



ORDINARY MEETING

MINUTES

11 DECEMBER 2023

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON MONDAY, 11 DECEMBER 2023 COMMENCING AT 9:01AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Reverend David Alley, Rockhampton Churches Combined

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services (via video-link)
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Advance Rockhampton
Ms M Younger – Manager Corporate and Technology Services
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance (via video-link)
Ms E Dwyer – Manager Community Assets and Facilities (via video-link)
Ms K Roberts – Coordinator Property and Insurance
Ms A Brennan – Coordinator Legal and Governance
Mr J Bulwinkel – Supervisor Business Support
Mr J Barnett – Sports and Recreation Advisor
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 28 November 2023 be confirmed.

THAT the minutes of the Communities Committee Meeting of 21 November 2023 be confirmed.

THAT the minutes of the Infrastructure Committee Meeting of 5 December 2023 be confirmed.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Ellen Smith informed the meeting:

“I have a declarable conflict of interest in **Item 11.9 – Advocacy Priorities 2023-25** as I and my family members market cattle through the Gracemere Saleyards, and I will deal with this conflict by leaving the meeting room when this matter is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

Councillor Donna Kirkland informed the meeting:

“I have a declarable conflict of interest in **Item 11.9 – Advocacy Priorities 2023-25** as I am a current candidate for the State Election, and I will deal with this conflict by leaving the meeting room when this matter is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

“I have a prescribed conflict of interest in **Item 11.12 – D/123-2023 Development Application for Material Change of Use for a Telecommunications Facility** as my Son-in-law Troy Graham and my daughter Candice Graham own the business HDE Engineering located at 18 Albert Street, Rockhampton City.

I will deal with this conflict by leaving the meeting room when this matter is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

“I have a declarable conflict of interest in **Item 12.1 – Notice of Motion Mayor Tony Williams – Renewable Energy** as the last point in the motion is to advocate to State candidates. I have previously removed myself from the room to avoid community perceived conflict of interest as I am a State candidate. Unless this motion is dealt with ‘ad seriatim’ I will need to leave the meeting room.”

9:06AM Councillor Rutherford attended the meeting

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS**10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - PARKANA FOOTBALL CLUB**

File No: 8295
Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Author: Katie-Lea Kellett - Executive Support Officer

SUMMARY

Councillor Donna Kirkland is seeking approval from Council to donate \$1,500.00 from her Councillor Discretionary Fund to the Parkana Football Club towards costs to update their clubhouse.

COUNCIL RESOLUTION

THAT Council approve the donation of \$1,500.00 from Councillor Donna Kirkland's Councillor Discretionary Fund to the Parkana Football Club.

Moved by: Mayor Williams
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11 OFFICERS' REPORTS

11.1 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2023

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 30 November 2023.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 November 2023 be received.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.2 2023/2024 REVISED BUDGET

File No: 8785
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer presenting a budget amendment under s.170 of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT in accordance with s.170(3) of the *Local Government Regulation 2012*, the budget amendment for the 2023/2024 financial year be adopted incorporating the following attachments:

1. 2023/2024 Revised Budget & Forward Projections;
2. Revenue Policy 2023/2024 as adopted by Council on 4 July 2023;
3. Revenue Statement 2023/2024 as adopted by Council on 4 July 2023;
4. Debt (Borrowings) Policy 2023/2024 as per the new estimates; and
5. 2023/2024 Estimated Activity Statement for Business Activities: a statement showing the estimated costs of Council's significant business activities and commercial business units.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.3 PROPOSED NRMA ELECTRIC VEHICLE FAST CHARGING STATION ON COUNCIL LAND - 180-186 ALMA STREET (CARPARK)

File No: 374, 15742
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Coordinator Property and Insurance reporting on a request to enter into a Licence Agreement with NRMA Electric Highways Pty Ltd to install Electric Vehicle Fast Charging Stations on Council owned freehold land located at 180-186 Alma Street, Rockhampton City.

COUNCIL RESOLUTION

THAT Council authorises:

1. The Chief Executive Officer (Coordinator Property and Insurance) to issue a Licence Agreement to NRMA Electric Highways Pty Ltd over part of 180-186 Alma Street, Rockhampton City, for the construction and operation of an Electric Vehicle Fast Charging Station, for a period of 5 years for a set annual fee of \$2,000 (ex GST); and
2. The Coordinator Property and Insurance to negotiate the terms and conditions of the Licence Agreement in preparation for execution by the delegated Officer.

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED on the casting vote of the Mayor

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

11.4 CONVERSION OF PART OF COUNCIL OWNED LAND TO ROAD FOR ELECTRICITY SUPPLY PURPOSES - 174 ALMA STREET, ROCKHAMPTON CITY

File No: 3974, 1680
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Coordinator Property and Insurance reporting on request from Ergon Energy to relocate its transformer infrastructure from Council owned land situated 180-186 Alma Street and move it to adjoining Council owned land situated 174 Alma Street and convert the site to road reserve.

COUNCIL RESOLUTION

THAT pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to dispose of part of 174 Alma Street, Rockhampton City described as Lot 1 on RP601472 (approximately 8.5m² in size) to be dedicated as road, for the relocation of the transformer from 180-186 Alma Street, by Ergon Energy Limited.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.5 CONVERSION OF COUNCIL OWNED LAND (ACCESS RESTRICTION STRIP) TO ROAD - 3A WERRIBEE STREET, KAWANA

File No: 3974, 1680
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Coordinator Property and Insurance reporting on request from Ergon to locate Electricity Supply infrastructure on Council Owned land at 3A Werribee Street, Kawana. The most appropriate tenure for this infrastructure is road reserve.

COUNCIL RESOLUTION

THAT pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to dispose of part of 3A Werribee Street, Kawana described as Lot 102 on RP900393 (4m² in size) to be dedicated as road, to enable Ergon Energy Limited to install electricity supply infrastructure across the site.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.6 PROPOSED SALE OF 888-896 YAAMBA ROAD, PARKHURST TO THE STATE OF QUEENSLAND (DEPT. HOUSING)

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

SUMMARY

Coordinator Property and Insurance reporting on request from The State of Queensland (Department of Housing) to purchase Council land situated at 888-896 Yaamba Road, Parkhurst for social housing development.

COUNCIL RESOLUTION

THAT:

1. Pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to sell 888-896 Yaamba Road, Parkhurst (Lot 1 on RP609294) to The State of Queensland (represented by the Department of Housing), for a sale price to be determined by an independent market valuation report.
2. Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to negotiate the terms and conditions of the Contract of Sale in preparation for execution by the delegated Officer.

Moved by: Councillor Mathers
Seconded by: Councillor Wickerson

MOTION CARRIED

11.7 PLANNING ACT 2016 TEMPORARY DELEGATION OVER CHRISTMAS / NEW YEAR PERIOD

File No: 12660
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

The purpose of this report is to obtain a temporary delegation for the Chief Executive Officer to facilitate the statutory requirements of the Planning Act 2016 to accommodate the Council meeting recess over the December 2023 to January 2024 period.

COUNCIL RESOLUTION

THAT:

- (1) Council resolves as per Section 257 of the *Local Government Act 2009* to delegate its powers as 'Assessment Manager' under the *Planning Act 2016* to the Chief Executive Officer for the period 13 December 2023 until 22 January 2024, both dates inclusive, subject to the following limitation:
- (a) The exercise of this delegation will only occur following consultation with, and written concurrence from, two elected members with one drawn from each of the below nominated groupings:
- i. Mayor or Acting Mayor, and
 - ii. The Planning and Regulation Portfolio Councillor or the Planning and Regulation Assistant Portfolio Councillor.

Moved by: Mayor Williams
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned**COUNCIL RESOLUTION**

9:55AM

THAT the meeting be adjourned for a 20 minute recess, to resume at 10:15am.

Moved by: Mayor Williams**MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

10:16AM

THAT the meeting be resumed.

Moved by: Mayor Williams**MOTION CARRIED**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services (via video-link)
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Advance Rockhampton
Ms M Younger – Manager Corporate and Technology Services
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance (via video-link)
Mr D Scott – Manager Planning and Regulatory Services
Mr J Buckenham – Coordinator Local Laws
Mr B Standen – Principal Planning Officer
Ms K McDonald – Senior Planning Officer
Mr J Bulwinkel – Supervisor Business Support
Mr J Barnett – Sports and Recreation Advisor
Ms L Leeder – Senior Committee Support Officer

11.8 ANNUAL GOODS AND SERVICES SPEND ANALYSIS

File No: 5883
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

Annual goods and services spend analysis for the period 1 November 2022 to 31 October 2023.

COUNCIL RESOLUTION

THAT Council receives the annual goods and services spend analysis for the period 1 November 2022 to 31 October 2023.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.9 ADVOCACY PRIORITIES 2023-25

10:24AM

Councillor Donna Kirkland, having earlier informed the meeting of a declarable conflict of interest and her decision to not participate in **Item 11.9 – Advocacy Priorities 2023-25**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

10:24AM

Councillor Ellen Smith, having earlier informed the meeting of a declarable conflict of interest and her decision to not participate in **Item 11.9 – Advocacy Priorities 2023-25**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: 12534
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Justin Kann - Manager Office of the Mayor

SUMMARY

This report provides a draft Advocacy Priorities list ahead of the next State and Federal elections.

COUNCIL RESOLUTION

THAT Council:

1. Affirms its commitment to advocating for local projects and policy changes ahead of the next State and Federal elections;
2. Endorse the draft Advocacy Priorities 2023-25; and
3. Endorse Council's engagement with government, opposition, local candidates and others to secure election commitments which benefit the Rockhampton Region.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

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

Councillors Smith and Kirkland were not in the meeting room and did not participate in the vote.

10:27AM Councillor Smith and Councillor Kirkland returned to the meeting room

11.10 MINOR CHANGE TO DEVELOPMENT PERMIT D/74-2023 FOR A MATERIAL CHANGE OF USE FOR NON-RESIDENT WORKFORCE ACCOMMODATION (TEMPORARY 136 PERSON) AND WAREHOUSE

File No: D/74-2023

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Angela Arnold - Acting Manager Planning and Regulatory Services
Aaron Pont - Acting General Manager Community Services

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/74-2023

Applicant: B.M.D Constructions Pty Ltd and McConnell Dowell Constructors (Aust) Pty Ltd (MBJV)

Real Property Address: Lot 51 on SP273020

Common Property Address: Lot 51 Enterprise Drive, Gracemere

Area of Site: 11.59 hectares

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

Planning Scheme Zone: Low Impact Industry Zone; and Medium Impact Industry Zone

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

Existing Development: Warehouse (Pipe Laydown Area)

Approval Sought: Change (minor) to a Development Permit for a Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse

Referral Agency: Nil

Affected Entity: Nil

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Minor Change to D/74-2023 for Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse, made by B.M.D Constructions Pty Ltd and McConnell Dowell Constructors (Aust) Pty Ltd (MBJV), located at Lot 51 Enterprise Drive, Gracemere, described as Lot 51 on SP273020, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse

Reasons for Decision	
<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	
<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Low Impact Industry Zone Code; • Medium Impact Industry Zone Code; • Flood Hazard Overlay Code; • Steep Land Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>Low Impact Industry Zone Code; and</p> <p>Medium Impact Industry Zone Code</p>	<p>PO4 and PO14</p> <p>The proposal does not comply with Acceptable Outcome (AO) 4.1 and Performance Outcome (PO) 14(b) of both the Low Impact Industry Zone Code and Medium Impact Industry Zone Code. Both outcomes require a separate pedestrian entry to the site from any vehicular entry points and manoeuvring areas.</p> <p>Due to the nature of the use and interaction with heavy vehicle movements, a separate pedestrian entry visible from the street and corresponding design elements is impractical.</p> <p>Despite this, and in relation to compliance with PO4, the absence of a direct pedestrian entry that is visible from the street that provides overhangs or awnings is not considered to negatively impact on the character or streetscape of the area because:</p> <ul style="list-style-type: none"> • The proposed development is setback approximately 125 metres from the Enterprise Drive road boundary, and the visibility of any such pedestrian entrance is reduced by distance.

