



ORDINARY MEETING

MINUTES

20 FEBRUARY 2024

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 20 FEBRUARY 2024 COMMENCING AT 9:02 AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Pastor Jonathan Maxwell, from Peace Christian Church

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Deputy Mayor, Councillor N K Fisher
Councillor S Latcham
Councillor C E Smith
Councillor C R Rutherford
Councillor 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
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Advance Rockhampton
Mr D Morrison – Manager Workforce and Governance
Mr J Kann – Manager Office of the Mayor
Mr Z Garven – Tourism and Events Manager
Mr D Scott – Manager Planning and Regulatory Services
Mr M Crow – Manager Infrastructure Planning
Mr A Pont – Manager Parks
Ms E Dwyer – Manager Community Assets and Facilities
Mr J Wallace – Chief Audit Executive
Ms K Ramm – Senior Risk and Assurance Advisor
Ms A O'Mara – Coordinator Development Assessment
Ms E Brown – Events Coordinator
Ms L Bellward – Curator Rockhampton Zoo (via video-link)
Ms A Arnold - Coordinator Building, Plumbing and Compliance
Ms R Jeffery – Supervisor Community Projects
Ms K Walsh – Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 23 January 2024 be confirmed.

Moved by: Councillor Smith

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Ellen Smith informed the meeting:

"I have a prescribed conflict of interest in **Item 11.6 – Project Delivery Capital Project Report – January 2024 (Mount Morgan Water Pipeline Project)**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Hire who has a contract to cart water from Gracemere to Mount Morgan on behalf of Rockhampton Regional Council. My brother John James McEvoy is employed by MTC Hire to drive the water trucks and also just recently my nephew, Timothy McEvoy is also employed to drive an MTC truck delivering water.

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

I will deal with this conflict by leaving the meeting when the topic of Mount Morgan Water Pipeline Project is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter."

Councillor Shane Latcham informed the meeting:

“I have a prescribed conflict of interest in **Item 11.6 – Project Delivery Capital Project Report – January 2024 (Mount Morgan Water Pipeline Project)**. This prescribed conflict of interest arises as my brother Damian Latcham has purchased land situated at 3 Leydens Hill Road, Moongan which is in close proximity to the top of Razorback Road, Mount Morgan. I understand it is not connected to Mount Morgan water and sewerage, however the pipeline corridor will run past the property.

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

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

8.1 PARKING CONCERNS - ALEXANDRA STREET, POWER STREET AND MALONEY STREET

File No: 7127

Responsible Officer: Peter Kofod – General Manager Regional Services

SUMMARY

Councillor Donna Kirkland tabled petition documents requesting that a safety initiative of formalised concrete parking be undertaken on the existing grassed areas of footpath between the road and business boundaries, along Alexandra Street between Power Street and Maloney Street.

COUNCIL RESOLUTION

THAT the petition be received, and a report be presented to a Council or Committee meeting by the end of May 2024.

Moved by: Councillor Kirkland

Seconded by: Councillor Smith

MOTION CARRIED

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 D/77-2022 - REQUEST FOR A NEGOTIATED DECISION FOR DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, SHOWROOM AND MULTIPLE DWELLINGS (12 TOWNHOUSES)

File No: D/77-2022
Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Amanda O'Mara - Coordinator Development Assessment

SUMMARY

Development Application Number: D/77-2022
Applicant: Coles Group Limited
Real Property Address: Lot 25 on RP610513
Common Property Address: 452-488 Yaamba Road, Norman Gardens
Area of Site: 2.66 Hectares
Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)
Planning Scheme Zone: Specialised Centre Zone - Yaamba Road Precinct
Approval Sought: Negotiated Decision Notice for Development Permit D/77-2022 for Material Change of Use for Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses)

COUNCIL RESOLUTION

THAT in relation to the representations for a Negotiated Decision for Development Permit D/77-2022 for Material Change of Use for a Shopping Centre, Showroom and Multiple Dwelling (12 Townhouses), made by Coles Group Limited, located at 452-488 Yaamba Road, Norman Gardens, described as Lot 25 on RP610513, Council resolves to approve the change representation with the following conditions:

ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and

- 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
- (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Water Works;
 - (v) Stormwater Works; and
 - (vi) Site Works.
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works:
- (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 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>
Cover Sheet	Thomson Adsett	15 November 2022	A-DA-001	2
Staging Key Plan & Site Context Plan	Thomson Adsett	5 April 2023	A-DA-002	6
Site Plan – Stages 1 & 2	Thomson Adsett	5 April 2023	A-DA-020	7
Site Plan – Stage 3	Thomson Adsett	5 April 2023	A-DA-021	7
Site Plan – Stage 4	Thomson Adsett	5 April 2023	A-DA-022	9

Site Plan – Survey & Tree Location Overlay	Thomson Adsett	15 November 2022	A-DA-030	2
Site Sections – Sheet 1	Thomson Adsett	15 November 2022	A-DA-040	5
Impervious Area Plans & Schedules	Thomson Adsett	15 November 2022	A-DA-050	5
Detailed Floor Plan – Stages 1 & 2	Thomson Adsett	15 November 2022	A-DA-100	2
Detailed Roof Plan – Stages 1 & 2	Thomson Adsett	15 November 2022	A-DA-110	2
Elevations – Stages 1 & 2 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-120	2
Elevations – Stages 1 & 2 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-121	2
Sections – Stages 1 & 2 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-130	2
Detailed Floor Plan & Detailed Roof Plan – Stage 3	Thomson Adsett	16 November 2022	A-DA-300	3
Elevations – Stage 3 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-320	2
Elevations – Stage 3 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-321	2
Sections – Stage 3 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-330	2
Floor Plan – Stage 4	Thomson Adsett	15 November 2022	A-DA-400	5
Roof Plan – Stage 4	Thomson Adsett	15 November 2022	A-DA-410	4
Elevations – Stage 4 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-420	4
Elevations – Stage 4 – Sheet 2	Thomson Adsett	15 November 2022	A-DA-421	4
Sections – Stage 4 – Sheet 1	Thomson Adsett	15 November 2022	A-DA-430	4
Pre Development Catchment Layout Plan	Michael Bale & Associates	17 November 2022	DA01-G21097	04
Post Development Catchment Layout Plan	Michael Bale & Associates	17 November 2022	DA02-G21097	04
Bulk Earthworks Layout Plan	Michael Bale & Associates	17 November 2022	C200-G21097	03
Environmental Noise Level Impact Assessment for	David Moore & Associates Pty Ltd	16 November 2022	R22024/D362 1	1

Proposed Coles Supermarket, Liquorland, Speciality Retail, Showroom and Residential				
Landscape Concept Design Report	02 Landscape Architecture	17 November 2022	590 SD_LR001_D	-
Stormwater Management Report	Michael Bale & Associates	9 November 2023	R001-G21097	03

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

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in four (4) discrete stages, namely:

3.1.1 Supermarket (Coles), liquor store and amenities (Stage One);

3.1.2 Specialty store and outdoor seating (Stage Two);

3.1.3 Showroom and extension to shopping centre – additional specialty (Stage Three); and

3.1.4 Multiple Dwelling – 12 townhouses (Stage 4),

in accordance with the approved Staging Key Plan & Site Context Plan (refer to condition 2.1).

3.2 The currency period for all stages is six (6) years from the date this approval takes effect.

3.3 Stage One (1) must be completed prior to any other stage. All other stages are not required to be undertaken in any chronological order.

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

STAGES 1 – 3

4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

4.2 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 *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 Dedicated pedestrian linkages through the proposed development linking the carpark to the existing pedestrian pathways on Yaamba Road and Potts Street must be provided in accordance with the approved plans (refer to condition 2.1).

4.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.5 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.

5.0 ACCESS AND PARKING WORKS

5.1 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.

