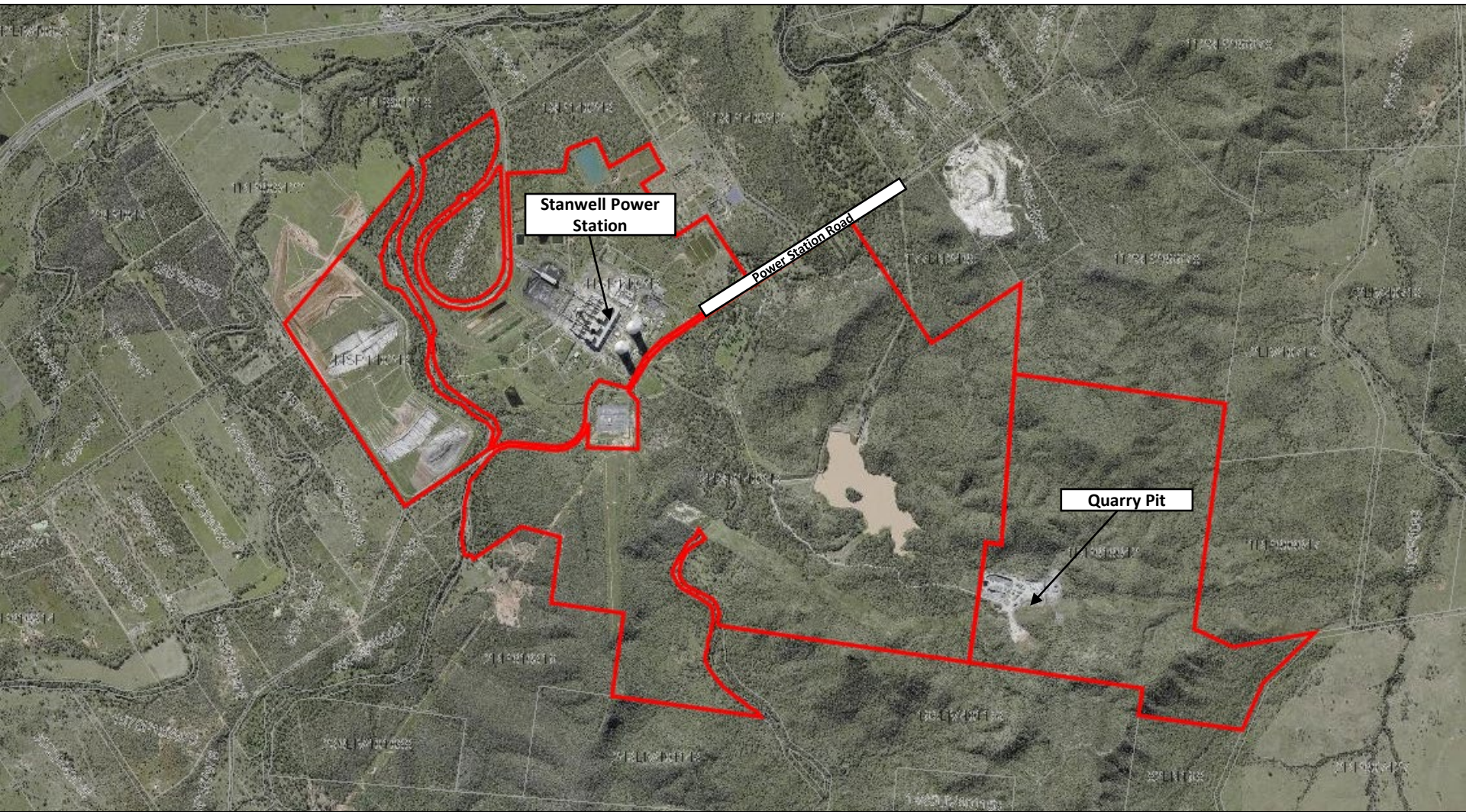
Council meeting – 9 May 2023

Brendan Standen – Principal Planning Officer

Rockhampton **Regional Council**



# Subject Site





# Development Proposal

- Increase the footprint of the extraction pit to 25 hectares (further east within the site)
- Increase to maximum extraction to 444,000 tones per annum (tpa), from historic quantities of ~250,000tpa.
- The Environmental Authority (EA) will regulate most environmental matters (e.g., air, noise, water, blasting etc.).

# Development Proposal





## Public Notification

- One (1) submission objecting to the proposal, being from Stanwell Power Station.
- How the submission was considered and addressed is outlined in the Council Report.