	<ul style="list-style-type: none"> • Providing a separate pedestrian entrance to the site presents safety concerns given the nature of the proposed development and associated vehicle movements and types. • The proposed development is temporary in nature and consequently any perceived negative impacts on the character of the streetscape or area would be limited to the duration of the activity (two years). <p>In relation to compliance with PO14, the absence of a separate pedestrian entry will not compromise the security of people or property. By the nature of the use, the site will be frequented by non-resident workers and warehouse staff, reducing the opportunity for crime.</p> <p>PO7</p> <p>The proposal does not comply with AO7.1 of both the Low Impact Industry Zone Code and Medium Impact Industry Zone Code as no landscaping will be provided.</p> <p>Based on the temporary nature of the development (two (2) years) and considering the site will be returned to the pre-developed condition, a duration of two (2) years is not adequate time to establish mature landscaping over the site for its intended purpose of visual amenity.</p> <p>Therefore, while the proposed development does not comply with the Performance Outcome, it is considered to be appropriately justified and represents a low level conflict with the assessment benchmark. To the extent of any conflict, regard to relevant matters is considered to outweigh the conflict.</p> <p>PO11</p> <p>The proposal does not comply with AO11.3 of both the Low Impact Industry Zone Code and Medium Impact Industry Zone Code because the proposed hours of operation are 06:30 to 18:30 Monday to Sunday, for the Warehouse use which is outside the hours prescribed by the Acceptable Outcome, being 07:00 to 19:00 Monday to Saturday when adjoining a sensitive land use not located within an industrial zone.</p> <p>Extended operational hours for the related land use (Warehouse – Pipe Laydown Area) were approved as part of Development Permit D/70-2023. To ensure consistency across the site and to facilitate the efficient progress of a significant infrastructure project, Council has replicated the same hours of operation.</p> <p>Despite this non-compliance, the impacts to adjoining dwelling houses can be mitigated, having regard to noise, dust and odour:</p> <ul style="list-style-type: none"> • A condition of approval has been imposed requiring a 1.8 metre high screen fence along the common boundary with the lots containing the sensitive land uses; • A condition of approval has been applied requiring water trucks to be kept on site to reduce dust emissions;
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	<ul style="list-style-type: none"> • Nuisance monitoring conditions have been imposed requiring the development to not cause environmental nuisance and, in the instance of a complaint, undertake monitoring to mitigate any impacts; • A condition of approval has been imposed limiting the period for increased hours of operation to two (2) years from the date the approval takes effect. <p>Further, the Applicant has directly engaged with the landowners to establish lines of communication in the event of any noise nuisance.</p> <p>On this basis the proposed development is taken to comply with Performance Outcome (PO) 11 of the zone codes.</p>
	<p>PO16</p> <p>The proposal does not comply with PO16 and overall outcome (f)(iv) of the Low Impact Industry and Medium Impact Industry zone codes because Non-Resident Workforce Accommodation is only contemplated in those zones when it is associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road.</p> <p>The proposed Non-Resident Workforce Accommodation on Enterprise Drive is connected to a higher order road (industrial collector), however the industrial use (Warehouse (Pipe Laydown Area)) approved over the subject site under development approval D/70-2023 and subsequent Warehouse use (Storage) proposed as part of this application are not considered to be industrial uses associated with the accommodation. While all development on the site is associated with the Fitzroy to Gladstone Water Pipeline project, the accommodation is not proposed to support the industrial activity on the site but rather a construction activity off-site.</p> <p>Despite this, the non-compliance is considered to be a low-level conflict given:</p> <ul style="list-style-type: none"> • The land use is temporary with a maximum operational duration of two (2) year from the date the development approval takes effect and therefore industry zoned land will not be permanently affected. • Conditions of approval have been imposed that seek to ensure the development does not compromise existing industrial activities in the surrounding area or prejudice future activities from occurring. • The accommodation activity is logically and practically collocated with other industry activities associated with the Fitzroy to Gladstone Water Pipeline project. <p>To the extent any conflicts are identified, regard to relevant matters is considered to outweigh those conflicts.</p>

Landscape Code	<p>PO1</p> <p>The proposed development does not comply with AO1.1 because landscaping is not proposed or conditioned to comply with the requirements in the relevant zone codes.</p> <p>A response to the relevant provisions of the zone codes relating to landscaping is provided above.</p> <p>PO11</p> <p>The proposed development does not comply with AO11.1 because shade tree planting is not provided within car parking areas in accordance with the rates set out in the Acceptable Outcome.</p> <p>Despite this, the proposed development is temporary in nature and conditions of approval have been included requiring the development to cease two (2) years from the date the development approval takes effect and the site returned to the pre-developed condition. It is impractical to establish shade tree planting within this period and is unreasonable to require it given a condition of approval requires the land to be returned to the pre-developed scenario at the cessation of the use.</p> <p>Non-compliance with AO11.1 is therefore considered to be a low-level conflict with the assessment benchmark.</p>
<p>Strategic Framework:</p> <ul style="list-style-type: none"> • Settlement pattern; • Natural environment and hazards; • Community identity and diversity; • Access and mobility; • Infrastructure services; and • Natural resources and economic development. <p>The proposal has demonstrated the use (Non-Resident Workforce Accommodation and Warehouse) does not present any significant conflicts with the elements of the Strategic Framework. To the extent any conflicts are identified, regard to relevant matters are considered to outweigh those conflicts.</p>	
<p>Relevant Matters</p>	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • The proposed development will accommodate the workforce associated with the construction of the 'Fitzroy to Gladstone Water Pipeline', which is an approximate \$983 million project (Gladstone Area Water Board 2022). Specifically, the project will: <ul style="list-style-type: none"> ○ Provide water security and reliability within the wider region; ○ Contribute toward the growth of the Queensland economy; ○ Create more than 400 jobs at the peak of construction; and ○ Support the growth of Queensland's renewable sector. ○ The project will be economically beneficial for the Rockhampton region throughout the duration of the project. Specifically: 	

- The likely impacts of the development have been satisfactorily addressed such that the development will not compromise the viability of future industry uses on the subject site or existing uses within the Gracemere Industrial area. A condition of approval has been imposed restricting the life of the Non-Resident Workforce Accommodation to two (2) years from the date of the development approval taking effect.
- The proposed development will help ensure current housing pressures in Rockhampton are not exacerbated by accommodating up to 136 non-resident workers in a temporary and dedicated facility, outside the already saturated rental / short-term accommodation market.
- The co-location of the Non-Resident Workforce Accommodation activity with Warehouse activities associated with the same project on the same site is logical and provides natural synergies and efficiencies for the project.
- The site's location is significant in providing safe access to a key transport corridor (Gracemere Industrial Access Road onto Capricorn Highway) to allow for the bulk transportation of the materials (Pipes) to facilitate the construction of the 'Fitzroy to Gladstone Water Pipeline' project.
- The site's area, 11.59 hectares provides an appropriate size to house the Non-Resident Workforce Accommodation use, Warehouse Use (Pipe Laydown Area) and associated Warehouse use (Storage) to allow for a consolidation of activities for the project.

Matters raised in submissions

The proposal was the subject of public notification between 29 June and 19 July 2023, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and one (1) properly made submission was received.

Issue	How matter was dealt with
Inconsistent with the Low Impact Industry Zone purpose	A Non-Resident Workforce Accommodation use is contemplated within the Low and Medium Impact Industry zones when it is associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road.
Inconsistent with the Medium Impact Industry Zone purpose	Council acknowledges that whilst the development on Enterprise Drive is connected to a higher order road (industrial collector), the proposed industrial uses on site are not considered to be associated with the accommodation. However, as outlined in the response above to the purpose of the Low and Medium Impact Industry zone codes, the development does comply on balance with the remaining outcomes of the zones purpose, and to the extent any conflicts are identified, regard to relevant matters is considered to outweigh those conflicts.
Amenity (visual impacts and dust) to surrounding sensitive land uses	The submitter raised concerns with the visual impacts of the development on the surrounding sensitive land uses due to the lack of landscaping, lack of detail on screening and potential dust emissions. As outlined in this Statement of Reasons, formal landscaping has not been proposed as part of the development nor imposed by Council as part of the recommendations for approval. Notwithstanding this, the development has implemented measures to minimise adverse impacts on

	<p>adjoining non-industrial zoned land to the south including a 1.8-metre-high solid screen along the boundary. Council has further imposed a condition to extend this screen along the western boundary to minimise the visual impacts to the existing dwelling house located to the west of the subject site.</p> <p>The development has implemented mitigation measures to ensure impacts on the adjoining sensitive land uses will be minimised. These include dust suppression over the site via the use of water trucks on all un-treated areas. All manoeuvring areas will be treated with compacted gravel to minimise airborne dust. Conditions of approval have also been included relating to dust management, nuisance monitoring and mitigation.</p>
<p>Safety and security concerns of the accommodation activity on the surrounding sensitive land uses</p>	<p>Security lighting will be in place for the camp and there is sufficient opportunity for casual surveillance internal to the site through design and arrangement of buildings. A 1.8 metre high screen fence will be constructed along the east, south and west boundaries with sensitive land uses and negligible risk that staff staying at the camp will pose a security risk to adjoining land.</p>
<p>Matters prescribed by regulation</p>	
<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Minor Change to D/74-2023 for Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse, made by B.M.D Constructions Pty Ltd and McConnell Dowell Constructors (Aust) Pty Ltd (MBJV), located at Lot 51 Enterprise Drive, Gracemere, described as Lot 51 on SP273020, Council resolves to issue an Amended Decision Notice 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 compliance with conditions notice for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
 unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.

- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Access and Parking Works;
 - (ii) Stormwater Works;
 - (iii) Site Works;
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 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.