- 5.2 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).
- 5.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 All vehicular access to and from the commercial development must be via Yaamba Road only. Direct vehicle access to the commercial development from Potts Street is prohibited.
- 5.5 All vehicles must ingress and egress the development in a forward gear.
- 5.6 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"*.
- 5.7 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).
- 5.8 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"*.
- 5.9 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.12 Bicycle parking facilities must be provided in accordance with *AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles*. The bicycle parking facilities must be located at basement or ground floor level and encourage casual surveillance.
- 5.13 End-of-trip facilities must be provided in accordance with the *Queensland Development Code, Mandatory Part 4.1 "Sustainable buildings, End of trip facilities"*.
- 6.0 **PLUMBING AND DRAINAGE WORKS**
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated sewerage and water networks.
- 6.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 6.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.

- 6.6 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.7 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 6.8 The finished surface of the existing sewerage access chamber must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 6.9 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.10 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.11 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 7.0 STORMWATER WORKS
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) subject to ensuring compliance and any alterations required by the *Environmental Protection Act 1994*, *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater discharge must be lawful 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.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 7.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.7 The installation of gross pollutant traps must be in accordance with relevant Australian Standards and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).

- 7.8 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance costs must be borne by the site owner/operator.

Note: No stormwater easement is required for the proposed overland flow path adjacent to the northern boundary. For any future Development Application to subdivide the commercial and residential development (units), a stormwater easement will be required along the portion of the northern boundary that contains the stormwater main that discharges to Potts Street.

8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice.
- 8.2 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.
- 8.3 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.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 9.5 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.

10.0 BUILDING WORKS

- 10.1 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.
- 10.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 10.3 Access to and use of the land the subject of this application must comply with the provisions of the *Anti-Discrimination Act 1991*. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

- 10.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 10.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 10.4.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 10.4.3 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;
 - 10.4.4 setback a minimum of two (2) metres from any road frontage; and
 - 10.4.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

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

11.0 LANDSCAPING WORKS

- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 11.2 Landscaping must be constructed and/or established prior to the commencement of the use and in accordance with the Landscape Concept Design Report (refer to condition 2.1).
- 11.3 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and protected by wheel stops or bollards as required.
- 11.4 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:
- 11.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 11.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 11.5 Shade trees must comply with the following requirements:
- 11.5.1 Be planted clear of services and utilities;
 - 11.5.2 Not obstruct pedestrian or bicycle traffic; and
 - 11.5.3 Comply with crime prevention through environmental design principles.
- 11.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 11.7 The landscaped areas must be subject to:
- 11.7.1 a watering and maintenance plan during the establishment moment; and
 - 11.7.2 an ongoing maintenance and replanting programme.

12.0 ELECTRICITY

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

13.0 TELECOMMUNICATIONS

13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

14.0 ASSET MANAGEMENT

14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

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

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

15.0 ENVIRONMENTAL

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

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

for the construction and post-construction phases of work.

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

16.0 ENVIRONMENTAL HEALTH

- 16.1 All noise mitigation measures must be constructed and implemented for the development in accordance with the Environmental Noise Level Impact Assessment (refer condition 2.1).
- 16.2 Noise emitted from the activity must not cause an environmental nuisance.
- 16.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting".

17.0 OPERATING PROCEDURES

- 17.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Yaamba Road or Potts Street.
- 17.2 The hours of operations for the development site Shopping Centre and Showrooms must be limited to:
- (i) 0800 hours to 2100 hours on Monday to Friday,
 - (ii) 0800 hours to 1800 hours on Saturday, and
 - (iii) 0900 hours to 1800 hours on Sunday and Public Holidays.
- 17.3 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0600 and 2200 Monday to Sunday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 17.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 17.4.1 the area is kept in a clean and tidy condition;
 - 17.4.2 fences and screens are maintained;
 - 17.4.3 no waste material is stored external to the waste storage area/s;
 - 17.4.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

STAGE 4 – MULTIPLE DWELLING**18.0 ROAD WORKS**

- 18.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 18.2 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 Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).
- 18.3 The existing concrete pathway must be maintained on the western side of Potts Street for the full frontage of the development site with connections to the Multiple Dwelling and the internal pathway to the commercial development provided.
- 18.4 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for access and mobility".
- 18.5 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed as Council-owned infrastructure.