# Grounds for Approval

- The development generally complies with the provisions included in the applicable Planning Scheme codes and will not compromise the Strategic Framework.
- The Department of Environment and Science will regulate environmental matters through the Environmental Authority.
- Therefore, the development application is recommended for approval.



# **Development Application (D/138-2022) for Development Permit for Material Change of Use for Shop (Florist)**

*211 Upper Dawson Road, Allentown*

Council meeting – 9 May 2023

Brendan Standen – Principal Planning Officer

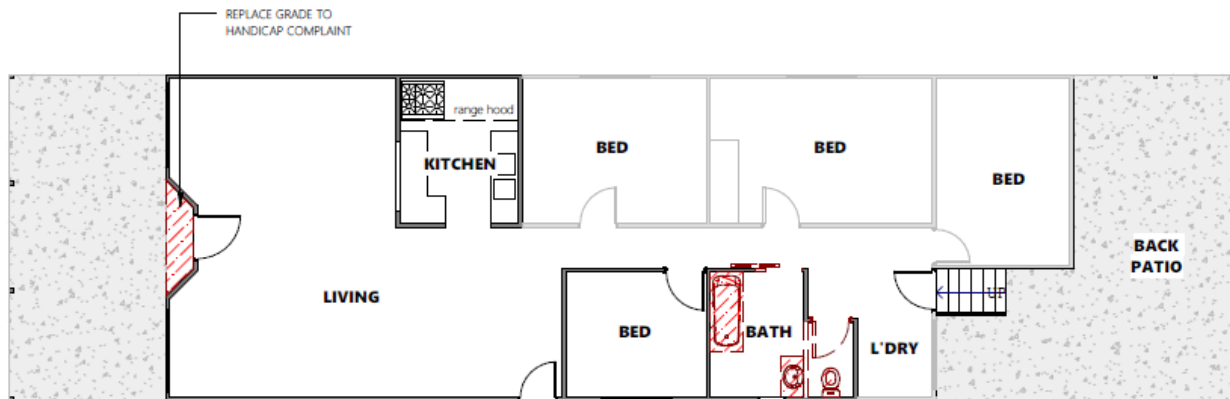
Rockhampton **Regional Council**

# Subject Site



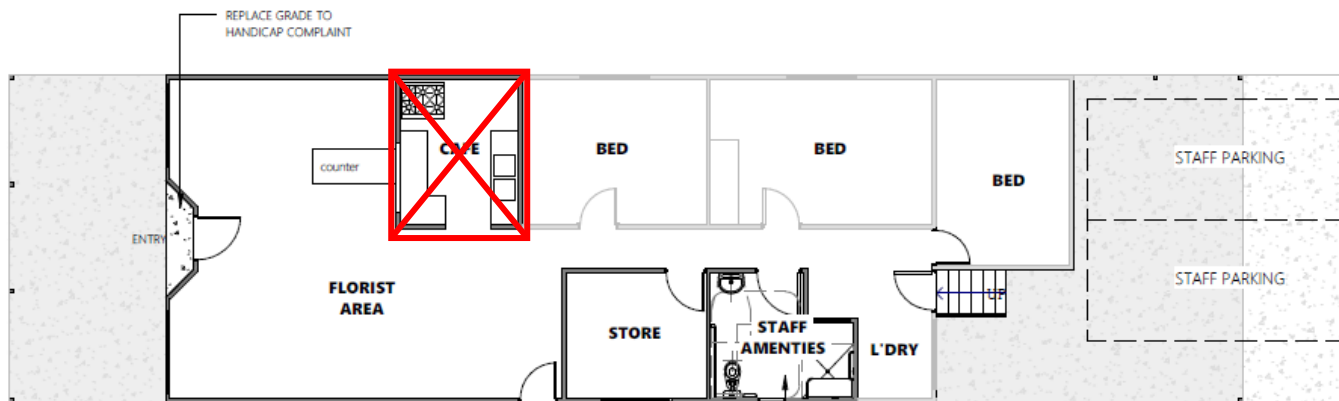


# Development Proposal



## Existing Floor Plan

1:100



## Proposed Floor Plan

1:100

## Public Notification

- Two (2) submissions were received. One in objection and one in support.
- The submission objecting was from a neighbouring lot.
- How the grounds of the submissions were considered and addressed is outlined in the Council Report.

# Grounds for Approval

- The development generally complies with the provisions included in the applicable Planning Scheme codes and will not compromise the Strategic Framework.
- The proposal is simply the re-establishment of a shop activity within a building that was historically used for that purpose.
- Therefore, the development application is recommended for approval.