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 Area Plan	QCV	22 November 2023	14-1061H-WD-02-6	6
Site Plan Main Area	QCV	22 November 2023	14-1061H-WD-03-6	6
Overall Site Ground Floor	QCV	22 November 2023	14-1061H-WD-04-6	6
Ground Finish Surfaces	Premise	7 July 2023	MIS-1080 / C005	D
Waste Management Report	McDonnell Dowell Constructors and B.M.D	26 June 2023	1151	A
A-double Vehicle Swept Paths	Premise	-	-	-
Traffic Impact Assessment	Premise	8 June 2023	MIS-1080/R01	A
Hume Ceptor System Technical Manual	Humes	-	-	-

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 The site layout as provided in the approved 'Site Over All Plan', 'Site Plan Main Area' and 'Overall Site Ground Floor' prevail over site layout in the approved 'Ground Finish Surfaces' plan to the extent of any inconsistency, except for the plant laydown area in the north-eastern corner of the site.
- 3.0 ROAD WORKS
- 3.1 A dilapidation report must be submitted with the Operational Works (Access and Parking Works) application for Enterprise Drive. This report is required to ensure that Council's road network is returned to an acceptable standard at the cessation of the use. The report must identify the standard of Enterprise Drive pre-construction in order to assess what works are required post construction (i.e., cessation of use) to return it to an acceptable standard.
- 3.2 A temporary road access permits for heavy vehicle must be obtained from the National Heavy Vehicle Regulator (NHVR) and Council for the use of Enterprise Drive.
- 4.0 ACCESS AND PARKING WORKS
- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 Access (access area from the end of Enterprise Drive up to the main car park) and parking (main car park) areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 All vehicles must ingress and egress the development in a forward gear.
- 4.5 A minimum of 66 parking spaces must be provided on-site.
- 4.6 Universal access parking spaces must be provided on-site in accordance with Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities".
- 4.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.9 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.11 The gravel access and vehicle manoeuvring areas must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in

sediment laden water.

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*, Council's Plumbing and Drainage Policies, and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.2 The development must be connected to Council's reticulated sewerage and water networks.
- 5.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.4 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 5.5 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.
- 5.6 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

6.0 STORMWATER WORKS

- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1992, Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 6.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 6.5.1 an assessment of the peak discharges for all rainfall events up to and including a one per cent (1%) Annual exceedance probability storm event, for the pre-development and post-development scenarios;
- 6.5.2 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 6.5.3 culvert / cross drainage design details like design flow, velocity, afflux, flood and stream gradient, tailwater levels etc.

- 6.5.4 the detail design of the diversion channel; and
- 6.5.5 the detail design of the Sedimentation Basin at a minimum includes:
 - 6.5.5.1 design flow;
 - 6.5.5.2 size of treatment;
 - 6.5.5.3 type of basin;
 - 6.5.5.4 size and dimension of basin;
 - 6.5.5.5 design inflow and outflow (low /high flow) systems;
 - 6.5.5.6 vegetation specification;
 - 6.5.5.7 maintenance access and plan;
 - 6.5.5.8 sediment disposal method;
 - 6.5.5.9 rehabilitation process for the basin area;
 - 6.5.5.10 basin's operational procedures; and
 - 6.5.5.11 the demonstration of how the flow (major and minor) characteristics from sedimentation basin will be similar to pre-development scenarios for all rainfall events up to and including a one per cent (1%) Annual exceedance probability storm event.
- 6.6 The culvert / crossing drainage structure under the proposed access must have immunity (and appropriate freeboard) during a one per cent (1%) Annual Exceedance Probability defined storm event. Alternatively, overtopping of the culvert is acceptable if it complies with condition 6.7.

Note: Access immunity to minor storm event and trafficable at major storm event satisfying the Depth Velocity criteria is acceptable.
- 6.7 The proposed culverts / cross drainage structure must be designed and constructed considering appropriate blockage factor and allowable velocity depth product(s) to ensure safety in accordance with *Queensland Urban Drainage Manual* requirements.
- 6.8 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 6.9 The wash down bay must be drained to the approved Interceptor (refer to Condition 2.1). Contaminants within the Interceptor device must be removed and disposed of as regulated waste. Water that has passed through the treatment device may be used as dust suppression.
- 6.10 The approved Interceptor must be maintained to the manufacturer's instruction as per the approved plans and documents (refer to Condition 2.1).
- 6.11 A Manufacturers Maintenance Instruction Manual must be located on site at all times for inspection by Council officers.
- 7.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 7.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 7.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 SITE WORKS

- 8.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 8.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 8.2.1 the location of cut and/or fill;
 - 8.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 8.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 8.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 8.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 8.3 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 8.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

9.0 BUILDING WORKS

- 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 Impervious paved waste storage areas must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 9.2.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 9.2.2 aesthetically screened from any road frontage or adjoining property;
 - 9.2.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 9.2.4 setback a minimum of two (2) metres from any road frontage or adjoining property; and
 - 9.2.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- Note:** As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 9.3 A fence with a minimum height of 1.8 metres must be established for the full length of the common boundary of the site (Lot 51 on SP273020) with lots 10 and 11 on RP618976, Lot 2 on SP259555 and Lot 2 on RP612154.

10.0 ELECTRICITY

10.1 Underground electricity services must be provided in accordance with the standards and requirements of the relevant service provider.

11.0 TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

12.1 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.

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

13.0 ENVIRONMENTAL

13.1 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:

13.1.1 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

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

14.0 ENVIRONMENTAL HEALTH

14.1 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

14.2 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.

14.3 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:

14.3.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;

14.3.2 a broom, shovel, face shield, chemically resistant boots and gloves; and

14.3.3 waste bags and ties.

14.4 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.

14.5 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.

- 14.6 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 14.7 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 14.7.1 the date, quantity and type of waste removed;
 - 14.7.2 a copy of any licensed waste transport vehicle docket;
 - 14.7.3 the name of the licensed regulated waste removalist and/or disposal operator; and
 - 14.7.4 the intended treatment and/or disposal destination of the waste.
- These records must be available for inspection by Council when requested.
- 14.8 The workshop must be undercover and have an impervious floor that is adequately sealed and bunded to prevent release of environmentally hazardous liquids to land.
- 14.9 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be either:
- 14.9.1 appropriately bunded and drained to the reticulated sewerage network in accordance with a trade waste permit; or
 - 14.9.2 appropriately bunded and drained to a holding tank for collection by a licensed contractor.
- 14.10 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council caused by noise, light, odour or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 15.0 OPERATING PROCEDURES
- 15.1 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.2 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 Enterprise Drive.
- 15.3 The hours of operations for the development site must be limited to:
- (i) 0630 hours to 1830 hours on Monday to Sunday.
- with no operations on Public Holidays.
- Note:** The Non-Resident Workforce Accommodation component of the approved development is permitted to operate 24 hours, seven (7) days per week.
- 15.4 This development approval is limited to a period of two (2) years from the date the approval takes effect. The approved development (Non-resident Workforce Accommodation (136 Person) and Warehouse must cease after this period and the land rehabilitated to the pre-developed scenario.
- 15.5 Prior to cessation of the uses, a Rehabilitation and Decommission Plan must be submitted for endorsement by Council.
- 15.6 Water trucks for dust suppression must be kept on site at all times for use as required.

- 15.7 The gravel access and vehicle manoeuvring areas must be constructed, operated and maintained in a manner that no significant impact on the amenity of adjoining premises or the surrounding area is caused due to the emission of dust or results in sediment laden water.
- 15.8 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 15.9 All waste storage areas must be:
- 15.9.1 kept in a clean and tidy condition; and
 - 15.9.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 15.10 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 16.0 STAGED DEVELOPMENT
- 16.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:
- 16.1.1 Stage One – 104 rooms including all camp facilities; and
 - 16.1.2 Stage Two – remaining 32 rooms.
- in accordance with the approved plans (refer to condition 2.1).
- Stage One (1) must be completed prior to Stage Two (2).
- 16.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Building Works

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.

NOTE 5. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Minor Change to D/74-2023 for Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse, made by B.M.D Constructions Pty Ltd and McConnell Dowell Constructors (Aust) Pty Ltd (MBJV), located at Lot 51 Enterprise Drive, Gracemere, described as Lot 51 on SP273020, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$3,283,922.41.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.11 REQUEST FOR NEGOTIATED INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D/74-2023 FOR A MATERIAL CHANGE OF USE FOR NON-RESIDENT WORKFORCE ACCOMMODATION (TEMPORARY 136 PERSON) AND WAREHOUSE AND D/70-2023 FOR A MATERIAL CHANGE OF USE FOR A WAREHOUSE (PIPE LAYDOWN AREA)

File No: D/70-2023 and D/74-2023

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Angela Arnold - Acting Manager Planning and Regulatory Services
Aaron Pont - Manager Parks

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/70-2023 and D/74-2023

Applicant: B.M.D Constructions Pty Ltd and McConnell Dowell Constructors (Aust) Pty Ltd (MBJV)

Real Property Address: Lot 51 on SP273020

Common Property Address: Lot 51 Enterprise Drive, Gracemere

Area of Site: 11.59 hectares

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

Planning Scheme Zone: Low Impact Industry Zone; and Medium Impact Industry Zone.

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

Approval Sought: Negotiated Infrastructure Charges for Development Permit D/74-2023 for Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse and D/70-2023 for a Material Change of Use for a Warehouse (Pipe Laydown Area)

Referral Agency(s): Nil

10:33AM Chief Executive Officer left the meeting room

COUNCIL RESOLUTION

THAT in relation to the infrastructure charges associated with Development Permit D/74-2023 for Material Change of Use for a Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse and Development Permit D/70-2023 for a Warehouse (Pipe Laydown Area), made by B.M.D Constructions Pty Ltd and McConnell Dowell Constructors (Aust) Pty Ltd (MBJV) located at Lot 51 Enterprise Drive, Gracemere, described as Lot 51 on SP273020, Council resolves to enter into an Infrastructure Agreement for the amount of \$135,228.16, which will be subject to increases in accordance with section 3.6 (b)(ii) of the *Charges Resolution No.1 of 2022*.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED

11.12 D/123-2023 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY

10:34AM

Councillor Donna Kirkland, having earlier informed the meeting of a declarable conflict of interest and her decision to not participate in **Item 11.12 D/123-2023 – Development Application for Material Change of Use for a Telecommunications Facility**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: D/123-2023

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Angela Arnold - Acting Manager Planning and Regulatory Services
Aaron Pont - Acting General Manager Community Services

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/123-2023

Applicant: Amplitel Pty Ltd

Real Property Address: Lot 8 on RP801164

Common Property Address: 45-49 George Street, Rockhampton City

Area of Site: 1012 square metres

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

Planning Scheme Zone: Specialised Centre Zone

Planning Scheme Precinct: Gladstone Road and George Street Precinct

Planning Scheme Sub-Precinct: Residential and Food Services Sub-Precinct

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

Existing Development: Nil

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

Category of Assessment: Assessable subject to Impact Assessment

Submissions: Nil

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

10:36AM Chief Executive Officer returned to the meeting room

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for Telecommunications Facility, made by Amplitel Pty Ltd, located at 45-49 George Street, Rockhampton City, described as Lot 8 on RP801164, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for Telecommunications Facility	
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 development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • Specialised Centre Zone Code; • Telecommunications Facilities and Utilities Code; • Airport Environs Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	
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
Specialised Centre Zone Code	<p>Performance Outcome (PO) 2</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 2.1 as the proposed height of the telecommunications facility is 26.3 metres above ground level, which exceeds the maximum height limit of three (3) storeys and twelve (12) metres for the zone.</p> <p>Despite the height of the proposed development exceeding the height limit by 14.3 metres, it is unlikely to adversely impact on the urban form for the following reasons:</p>