19.0 ACCESS AND PARKING WORKS

- 19.1 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.
- 19.2 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, and the provisions of a Development Permit for Operational Works (access and parking works).
- 19.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 19.4 Three (3) new accesses to the Multiple Dwelling development must be provided in accordance with the approved plans (refer to condition 2.1).
- 19.5 All vehicles must ingress and egress the development in a forward gear.
- 19.6 A minimum of thirty (30) parking spaces must be provided on-site. This includes twenty-four (24) covered car parking spaces and six (6) visitor's parking spaces for the Multiple Dwelling use.
- 19.7 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site.

20.0 SEWERAGE WORKS

- 20.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 20.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018 and the provisions of a Development Permit for Operational Works (sewerage works).
- 20.3 The development must be connected to Council's reticulated sewerage network.
- 20.4 A new non-trunk 150 millimetre diameter sewer main is to be constructed from the existing sewer access chamber located within Lot 25 on SP610513 to service the proposed Multiple Dwelling development. The new sewer main is to be constructed within Lot 25 on SP610513 only.
- 20.5 A new sewerage connection point for the Multiple Dwelling must be provided at a new sewer access chamber or lamphole at the southern end of the proposed Multiple Dwelling development.
- 20.6 The finished surface of the existing sewerage access chamber must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 20.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 20.8 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the Capricorn Municipal Development Guidelines.
- 20.9 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

21.0 WATER WORKS

- 21.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works required by this development approval.
- 21.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018 and the provisions of a Development Permit for Operational Works (water works).
- 21.3 The development must be connected to Council's reticulated water network.
- 21.4 A new water connection point must be provided at Potts Street. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 21.5 The development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 21.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 21.7 A road crossing water conduit and associated water service pipe works must be constructed across Potts Street and must be approved as part of a Development Permit for Operational Works (water works).

22.0 PLUMBING AND DRAINAGE WORKS

- 22.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the development site.
- 22.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 22.3 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.

23.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 23.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines and sound engineering practice.
- 23.2 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.
- 23.3 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.

24.0 SITE WORKS

- 24.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 24.2 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 24.3 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

- 24.4 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 24.5 Retaining structures close to or crossing sewerage infrastructure must comply with Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure." The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 25.0 BUILDING WORKS
- 25.1 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.
- 25.2 All external elements, such as air conditioners and associated equipment, must be adequately screened from public view, to Council's satisfaction.
- 25.3 Dwelling units must be provided with private open space or a balcony directly accessible from a habitable room with:
- 25.3.1 a minimum area of nine (9) square metres;
 - 25.3.2 a minimum dimension of three (3) metres; and
 - 25.3.3 must not accommodate air conditioning units.
- 26.0 LANDSCAPING WORKS
- 26.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works required by this development approval.
- 26.2 Landscaping must be constructed and/or established prior to the commencement of the use and in accordance with the Landscape Concept Design Report (refer to condition 2.1).
- 26.3 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 26.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 26.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 26.4 Street tree planting must be carried out in accordance with the requirements of Planning Scheme Policy SC6.12 - Landscape Design and Street Trees Planning Scheme Policy.
- 26.5 Street trees must be located such that when mature, they do not impact on street lighting, future driveway locations or other infrastructure in accordance with the Capricorn Municipal Development Guidelines.
- 26.6 Street trees and landscaping must not impact on vehicle site distances in accordance with Australian Standard AS2890 – Parking Facilities, or unduly restrict visibility to pedestrians in verge areas.
- 26.7 Shade trees must comply with the following requirements:
- 26.7.1 Be planted clear of services and utilities;

- 26.7.2 Not obstruct pedestrian or bicycle traffic; and
- 26.7.3 Comply with crime prevention through environmental design principles.
- 26.8 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure; small shrubs and groundcover are acceptable.
- 26.9 The landscaped areas must be subject to:
- 26.9.1 a watering and maintenance plan during the establishment moment; and
- 26.9.2 an ongoing maintenance and replanting programme.
- 26.10 The private open space of each unit must be screened with mature vegetation or fence to prevent viewing of the private open space from a public space and adjoining properties.
- 27.0 ELECTRICITY
- 27.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 28.0 TELECOMMUNICATIONS
- 28.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.
- 29.0 ASSET MANAGEMENT
- 29.1 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.
- 29.2 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.
- 29.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 30.0 ENVIRONMENTAL
- 30.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography;
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;

- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

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

31.0 ENVIRONMENTAL HEALTH

31.1 All noise mitigation measures must be constructed and implemented for the development in accordance with the Environmental Noise Level Impact Assessment (refer condition 2.1).