	<ul style="list-style-type: none"> • The tower is not expected to cause significant overshadowing or overlooking of residential areas. The monopole design is relatively narrow (compared to a normal building typically contemplated in a centre zone) and any overshadowing at a single property is likely to be brief; • In the context of existing vertical infrastructure in the area (Browne Park Lights – approximately 32 metres above ground level) the tower is less than/or of a similar height and scale; and • Telecommunication towers are integral parts of a community’s infrastructure network and are now a normal part of an urban landscape. <p>Notwithstanding, it is acknowledged the tower will be visually prominent and therefore conflicts with aspects of PO2. In the instance any conflicts are identified with PO2, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p> <p>Performance Outcome (PO) 5</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 5.1 because a 1.5 metre wide landscape strip along the site’s full frontage cannot be achieved.</p> <p>The sites frontage is encumbered by a section of the Bruce Highway (State Controlled Road), a safety fence and two (2) pedestrian pathways that provide access from George Street to Albert Street.</p> <p>These encumbrances would generally be located within a road reserve., Approximately 100 square metres is to be used as a road reserve. Meaning by default no land use located on the subject site would be capable of achieving AO5.1.</p> <p>Despite this, the proposal will include a three (3) metre wide landscape strip surrounding the tower’s entire compound lease area (excluding access) to soften the visual impacts of the proposed facility at ground level and to those walking or driving past.</p> <p>This outcome is considered to achieve the overarching Performance Outcome (PO) 5.</p> <p>Performance Outcome (PO) 26</p> <p>The proposed development conflicts with Performance Outcome (PO) 26 as no street trees are proposed along the street frontage and no acceptable outcome is nominated. Reference is made to the response to PO5, which identifies a portion of the site’s frontage functions as road reserve.</p> <p>As the subject site is located on a corner lot, for road safety and sighting, no structures are to be located within a nine (9) metre x nine (9) metre truncation at the corner of the two (2) road frontages. This would also apply to street trees. Meaning by default no land use located on the subject site would be capable of achieving PO26.</p>
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	<p>In the instance any conflicts are identified with PO26, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p>
	<p>Performance Outcome (PO) 27</p> <p>The proposed development conflicts with Performance Outcome (PO) 27 as no landscaping is proposed on the street frontage and no acceptable outcome is nominated. Reference is made to the response to PO5.</p>
<p>Telecommunications Facilities and Utilities Code</p>	<p>Performance Outcome (PO) 2</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 2.1 as the tower will be a freestanding structure (that is, not attached to a building) and the height will exceed the height limit prescribed by the Airport Environs Overlay, being 20 metres.</p> <p>The proposed development has been designed and sited to minimise its visual impact on the surrounding area as much as practical, while still being able to provide a suitable level of service. Specifically:</p> <ul style="list-style-type: none"> • The tower has been sited in a centre zone, within proximity to existing vertical infrastructure of a similar height and scale; and • Will be finished with neutral, low contrast colours. <p>Notwithstanding, it is acknowledged the tower will be visually prominent and therefore conflicts with aspects of PO2. In the instance any conflicts are identified with PO2, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p> <p>Performance Outcome (PO) 4</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 4.1 as the tower’s location on the subject site is unable to achieve the minimum property boundary setback of 15 metres where the height of the structure is between twenty (20) metres and thirty (30) metres.</p> <p>The width of the property is approximately 20 metres and therefore is not wide enough to achieve the setback requirements set out in AO4.1. The compound area for the tower is proposed to be located approximately 27 metres from George Street (front boundary), 12 metres from Campbell Lane (rear boundary), 11 metres from Albert Street (left side boundary/second front boundary) and 5.5 metres from the adjoining vacant lot (right side boundary).</p> <p>The proposed setbacks are considered a reasonable outcome to provide separation from the neighbouring property and road reserve frontages given the dimensions of the lot. The three (3) metre wide landscaping will ensure the development is less visually obtrusive at ground level and to those walking or driving past.</p>

	<p>Notwithstanding, given the height of the structure it will be prominent from neighbouring properties and road frontages. In the instance any conflicts are identified with PO4, regard to relevant matters relating to a planning need are considered to outweigh those conflicts.</p> <p>Performance Outcome (PO) 7</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 7.1 as it does not achieve the minimum 150 metre setback from a dual occupancy, dwelling house or multiple dwelling. The nearest detached dwelling to the proposed facility is approximately 10 metres to the south fronting George Street and 50 metres to the east fronting Campbell Street.</p> <p>The telecommunications facility will be visible from existing residential premises and other sensitive receiving environments, as identified by non-compliance with other assessment benchmarks.</p> <p>Despite the above, the proposal is considered to comply with PO7. It is not anticipated to adversely impact on the health or safety of nearby residents. As part of the development application the Applicant submitted an Environmental EME Report, which provides a summary of levels of radiofrequency (RF) EME. RF EME levels were calculated using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The maximum EME level calculated for the proposed development at this location is 9.69% out of 100% of the public exposure limit that is deemed safe.</p> <p>Performance Outcome (PO) 11</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 11.1 as a 2.4 metre high security fence is proposed around the compound rather than a 1.5 metre high fence along all boundaries of land identified for the telecommunication use.</p> <p>As identified in the response to PO5 and PO26 of the Specialised Centre Zone Code, the property's frontage is used as road reserve. Therefore, the development is unable to achieve the requirement set out in AO11.1.</p> <p>Despite this, the proposed 2.4 metre high-security fence around the compound lease area will prevent unauthorised access to the facility. Access will be gained via a gate from Campbell Lane for ease of maintenance and landscaping around the perimeter of the fenced area will ensure the amenity and characteristics of the surrounding area is not adversely affected.</p> <p>Therefore, the development is considered to achieve the overarching Performance Outcome (PO) 11.</p>
<p>Airport Environs Overlay Code</p>	<p>Performance Outcome (PO) 1</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 1.1 as the development involves a structure penetrating the airports operational airspace as</p>

	<p>identified on Airport Environs Overlay Mapping (20 metres).</p> <p>Civil Aviation Safety Authority (CASA) were contacted for comments and have provided the following advice in relation to the development: -</p> <p><i>The data shows the Obstacle Limitation Surface (OLS) known as the Inner Horizontal Surface at 53.5 metres Australian Height Datum (AHD) for the Rockhampton Airport. The proposed structures height of 26.3 metres AHD will not penetrate any obstacle limitation surface for the aerodrome. As such, CASA have no objection to the proposal.</i></p> <p>Therefore, there no obstruction of operational airspace and the development is considered to achieve the overarching Performance Outcome (PO) 1.</p>
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Relevant Matters

The proposed development was assessed against the following relevant matters:

- Telecommunication facilities are considered critical pieces of community infrastructure, similar to reticulated water and sewerage.
- There is a growing demand and need for new telecommunications facilities as mobile usage continues to trend upward nationally.
- Without new telecommunication facilities, similar to the one being proposed, users may experience difficulty connecting to the mobile network or experience call dropouts.
- Improved coverage will benefit users within the area to access reliable telecommunications, which is critical in emergency situations such as extreme weather, bushfires, flooding or serious trauma incidents.

Matters raised in submissions

The proposal was the subject of public notification between 16 October and 6 November 2023, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.

Matters prescribed by regulation

- The *Rockhampton Region Planning Scheme 2015* (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 Telecommunications Facility, made by Amplitel Pty Ltd, located at 45-49 George Street, Rockhampton City, described as Lot 8 on RP801164, 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 must be undertaken, completed, and be accompanied by a certificate of compliance for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Road Works;
- (ii) Access Works.
- 1.5.2 Building Works
- 1.6 All Development Permits for Operational 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 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.
- 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 Access & Locality Plan	BMM Group	31 August 23	QLD006151-S1	2
Site Layout	BMM Group	31 August 23	QLD006151-S1-1	2
South East Elevation	BMM Group	31 August 23	QLD006151-S3	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 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to

the commencement of any road works required by this development approval.

- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 Campbell Lane must be upgraded for the full frontage of the development site to match the existing construction to the north of the development site. Kerb and channel must be included.
- 3.4 A pre-construction dilapidation report regarding the condition of Campbell Lane from Cambridge Street to the end of the road, must be provided with any application for Operational Works for the subject development site. No works can commence on the development site until this report has been approved by Council.
- 3.5 Upon the completion of construction works, Council will undertake a post-construction dilapidation report regarding the condition of Campbell Lane. Any damage requiring repairs or reinstatement works must be undertaken and completed at no cost to Council.

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 A new access to the development must be provided from Campbell Lane.

5.0 SITE WORKS

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

6.0 BUILDING WORKS

- 6.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 6.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".
- 6.3 A minimum 2.4-metre-high security fence must be erected around the compound lease area of the development.

7.0 LANDSCAPING WORKS

- 7.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 7.2 A minimum three (3) metre wide landscaped buffer is provided around the compound lease area of the development (refer to condition 2.1).
- 7.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:

- 7.3.1 trees at five (5) metre intervals;
 - 7.3.2 shrubs at two (2) metre intervals; and
 - 7.3.3 groundcovers at one (1) metre intervals.
- 7.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 7.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 7.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 7.5 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 7.5.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 7.5.2 adversely affect any road lighting or public space lighting; or
 - 7.5.3 adversely affect any Council infrastructure, or public utility plant.
- 7.6 The landscaped areas must be subject to:
- 7.6.1 a watering and maintenance plan during the establishment moment; and
 - 7.6.2 an ongoing maintenance and replanting programme.
- 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 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the Capricorn Municipal Design Guidelines, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 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 Campbell Lane.
- 10.2 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 10.3 Where un-sealed surface treatments are utilised in access, parking and vehicle

manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.

10.4 All surface treatments must be operated and maintained in a manner so that there is no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

10.5 The owner of the land must ensure that:

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

10.5.2 fences and screens are maintained;

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

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

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 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 2. Property Note (Access)

All vehicular access to and from the development must be via Campbell Lane only. Direct vehicular access to George Street is prohibited.

NOTE 3. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development as the development is for a Minor Use and does not have access to Council's reticulated infrastructure services and will not result in an increased demand on Council's infrastructure networks.

NOTE 4. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for Telecommunications Facility, made by Amplitel Pty Ltd, located at 45-49 George Street, Rockhampton City, described as Lot 8 on RP801164, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

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

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

10:39AM Councillor Kirkland returned to the meeting room

11.13 LOCAL LAW MAKING PROCESS

File No: 11698
Authorising Officer: Angela Arnold - Acting Manager Planning and Regulatory Services
Aaron Pont – Acting General Manager Community Services
Author: Jon Buckenham - Coordinator Local Laws

SUMMARY

In 2020 Council endorsed to commence the Local Law making process in relation to Local Law 2 (Animal Management) and Local Law 5 (Parking) and their subordinates. Public consultation has been undertaken in relation to the proposed amendments with 45 submissions being received. Officers have made minor amendments to align with the public consultation.

The Council's Subordinate Local Laws have now reached the final stage of the Local Law making process.

ALTERNATE MOTION

THAT Council does not support the proposed amendments to the *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*; and the matter be workshopped.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION LOST

COUNCIL RESOLUTION

THAT Council resolves:

- (a) to make each of the following subordinate local laws with amendments—
 - (i) *Animal Management (Amendment) Subordinate Local Law (No. 1) 2023*; and
 - (ii) *Parking (Amendment) Subordinate Local Law (No. 1) 2023*; and
- (b) to adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, consolidated versions of the subordinate local laws of Council as follows—
 - (i) *Subordinate Local Law No. 2 (Animal Management) 2011*; and
 - (ii) *Subordinate Local Law No. 5 (Parking) 2011*.

Moved by: Councillor Kirkland

Seconded by: Councillor Fisher

MOTION CARRIED

11.14 125 ROBINSON STREET, FRENCHVILLE - TRUSTEE LEASE AND BUILDING TRANSFER REQUEST

File No: 15272
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Justin Bulwinkel - Supervisor Business Support

SUMMARY

Report secures a long-term leasing and asset management model designed to support community programs through appropriate access to facilities located on Lot 201 on LN2102 (125 Robinson Street, Frenchville).

11:20AM Councillor Rutherford declared a conflict of interest in **Item 11.14 – 125 Robinson Street, Frenchville – Trustee Lease and Building Transfer Request** as she has loaned trampoline equipment to Extreme Trampoline Club who operate from the premises at 125 Robinson Street and will leave the meeting.

11:22AM Councillor Rutherford left the meeting room

The Chief Executive Officer advised that because it is an application or written submission to Council for the grant of a licence, permit, registration or approval or consideration of a matter under the Local Government Act, which this is, if made before it or was decided Councillor Rutherford has a prescribed conflict. Because Councillor Rutherford has a prescribed conflict, as a sibling of Councillor Rutherford, Councillor Mathers has a prescribed conflict even though we dealt with the matter back in August. Councillor Wickerson as a close associate of Councillor Rutherford has a declarable conflict of interest.

11:22AM Councillor Mathers declared a prescribed conflict of interest in **Item 11.14 – 125 Robinson Street, Frenchville – Trustee Lease and Building Transfer Request** as his sibling Councillor Rutherford has a prescribed conflict of interest in this matter.

11:27AM Councillor Mathers left the meeting room

11:28AM Councillor Wickerson declared a declarable conflict of interest in **Item 11.14 – 125 Robinson Street, Frenchville – Trustee Lease and Building Transfer Request** as he is a close associate of Councillor Rutherford who has a prescribed conflict in the matter, however as previously determined by the table on 15 August 2023, it is in the public interest that Councillor Wickerson participates and votes on the matter with no conditions on participating to be imposed.

COUNCIL RESOLUTION

THAT Council approve Option 1 described within the report in relation to 125 Robinson Street, Frenchville and authorises the Chief Executive Officer (Business Support Supervisor) to negotiate the terms and conditions of the agreements in preparation for execution by the delegated officer.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Fisher, Wickerson, Smith, Kirkland, Latcham voted in the affirmative. Councillors Rutherford and Mathers were not in the meeting room and did not participate in the vote.

11:44AM Councillor Rutherford and Councillor Mathers returned to the meeting room

Meeting Adjourned

COUNCIL RESOLUTION

11:45AM

THAT the meeting be adjourned, to resume at 9:00am Tuesday 12 December 2023.

Moved by: Mayor Williams

Seconded by: Councillor Fisher

MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

9:02AM – 12 December 2023

THAT the meeting be resumed.

Moved by: Mayor Williams

Seconded by: Councillor Kirkland

MOTION CARRIED

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Ms A Cutler – General Manager Community Services
Ms M Taylor – Chief Financial Officer (via video-link)
Mr A Russell – Executive Manager Advance Rockhampton
Mr J Kann – Manager Office of the Mayor
Mr A Pont – Manager Parks
Mr D Morrison – Manager Workforce and Governance (via video-link)
Mr M Millett – Acting Manager Communities and Culture
Mr Z Garven – Tourism and Events Manager
Ms E Brown – Events Coordinator
Ms C Bell – Coordinator Environmental Sustainability
Ms L Bellward – Curator/Director Zoo
Mr J Bulwinkel – Supervisor Business Support
Mr J Barnett – Sports and Recreation Advisor
Ms L Leeder – Senior Committee Support Officer

Chief Executive Officer informed the meeting:

On reviewing the minutes of the meeting in relation to **Item 11.14 - 125 Robinson Street, Frenchville - Trustee Lease and Building Transfer Request**, the CEO has discussed the conflict of interest with Councillor Rutherford further and Councillor Rutherford does not have a Prescribed Conflict of Interest in this matter as Extreme Trampoline Club was not the entity applying to lease 125 Robinson Street. Instead, Councillor Rutherford has a Declarable Conflict of Interest. As a result this update, Councillor Mathers does not have a Prescribed Conflict of Interest in this matter. Councillor Mathers and Councillor Wickerson may or may not still have a Declarable Conflict of Interest.

**11.15 BOARD OF TRUSTEES OF THE ROCKHAMPTON GRAMMAR SCHOOL -
RUGBY PARK - RENEWAL OF EXISTING TRUSTEE LEASE**

File No: 12501
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Justin Bulwinkel - Supervisor Business Support
Jack Barnett - Sports and Recreation Advisor

SUMMARY

The Board of Trustees of the Rockhampton Grammar School formally request to renew its existing Trustee Lease Agreement from 1 January 2024 for a six (6) year term over Rugby Park, L379 Blackall Street, The Range (Lot 522 on SP 120476).

COUNCIL RESOLUTION

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012*, Council approves a new Trustee Lease to be granted to The Board of Trustees of the Rockhampton Grammar School over L379 Blackall Street, The Range (Rugby Park), until 31 December 2029.
2. Council authorises the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions of the agreements in preparation for execution by the delegated officer.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.16 THE ROMAN CATHOLIC TRUST CORPORATION FOR THE DIOCESE OF ROCKHAMPTON (THE CATHEDRAL COLLEGE) - KETTLE PARK - LEASE EXTENSION

File No: 12534
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Jack Barnett - Sports and Recreation Advisor
Justin Bulwinkel - Supervisor Business Support

SUMMARY

The Roman Catholic Trust Corporation for the Diocese of Rockhampton (The Cathedral College) formally request to extend their existing Trustee Lease Agreement for an additional five (5) years from 2037 to 2043, over Kettle Park, 12 Elizabeth Street, Allentown (L 450 on R2665).

COUNCIL RESOLUTION

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012, Council approve a new Trustee Lease to be granted to The Roman Catholic Trust Corporation for the Diocese of Rockhampton over 12 Elizabeth Street, Allentown (Kettle Park), until 30 June 2044.
2. Council authorises the Chief Executive Officer (Sports and Recreation Advisor) to negotiate the terms and conditions of the agreements in preparation for execution by the delegated officer.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.17 TENDER CONSIDERATION FOR CAPRICON 2024 AND 2025

File No: 6097
Authorising Officer: Angus Russell - Executive Manager Advance Rockhampton
Author: Eileen Brown - Events Coordinator

SUMMARY

This report seeks Council approval for the Tender Consideration Plan under s230 of the Local Government Regulation 2012 for the procurement of various goods and services for the coordination of the CapriCon Pop Culture Convention for 2024 and 2025.

COUNCIL RESOLUTION

THAT pursuant to s230 of the *Local Government Regulation 2012* Council receives and adopts the Tender Consideration Plan as outlined in this report for the procurement of various goods and services for the CapriCon event for 2024 and 2025.

Moved by: Councillor Wickerson
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.18 TENDER CONSIDERATION FOR RIVER FESTIVAL 2024 AND 2025

File No: 6097
Authorising Officer: Angus Russell - Executive Manager Advance
Rockhampton
Zac Garven - Tourism and Events Manager
Author: Eileen Brown - Events Coordinator

SUMMARY

This report provides the Tender Consideration Plan outlining the procurement process that will be utilised for the coordination of the Rockhampton River Festival for 2024 and 2025.

COUNCIL RESOLUTION

THAT pursuant to s230 of the *Local Government Regulation 2012* Council receives and adopts the Tender Consideration Plan as outlined in this report for the procurement of various goods and services for the Rockhampton River Festival for 2024 and 2025.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.19 SPONSORSHIP OF THE CAPRICORN FOOD AND WINE FESTIVAL FOR 2024 AND 2025

File No: 11715
Authorising Officer: Angus Russell - Executive Manager Advance Rockhampton
Author: Zac Garven - Tourism and Events Manager

SUMMARY

Council have received correspondence regarding an opportunity to continue its support of this regional event in its 12th and 13th years to sponsor the 2024 and 2025 Capricorn Food and Wine Festival. The 2024 event is proposed to run from 5 to 8 September 2024. The 2025 event dates are proposed to run from 4 to 7 September.

COUNCIL RESOLUTION

THAT Council sponsors the 2024 and 2025 Capricorn Food and Wine Festival and agree to provide sponsorship to the value of \$20,000.00 (plus GST) cash support per year.

Moved by: Councillor Fisher
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

11.20 SPONSORSHIP OF POP-UP POLO 2024

File No: 11715
Authorising Officer: Angus Russell - Executive Manager Advance Rockhampton
Author: Zac Garven - Tourism and Events Manager
Justin Bulwinkel - Supervisor Business Support

SUMMARY

Council have received correspondence requesting sponsorship of the 'Pop-Up Polo Rockhampton 2024 Event'. The event will be held on Saturday June 8. This is the sixth year of the event being held in Rockhampton.

COUNCIL RESOLUTION

THAT Council sponsors the 2024 'Pop-Up Polo Rockhampton' event to be held on Saturday 8 June 2024 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: Councillor Mathers

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.21 SPONSORSHIP OF THE QUEENSLAND STATE SCHOOLS CHAMPIONSHIPS FOR 2024 AND 2025

File No: 11715
Authorising Officer: Angus Russell - Executive Manager Advance Rockhampton
Author: Zac Garven - Tourism and Events Manager
Justin Bulwinkel - Supervisor Business Support

SUMMARY

Council have received correspondence requesting sponsorship of the 2024 and 2025 Rowing Queensland State Schools Championships to be held in Rockhampton.

9:41AM Chief Executive Officer left the meeting room
9:43AM Chief Executive Officer returned to the meeting room

During debate, Councillor Kirkland proposed an alternate motion removing part of the Officers' Recommendation as an administrative alteration.

ALTERNATE MOTION

THAT Council approves sponsorship of the 2024 and 2025 Rowing Queensland State Schools Championships to be held 13 to 15 September 2024 and 19 to 21 September 2025 and agree to provide sponsorship contribution of \$10,000 (Excl. GST) cash per year.

Moved by: Councillor Kirkland

Motion lapsed for want of a seconder.

COUNCIL RESOLUTION

THAT Council approves sponsorship of the 2024 and 2025 Rowing Queensland State Schools Championships to be held 13 to 15 September 2024 and 19 to 21 September 2025 and agree to:

1. Provide sponsorship contribution of \$10,000 (Excl. GST) cash per year; and,
2. Provide in-kind support to the value of \$31,800 (Excl. GST) in the first year plus \$1,800 (Excl. GST) in the second year for the provision of waste services, water truck services and riverbank reinstatement (natural area).

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.22 REGIONAL ARTS DEVELOPMENT FUND 2023/24 ROUND ONE FUNDING

File No: 8944
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

Applications received for Round One of the 2023-24 Regional Arts Development Fund (RADF) have been assessed by the RADF committee and three (3) applications are recommended for funding.