32.0 OPERATING PROCEDURES

32.1 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 Potts Street.

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. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Advertising Devices

A Development Permit for Operational Works (Advertising Device/s) must be submitted for approval by Council for any proposed signage, other than those that are accepted development under the Council Planning Scheme.

NOTE 6. Ergon Energy

The developer must contact Ergon Energy to request a Safety Advice before construction starts so that on site hazards can be pointed out and measures implemented if deemed necessary.

The conditions of easements in favour of Ergon Energy must be maintained at all times.

Electrical safety clearances are to be maintained as per Ergon Energy's Standard Guidelines WP1323 and existing ground levels must not be reduced.

NOTE 7. Plumbing and Drainage

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

NOTE 8. Demolition Works

The existing building and structures on the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.

Moved by: Councillor Mathers

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

Councillor Fisher was not in attendance and did not participate in the vote.

11.2 ROCKHAMPTON SHOW PRIZE MONEY AND REGISTRATION FEES

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

SUMMARY

Council's current Payment Exception Authority Procedure requires Council or Committee approval to pay prize monies in cash. This report is seeking formal approval to allow prizes to be paid in cash at the 2024 Rockhampton Agricultural Show and support the change in fees and charges for Stud Cattle registrations.

9:14AM Councillor Fisher attended the meeting.

COUNCIL RESOLUTION

THAT Council approve the payment of prizes in cash for the 2024 Rockhampton Agricultural Show and endorse the revision of Fees & Charges for Stud Cattle registrations detailed in the report.

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

11.3 QUEENSLAND BEEF CORRIDORS PROGRAM

File No: 14880
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Martin Crow - Manager Infrastructure Planning

SUMMARY

This report seeks funding for the continued development of the Queensland Beef Corridor Program. This funding will assist in continuing advocacy efforts and commence program development for road infrastructure and improvements to beef cattle transportation and connections across central and western Queensland.

COUNCIL RESOLUTION

THAT Council provides a financial contribution of up to \$35,000 (exc GST) commensurate with the majority of other Queensland Beef Corridor Council members to support the Queensland Beef Corridor program.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.4 ZOO SHADE STRUCTURE OPTIONS

File No: 8044
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Aaron Pont - Manager Parks
Liz Bellward - Curator Rockhampton Zoo
Emma-Jane Dwyer - Manager Community Assets and Facilities

SUMMARY

The report details the background and design development of the proposed Meerkat & Perentie shade structures. Both shades will improve the comfort of visitors and animals.

COUNCIL RESOLUTION

THAT the matter lay on the table pending an onsite workshop.

Moved by: Councillor Rutherford

Seconded by: Councillor Latcham

MOTION CARRIED

Councillor Kirkland recorded her vote against the matter.

11.5 WORKERS MEMORIAL

File No: 2117
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Emma-Jane Dwyer - Manager Community Assets and Facilities

SUMMARY

The combined Unions of Rockhampton pay their respects to workers who have lost their lives at work on the Official Queensland Workers Memorial Day each year. Assistance has been sought from Council to partner with the CFMEU and the AMWU towards constructing a permanent memorial.

COUNCIL RESOLUTION

THAT Council approve the construction of a permanent Workers Memorial at the northern end of Col Brown Park instead of the southern end of Col Brown Park.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.6 PROJECT DELIVERY CAPITAL PROJECT REPORT- JANUARY 2024

File No: 7028
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

Monthly Status Report on all projects currently managed by the Project Delivery Unit.

COUNCIL RESOLUTION

THAT the Project Delivery Monthly Report for January 2024 be received, excluding Mount Morgan Water Pipeline Project.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

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

9:44AM

Councillor Smith, having earlier informed the meeting of a prescribed conflict of interest and her decision to not participate in any decision involving the Mount Morgan Water Supply Pipeline Project, 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.

Councillor Latcham, having earlier informed the meeting of a prescribed conflict of interest and his decision to not participate in any decision involving the Mount Morgan Water Supply Pipeline Project, 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.

COUNCIL RESOLUTION

THAT the Project Delivery Monthly Report for January 2024 – Mount Morgan Water Pipeline Project be received.

Moved by: Councillor Kirkland
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

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

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

9:47AM Councillors Smith and Latcham returned to the meeting room.

COUNCIL RESOLUTION

THAT the order of business for the meeting be changed in accordance with the Chairperson's decision, that Item 11.8 to be dealt with before Item 11.7.

Moved by: Mayor Williams

Seconded by: Councillor Wickerson

MOTION CARRIED

11.8 RISK REGISTER UPDATE AS AT 12 JANUARY 2024

File No: 8780
Authorising Officer: John Wallace
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Submission of the risk register updates, as at 12 January 2024, for adoption by Council.

COUNCIL RESOLUTION

THAT Council adopts the risk register updates, as at 12 January 2024, as presented in the attachments to the report.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.7 2023-24 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 2

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

SUMMARY

The 2023-24 Operational Plan Quarterly Report for quarter two as at 31 December 2023, pursuant to section 174(3) of the Local Government Regulation 2012 is presented for Council endorsement.

COUNCIL RESOLUTION

THAT Council receive the 2023-24 Operational Plan Quarterly Report for Quarter Two as at 31 December 2023.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.9 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD ENDING JANUARY 2024

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

SUMMARY

Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 31 January 2024 for Councillors' information.

Councillor Ellen Smith informed the meeting:

"I have a prescribed conflict of interest in **Item 11.9 – Whole of Council Corporate Performance Report for Period Ending January 2024 (Mount Morgan Water Pipeline Project)**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Hire who has a contract to cart water from Gracemere to Mount Morgan on behalf of Rockhampton Regional Council. My brother John James McEvoy is employed by MTC Hire to drive the water trucks and also just recently my nephew, Timothy McEvoy is also employed to drive an MTC truck delivering water.

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

I will deal with this conflict by leaving the meeting if the topic of Mount Morgan Water Pipeline Project is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter."

Councillor Shane Latcham informed the meeting:

"I have a prescribed conflict of interest **Item 11.9 – Whole of Council Corporate Performance Report for Period Ending January 2024 (Mount Morgan Water Pipeline Project)**. This prescribed conflict of interest arises as my brother Damian Latcham has purchased land situated at 3 Leydens Hill Road, Moongan which is in close proximity to the top of Razorback Road, Mount Morgan. I understand it is not connected to Mount Morgan water and sewerage, however the pipeline corridor will run past the property.

I will deal with this conflict by leaving the meeting if the topic of Mount Morgan Water Pipeline Project is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.

COUNCIL RESOLUTION

THAT the Whole of Council Corporate Performance Report for period ending 31 January 2024 be "received".

Moved by: Councillor Fisher
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.10 BAD DEBT WRITE OFFS

File No: 1117
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presents a schedule of amounts considered to be uncollected that have been waived as per 5.4 of the Debt Recovery Policy Version 11, adopted 19 July 2022.

COUNCIL RESOLUTION

THAT the debts contained in the schedule within the report be received by Council, as these have been written off as bad debts.

Moved by: Mayor Williams
Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

**11.11 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
31 JANUARY 2024**

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

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 January 2024.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 January 2024 be received.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

Meeting Adjourned**COUNCIL RESOLUTION**

10:29AM

That the meeting be adjourned, to resume at 10:40AM.

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

Meeting Resumed**COUNCIL RESOLUTION**

10:42AM

That the meeting be resumed.