COUNCIL RESOLUTION

THAT:

1. Council endorses the applications listed below in Table (A) for funding from the Regional Arts Development fund:

Table (A) – Applications recommended for Funding

Applicant	Grant Type	Purpose of grant	Grant amount
Easton Dunne	Development Grant	Easton has been invited by Firstdraft gallery to exhibit work in their Project Space at Melbourne Art Fair (MAF) 2024 and give an artist talk in conjunction with the exhibition. This is a once-in-a-career professional development opportunity that will propel Easton beyond the category of emerging artist and firmly cement Easton's place as an established mid-career professional artist. Firstdraft will cover costs associated with artwork loan installation, return freight, project management, but not travel to Melbourne. Easton is seeking financial assistance for travel to enable Easton to deliver the artist talk, meet the four other artists showing with Firstdraft, visit MAF to experience high-calibre contemporary art and network with new audiences, artists and gallerists.	\$2500.00
Capricornia Printmakers	Development Grant	Capricornia Printmakers intend to bring Dr Sanzaro-Nishimura to teach our local printmakers the technique of 'RISO MiScreen system' which has emerged as a non toxic alternative to photo emulsion preparation systems for screen printing.	\$3120.00
Midpoint Theatre Company	Project Grant	Midpoint Theatre Company presents the CQ leg of the 2024 regional tour of 'Grit', by Perseverance Street Theatre Company (Gympie). Debuted in Gympie in 2022, this work of original theatre celebrates the	\$827.50

		resilience of regional Queenslanders, exploring what gets us down, what brings us back up, and what we can learn from our collective moments of grit. Through a mesmerising amalgamation of gentle humour, monologue and song, 'Grit' aims to connect us and remind us that we are not alone in this unpredictable and oftentimes challenging world. It inspires us to listen deeply to each other and value different perspectives..	
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Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

11.23 ENVIRONMENTAL SUSTAINABILITY POLICY - PROPOSED AMENDMENT

File No: 11979
Authorising Officer: Aaron Pont - Manager Parks
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report presents the revised Environmental Sustainability Policy for Council consideration and adoption.

COUNCIL RESOLUTION

THAT Council adopts the revised Environmental Sustainability Policy.

Moved by: Councillor Kirkland
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.24 COMMUNITY ENERGY UPGRADE FUND - GRANT OPPORTUNITY

File No: 15242
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report outlines a grant opportunity available as part of the Australian Government's Community Energy Upgrade Fund.

COUNCIL RESOLUTION

THAT Council submit a funding application through the Australian Government's *Community Energy Upgrade Fund* to support delivery of an eligible project at the 2nd World War Memorial Aquatic Centre (Southside Pool).

Moved by: Councillor Kirkland

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.25 ZOO - KOALA BROWSE PLANTATION AT CAPRICORNIA CORRECTIONAL CENTRE

File No: 3066
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Liz Bellward - Curator Rockhampton Zoo

SUMMARY

Rockhampton Zoo and Capricornia Correctional Centre have been in discussions regarding a potential partnership for the development and ongoing operation of a eucalypt plantation at the Capricornia Correctional Centre.

Both parties wish to commence the establishment of the plantation under a Memorandum Of Understanding (MOU) with endorsement from the Queensland Corrective Services Commissioner and Rockhampton Regional Council.

COUNCIL RESOLUTION

THAT Council endorse the signing of a Memorandum of Understanding between Queensland Corrective Services and Rockhampton Regional Council to commence the establishment of a koala browse plantation at Capricornia Correctional Centre.

Moved by: Councillor Rutherford

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.26 ZOO - ROCKHAMPTON ZOO MANAGEMENT POLICY

File No: 11979
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Liz Bellward - Curator Rockhampton Zoo

SUMMARY

The Rockhampton Zoo Management Policy has been developed to set the future direction and management of the Zoo and ensures the zoo meets industry and legislative standards and setting future direction.

COUNCIL RESOLUTION

THAT Council endorses the Rockhampton Zoo Management Policy.

Moved by: Councillor Rutherford
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned**COUNCIL RESOLUTION**

10:27AM

THAT the meeting be adjourned until 10:45am.

Moved by: Mayor Williams**MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

10:45AM

THAT the meeting be resumed.

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

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Ms A Cutler – General Manager Community Services (via video-link)
Ms M Taylor – Chief Financial Officer (via video-link)
Mr A Russell – Executive Manager Advance Rockhampton
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance (via video-link)
Ms L Leeder – Senior Committee Support Officer

11.27 CENTRAL QUEENSLAND QWRAP

File No: 11044
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Justin Kann - Manager Office of the Mayor

SUMMARY

This report seeks a position from Council on the Central Queensland QWRAP initiative being undertaken by CQROC.

As part of the QWRAP initiative, CQROC has intended to pursue a region-wide joint water authority which Rockhampton Council has not supported.

The CQROC Board is expected to meet in the coming weeks to decide on the future of the Central Queensland QWRAP initiative and Council's position is sought through this report to help inform Council's delegates' position.

COUNCIL RESOLUTION

THAT Council:

1. Adopt Option 2 as Council's position in relation to the QWRAP initiative; and
2. Direct the Mayor and Deputy Mayor as Council's delegates to CQROC to communicate this position to the group.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

10 COUNCILLOR/DELEGATE REPORTS

10.2 COUNCILLOR DISCRETIONARY FUND APPLICATION - CENTRAL QUEENSLAND HOSPITAL FOUNDATION

File No: 8295
Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Author: Katie-Lea Kellett - Executive Support Officer

SUMMARY

Mayor Tony Williams is seeking approval from Council to donate \$1,200.00 from his Councillor Discretionary Fund to the Central Queensland Hospital Foundation towards costs to fund the Tele-Health solution at the Rockhampton Hospital.

COUNCIL RESOLUTION

THAT Council approve the donation of \$1,200.00 from Mayor Tony Williams' Councillor Discretionary Fund; \$1,200.00 from Councillor Cherie Rutherford's Councillor Discretionary Fund; and \$1,000.00 from Councillor Donna Kirkland's Councillor Discretionary Fund to the Central Queensland Hospital Foundation.

Moved by: Councillor Fisher
Seconded by: Councillor Latcham

MOTION CARRIED

10.3 COUNCILLOR DISCRETIONARY FUND APPLICATION - ANGLICARE

File No: 8295
Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Author: Katie-Lea Kellett - Executive Support Officer

SUMMARY

Mayor Tony Williams is seeking approval from Council to donate \$1,984.32 from his Councillor Discretionary Fund to Anglicare towards costs for the Blue Tree Project.

11:19AM

Councillor Donna Kirkland informed the meeting of a declarable conflict of interest as she is a founding non-executive member of The Shelter Collective group, and Anglicare is part of the Shelter Collective. Councillor Kirkland left the meeting room and stayed away from the place where the meeting is being held while the matter is discussed and voted on.

Councillor Grant Mathers informed the meeting of a declarable conflict of interest as he is a founding non-executive member of The Shelter Collective group, and Anglicare is part of the Shelter Collective. Councillor Mathers left the meeting room and stayed away from the place where the meeting is being held while the matter is discussed and voted on.

COUNCIL RESOLUTION

THAT Council approve the donation of \$1,984.32 from Mayor Tony Williams' Councillor Discretionary Fund to Anglicare.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Fisher, Wickerson, Rutherford, Smith, Latcham voted in the affirmative. Councillors Kirkland and Mathers were not in the meeting room and did not participate in the vote.

11:21AM Councillor Kirkland and Councillor Mathers returned to the meeting room

10.4 COUNCILLOR DISCRETIONARY FUND APPLICATION - PEACE CHRISTIAN CHURCH - COUNCILLOR NEIL FISHER

11:21AM

Councillor Fisher declared a conflict of interest in **Item 10.4 – Councillor Discretionary Fund Application – Peace Christian Church – Councillor Neil Fisher**: “This conflict arises for anything dealing with the General Aviation area of Rockhampton Airport, as I am a member of Peace Christian Church which operate a hangar, Peace Aviation, at Rockhampton Airport and my wife Sherrie Fisher is an administrator for Peace Christian Church, and Sherrie also volunteers for this program.

I will deal with this conflict by leaving the meeting room when this matter is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

Councillor Fisher left the meeting room.

File No: 8295
Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Author: Katie-Lea Kellett - Executive Support Officer

SUMMARY

Councillor Neil Fisher is seeking approval from Council to donate \$1,200.00 from his Councillor Discretionary Fund to support the Mount Archer Primary School Breakfast Club.

COUNCIL RESOLUTION

THAT Council approve a donation of \$1,200.00 from Councillor Neil Fisher’s Councillor Discretionary Fund to Peace Christian Church for the Mount Archer Primary School Breakfast Club.

Moved by: Councillor Kirkland

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

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

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

11:25AM Councillor Fisher returned to the meeting room

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - MAYOR TONY WILLIAMS - RENEWABLE ENERGY

11:28AM

Councillor Donna Kirkland, having earlier informed the meeting of a declarable conflict of interest and her decision to not participate in **Item 12.1 – Notice of Motion – Mayor Tony Williams – Renewable Energy** for any discussion around State advocacy, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: 15167

Responsible Officer: Evan Pardon - Chief Executive Officer

SUMMARY

Mayor Tony Williams has indicated his intention to move a Notice of Motion at the Council meeting on 12 December 2023 regarding Renewable Energy.

During debate Councillor Rutherford foreshadowed an alternate motion.

COUNCIL RESOLUTION

THAT Council:

1. Acknowledges the global shift towards clean energy and a more sustainable economy;
 2. Recognises the important role local government plays in representing the community and supporting long-term economic growth and development;
 3. Acknowledges the actions of neighbouring councils to engage with renewable projects and the likelihood that the Rockhampton Region will be left behind should it not engage with the transition;
 4. Acknowledges and supports investments being made in the energy transition and the jobs and benefits this can deliver;
 5. Supports engagement between Council and government, industry and the community to ensure positive outcomes are secured through energy transition, including:
 - a) Maximising local jobs and content in renewable energy projects
 - b) Decarbonisation of our economy
 - c) Increased community and neighbour benefits
 - d) Strengthened landowner rights through an independent support service and information to help local communities engage with renewable energy projects
 - e) Review and strengthening of environmental protections to recognise unique environmental elements and ensure they meet current needs
 - f) Better understanding of the cumulative impact of the energy transition to regional environments and how to manage this
 - g) Development of a robust circular economy which supports the recycling and recovery of renewable energy components;
 6. Supports Council working with State and Federal Government to see new industries and jobs established which align to the renewables sector;
 7. Advocate to State and Federal candidates at the upcoming elections to support these aims.
-

Moved by: Mayor Williams
Seconded by: Councillor Fisher

DIVISION:

Councillors Williams, Fisher and Wickerson voted in the affirmative.
Councillors Rutherford, Mathers, Latcham and Smith voted in the negative.
Councillor Kirkland was not in the meeting room and did not participate in the vote.

MOTION LOST

11:55AM Councillor Kirkland returned to the meeting room

FORESHADOWED MOTION**COUNCIL RESOLUTION**

THAT Council:

1. Acknowledges the global shift towards clean energy and a more sustainable economy;
2. Recognises the important role Local Government plays in representing the community and supporting long-term economic growth and development;
3. Seeks meaningful engagement between Council, government and industry to minimise the impacts of and to ensure positive outcomes are secured through energy transition, including but not limited to:
 - a) Improved understanding of the cumulative impacts of renewable energy projects on communities, existing industry, environment, amenity and wildlife and support legislative changes to better manage this.
 - b) Development of a robust circular economy which supports the recycling and recovery of renewable energy components. Further to this, assurance that Local Government will not be responsible for the non-recyclable components, such as wind blades and solar panels at end of life.
 - c) Review and strengthening of environmental protections to recognise unique environmental elements, wildlife and the importance of contiguous environmental corridors.
 - d) Tree planting offsets be committed to Rockhampton Regional Council Local Government area with consideration to be given to planting vegetation buffer corridors prior to land clearing.
 - e) Protection of dams, waterways, river system and Great Barrier Reef from silt due to land clearing.
 - f) Maximising local jobs and content in renewable energy projects by implementing legislated local preference policy.
 - g) Strengthen landowners' rights through an independent support service and help local communities engage with renewable energy proponents.
4. Supports Council working with State and Federal Governments to see new industries and jobs established, in the Rockhampton local government area, which align to the renewables sector.