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

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr A Russell – Executive Manager Advance Rockhampton
Mr D Morrison – Manager Workforce and Governance
Mr J Kann – Manager Office of the Mayor
Mr Z Garven – Tourism and Events Manager
Mr D Scott – Manager Planning and Regulatory Services
Ms E Dwyer – Manager Community Assets and Facilities
Ms E Brown – Events Coordinator
Ms A Arnold - Coordinator Building, Plumbing and Compliance
Ms K Walsh – Committee Support Officer

15 CLOSED SESSION

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

COUNCIL RESOLUTION

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

16.1 Elect for Court Hearing - Infringement Notice - Contravening an Enforcement Notice

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

16.2 Legal Matters Report - 1 October 2023 to 31 December 2023

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

16.3 ROCKYNATS 05

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Moved by: Councillor Kirkland

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10:43AM

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

Moved by: Mayor Williams

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11:39AM Councillor Wickerson left the meeting room.

11:43AM Councillor Wickerson returned to the meeting room.

COUNCIL RESOLUTION

11:47AM

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

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

16 CONFIDENTIAL REPORTS

16.1 ELECT FOR COURT HEARING - INFRINGEMENT NOTICE - CONTRAVENING AN ENFORCEMENT NOTICE

File No: 11098
Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Angela Arnold - Coordinator Building, Plumbing and Compliance

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

SUMMARY

Penalty Infringement Notice issued for Contravening an Enforcement Notice. Respondent makes election to have the matter of the offence decided in a Magistrates Court.

This report is prepared to request Council resolution to proceed with legal proceedings.

COUNCIL RESOLUTION

THAT Council:

1. Commences proceedings as recommended in the report; and
2. Delegates to the Chief Executive Officer, under section 257 of the *Local Government Act 2009*, to take all necessary steps on Council's behalf to commence and finalise these proceedings.

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

16.2 LEGAL MATTERS REPORT - 1 OCTOBER 2023 TO 31 DECEMBER 2023**File No: 1830****Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer****Author: Shannon Jennings - Coordinator Legal and Governance**

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

SUMMARY

Presenting an update of current legal matters that Council is involved in as at 31 December 2023.

COUNCIL RESOLUTION

THAT the legal matters report containing updates on legal matters for Rockhampton Regional Council as at 31 December 2023 be received.

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

16.3 ROCKYNATS 05

File No: 11715
Authorising Officer: Angus Russell - Executive Manager Advance Rockhampton
Author: Zac Garven - Tourism and Events Manager
Marnie Taylor - Chief Financial Officer
Eileen Brown - Events Coordinator

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

The report outlines details pertaining to the ROCKYNATS 05 event to be held in 2025.

COUNCIL RESOLUTION

THAT Council support the proposal in the conclusion of the report.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:49am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

20 FEBRUARY 2024

ANNEXURE A

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

Item 8.1 Petitions – Parking Concerns – Alexandra Street, Power Street and Maloney Street

Petition Submission Form

Privacy Notice: Council deals with personal information in accordance with law, including the Information Privacy Act 2009.



This form is to be completed when members of the public wish to submit a petition to Council. Please refer to the Petition Factsheet for further information. All correspondence regarding this request will be directed to the Principal Petitioner. Petitions presented at Council Meetings will be published on Council's website.

P: 07 4932 9000 | E: enquiries@rrc.qld.gov.au | W: www.rrc.qld.gov.au | PO Box 1860 Rockhampton QLD 4700 | ABN: 59 923 523 766