Moved by: Councillor Rutherford
Seconded by: Councillor Smith

DIVISION:

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

MOTION CARRIED

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

15 CLOSURE OF MEETING

There being no further business the meeting closed at 12:03pm.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

11 DECEMBER 2023

ANNEXURE A

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

- Item 11.10** **Minor Change to Development Permit D/74-2023 for a Material Change of Use for Non-Resident Workforce Accommodation (Temporary 136 Person) and Warehouse**

- Item 11.11** **Request for Negotiated Infrastructure Charges for Development Permit D/74-2023 for a Material Change of Use for Non-Resident Workforce Accommodation (Temporary 136 Person) and Warehouse and D/70-2023 for a Material Change of Use for a Warehouse (Pipe Laydown Area)**

- Item 11.12** **D/123-2023 – Development Application for Material Change of Use for a Telecommunications Facility**

- Item 11.13** **Local Law Making Process**

Minor Change to Development Permit (D/74-2023) Material Change of Use for Non-resident Workforce Accommodation (Temporary 136 Person) and Warehouse

Lot 51 Enterprise Drive, Gracemere

Lot 51 on SP273020

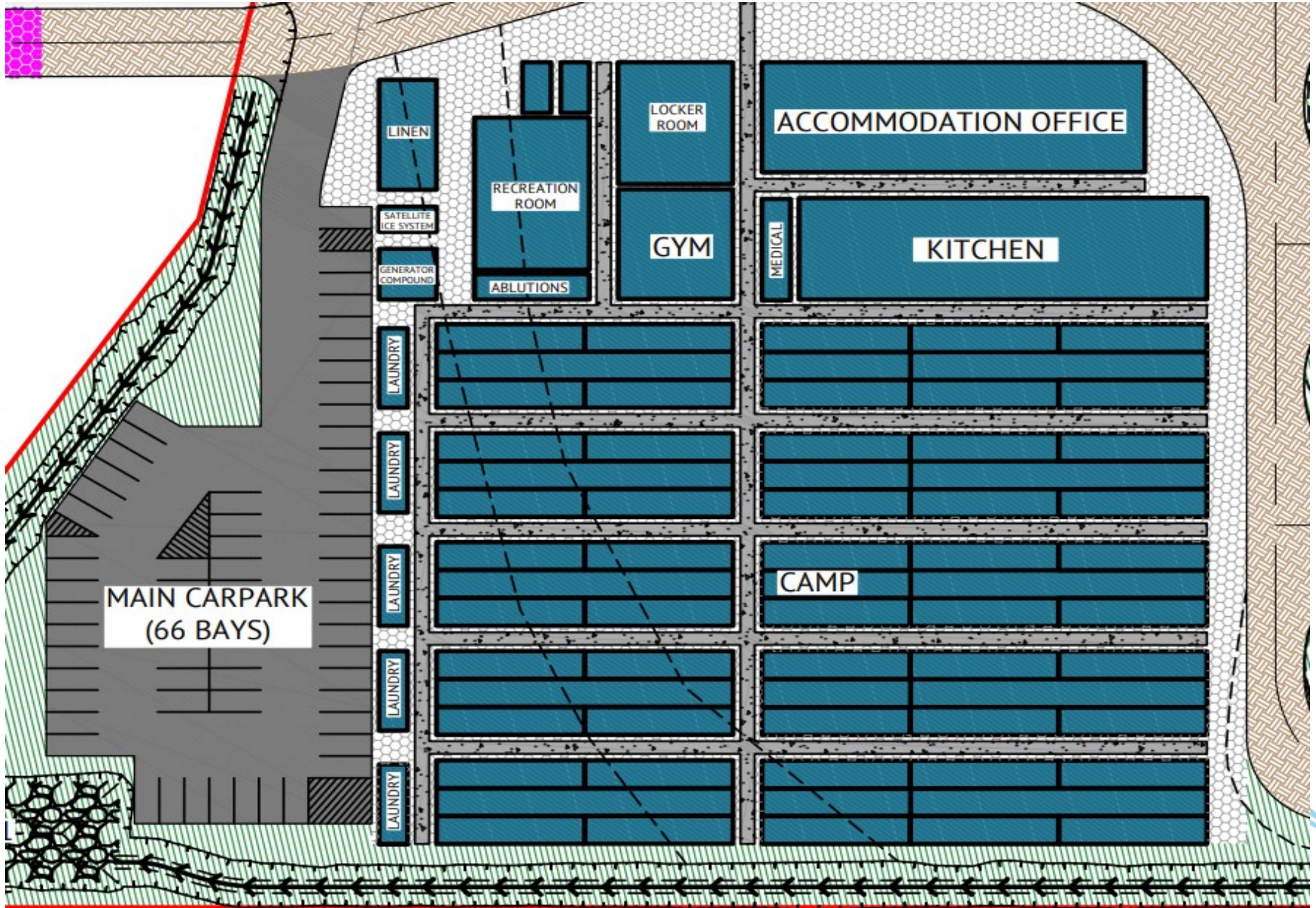
Council meeting – 12 December 2023

Kathy McDonald – Planning Officer

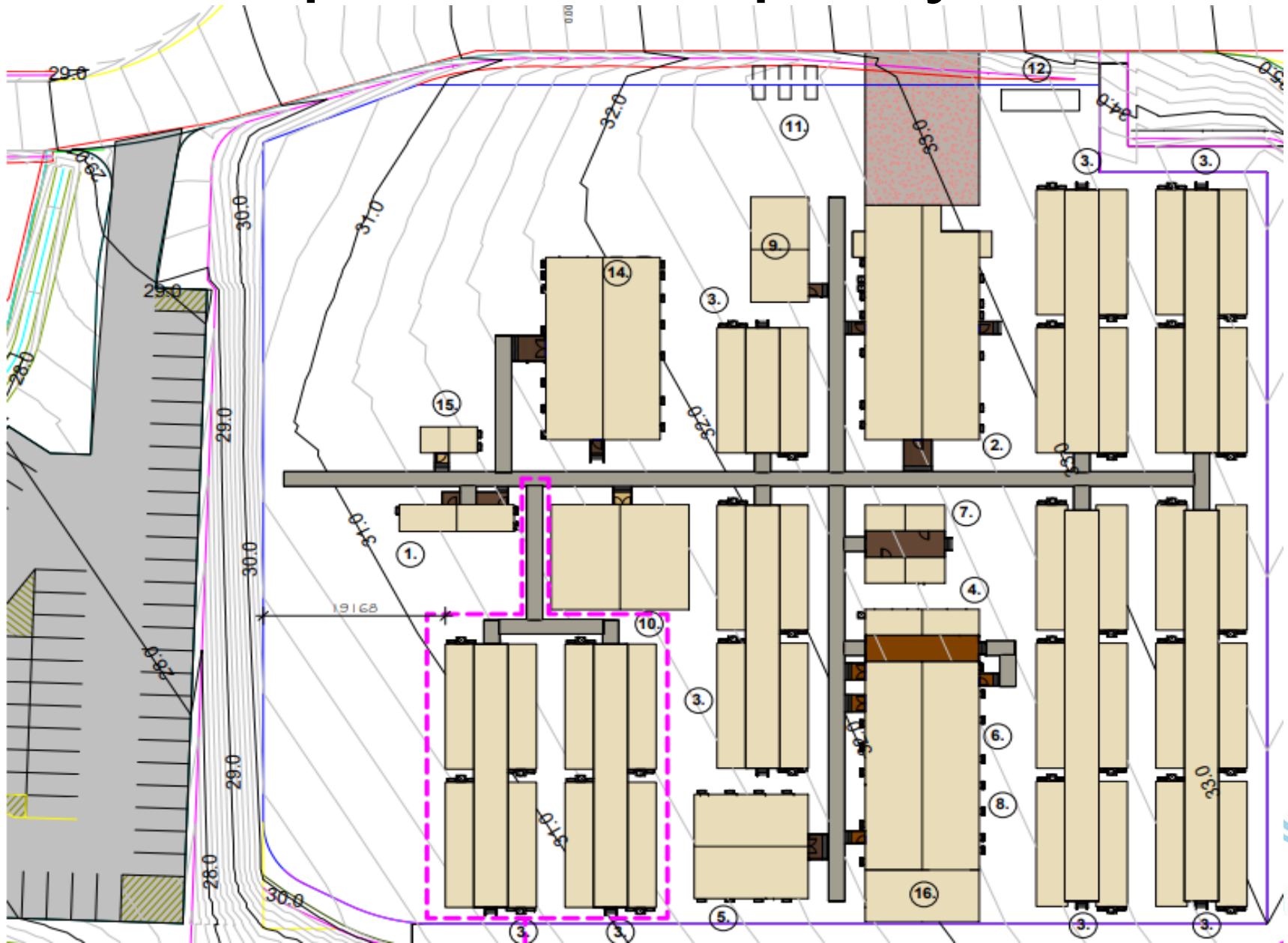
Minor Changes

- Capacity reduced from 200 persons to up to 136 persons.
 - Facilities for the camp will be amended from 50 accommodation buildings comprising of four (4) person self-contained suites (including ensuites) to
 - 34 accommodation buildings comprising of four (4) person self-contained suites (including ensuites)
- Staging is proposed to be introduced with construction planned to occur over two (2) discrete stages as follows:
 - Stage One – 104 rooms including all camp facilities; and
 - Stage Two – remaining 32 rooms.

Original Camp Layout



Proposed Camp Layout



Request for Negotiated Infrastructure Charges

**D/74-2023 for a Material Change of Use for
Non-resident Workforce Accommodation
(Temporary 136 Person) and Warehouse; and**

**D/70-2023 - Material Change of Use for a
Warehouse (Pipe Laydown Area)**

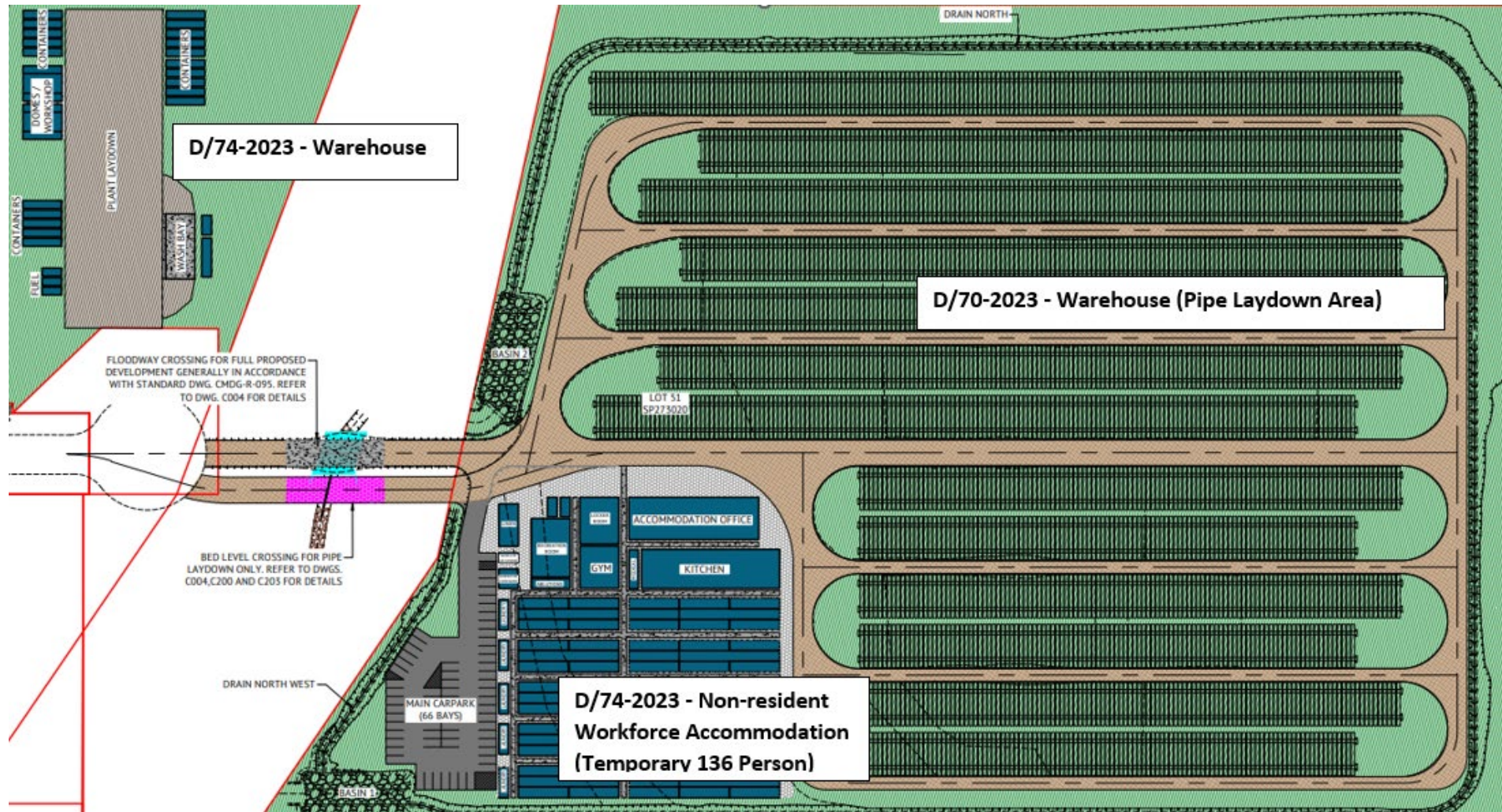
Lot 51 Enterprise Drive, Gracemere

Lot 51 on SP273020

Council meeting – 12 December 2023

Kathy McDonald – Planning Officer

Subject Site





**Development application (D/123-2023)
Material Change of Use for a
Telecommunications Facility**

**45-49 George Street, Rockhampton City
Lot 8 on RP801164**

Council meeting – 12 December 2023

Kathy McDonald – Planning Officer

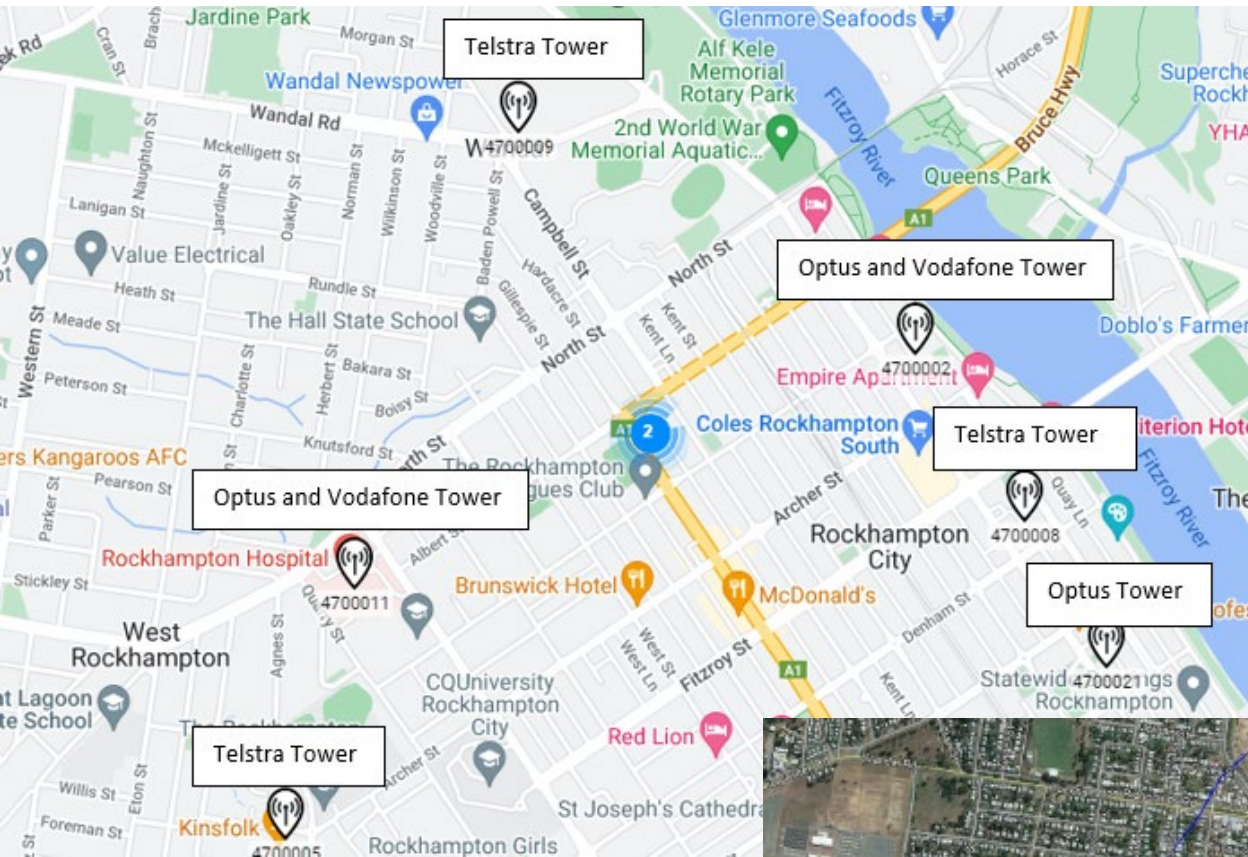
Subject Site



Amenity

Montage A – Taken from road outside of 24 George Street





Improved overall mobile and broadband performance to the immediate locality



The distance to existing mobile telecommunications facilities means that coverage to the targeted area is inadequate

Assessment summary

- The application was subject to public notification for 15 business days and no submissions were received.
- Technical reporting demonstrates there will be no adverse health impacts with maximum EME levels calculated at 9.69% from 100%
- Telecommunication towers are integral parts of a community's infrastructure network and form part of a normal urban landscape.
- The development generally complies with the provisions included in the applicable Planning Scheme codes and does not compromise the Strategic Framework.
- Where conflicts have been identified in the assessment benchmarks regard to 'relevant matters' are considered to outweigh those conflicts.
- Therefore, the application is recommended for approval subject to the conditions outlined in the report.

Local Law Review

Public Consultation Results

A variety of matters were raised including:

- The effects of barking dogs on the community and the expectation that more should be done;
- The impact external factors have which result in dogs barking;
- The importance of Native Bees in the ecosystem;
- The cost of living and impact of increased infringements;
- Permitting of roosters within townships;
- Therapy dogs being classed as working dogs;
- Minimum Standards the community are not complying with; and
- Changes in designs to off leash areas including requiring fencing.

All these matters have been considered; some suggestions have applicable requirements currently within the Local Laws, whilst some minor amendments were made as a result of some submissions.

Other non law related suggestions were passed through to the appropriate departments for consideration in future planning.

Public Consultation Results

SUBMISSION DETAILS	CONSIDERATION BY COUNCIL OFFICER
<p>Amendments to Animal Nuisance provisions</p> <ul style="list-style-type: none">• Barking dogs can be created as a result of external factors• Barking dogs can create health problems• Barking dog complaints can be due to neighbourhood disputes	<p>Changes to the minimum standard in relation to animals creating a nuisance which includes barking dogs, provide a greater scope for management of barking dogs. As part of the investigative process, Council is required to meet the burden of proof, which includes excluding any of these external factors.</p>

Public Consultation Results

SUBMISSION DETAILS	CONSIDERATION BY COUNCIL OFFICER
<p>Amendments to Parking provisions.</p> <ul style="list-style-type: none">• Increased cost of living effects parking.• Lack of regulated and non-regulated parking	<p>Parking within the CBD and surrounding areas has had minimal changes since the current 2016 parking study which shows there is sufficient available parking including all day parking within a short distance to the CBD. This was further confirmed with a parking survey completed in November 2023. In light of the current financial impacts on the community the infringement amount has been changed to .5 to align with councils of similar size to Rockhampton including Gladstone, Mackay and Townsville.</p>

Public Consultation Results

SUBMISSION DETAILS	CONSIDERATION BY COUNCIL OFFICER
<p>Amendment to Native Bee addition</p> <ul style="list-style-type: none">• Native bees listed are stingless and as a consequence cannot cause harm to anyone.• Other Local Governments do not regulate native Bees• With the Introduction of the Varroa Mite into Australia, it's more important now than ever to have native bees• Native bees can provide honey for human consumption• Encourage Council to support deregulation of Australian Native Stingless bees.	<p>Native bee regulation has been modified to remove the restrictions of the number of hives permitted to be kept on a premises although general keeping requirements are maintained.</p>

Amendments to Local Laws

All offences listed at .6 penalty unit reduced to .5

<p>179(2A)(a)</p>	<p>Unauthorised driver Staying continuously stopping in a loading zone for longer than 20 minutes in a loading zone to drop off or pick up goods</p>	<p>0.5 penalty units</p>
<p>179(2A)(b)</p>	<p>Unauthorised driver stopping in a loading zone Staying continuously for longer than permitted by a sign in a loading zone to drop off or pick up goods</p>	<p>0.5 penalty units</p>
<p>200(1)</p>	<p>Driver of a heavy or long vehicle must not Sstopping a heavy or long vehicle in a on a length of road that is not in a built-up area, except on the shoulder of the road</p>	<p>0.5 penalty units</p>
<p>200(2)</p>	<p>Driver of a heavy or long vehicle must not sStopping a heavy or long vehicle on a length of road in a built-up area for longer than 1 hour unless permitted</p>	<p>0.5 penalty units</p>

Amendments to Local Laws

Removal of the requirement for approval for native bees

15	Native Bees	(a) 2 or more hives on premises with an area less than 500m². (b) 3 or more hives on premises with an area between 501m² and 1,000m². (c) 4 or more hives on premises with an area between 1,001m² and 1,500m².
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Native bees are still bound by the standard minimum requirements for bees; being they do not create a nuisance, hives are kept a minimum distance from other houses and if a code of practice is adopted, they meet the requirements.