Principal Petitioner Details			
Contact name: MICK RICHARDSON			
Residential address: 216 ALEXANDRA ST NTU QLD			
Postal address (if different):			
Preferred contact number: 0417710006	Email: KPP1@iinet.net.au		
Declaration			
I submit this form with the relevant supporting documentation as required. I declare that the details are correct to the best of my ability.			
Name: MICK RICHARDSON	Signature:	Date: 19/2/24	
Petition Details (Please outline the details and reasons for the petition)			
We, the undersigned, hereby respectfully request the Rockhampton Regional Council:			
1. To provide the Safety initiative of Formalised Concrete Parking on the existing grassed areas of footpath between the road and business boundaries, along Alexandra Road between Power street and Maloney Street			
- For the last 30 years businesses have operated utilising their own formalised internal car parking spaces for customers, with the designated employee parking along the wide section of footpath between business boundaries and Alexandra road having been the standard practice. There has not been any obstruction to pedestrians or postal delivery services during this entire time.			
- Alexandra Road is a busy connector with very heavy traffic flows all day, especially at peak hours. Vehicles include multiple B-Doubles, and other heavy vehicles traveling to and from the Parkhurst Industrial Estate, mixed with increasing numbers of residential vehicles from the growing estates of Edenbrook, Riverside, Riverside Waters, Oscadia and new developments. The lack of vision for customers, in fact all users, entering and exiting business premises has been significantly impaired since the recent reinforcement for 'street parking only' by local laws officers. This has become a significant safety issue.			
- Street Cyclists who would historically, for their own safety regularly utilise the road verge, have recently been forced to cease cycling this route due to it no longer being safe. This is because the road verge use for parking leaves zero room between passing vehicles and parked cars.			
- Since enforcing the street parking, collections of Council Refuse has also become a hazard for Council Trucks.			
- Additionally, short term pick up and delivery services have been significantly hindered with nowhere to park their vehicles often resulting in awkward dangerous parking that causes travelling vehicles difficulty in passing, often making dangerous correctional manouvers.			
2. We respectfully additionally ask that council RE-Prioritise the delivery of this request, committing to a delivery timeframe no less than one year, as this connector road is growing busier by the week.			
OFFICE USE ONLY	Date received:	Date presented to Council meeting:	Responsible officer:

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Principal Petitioner Details		
Contact name:		
Contact details:		
Petition Details		
We, the undersigned, hereby respectfully request the Rockhampton Regional Council: IT IS VERY DANGEROUS FOR CYCLIST TO RIDE ON THE ROAD NOW. THE GARBAGE TRUCK HAS TROUBLE PICKING UP THE BINS BECAUSE THEY HAVE TO STOP ON THE ROAD AND HOLD UP TRAFFIC.		
Petitioner Details		
NAME	ADDRESS	SIGNATURE
STAVAN ALICK	BELMOUNT RD	[Signature]
Brodie JONES	19 ST ERM ST	BJ
Brent Madril	19 Hampden St	[Signature]
ROB SEMPLIE	17 HENDY DRIVE GLENHEIF	[Signature]
BRENT ROBERSON	76 LANDSBERG RD STANAGE	[Signature]
AMANDA ROBERSON	✓ - ✓ ✓	[Signature]
KEITH SEMPLIE	498 YEPPOON RD.	[Signature]
ROBYN SEMPLIE	" " "	[Signature]
PAUL DOWNING	40 CAMBRIDGE ST	[Signature]
KACE EVANS	96 KENT LANE	[Signature]
KYLE MITCHELL	STANAGE	K Mitchell
JOHN PLANN	226 DEAN ST	[Signature]

Please print and attach additional petition forms if required.

Submit

This form is to be completed when members of the public wish to submit a petition to Council. Please refer to the Petition Factsheet for further information. All correspondence regarding this request will be directed to the Principal Petitioner. Petitions presented at Council Meetings will be made available on the Council's website.

Principal Petitioner Details

Contact name:


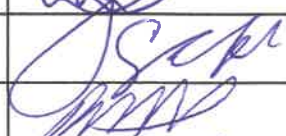
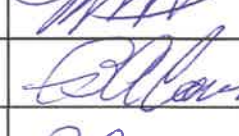
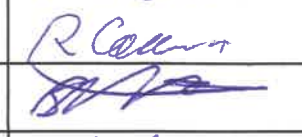
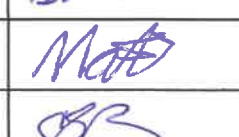


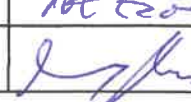
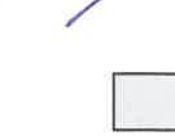



Contact details:

Petition Details

We, the undersigned, hereby respectfully request the Rockhampton Regional Council:

PARKING ON THE STREET IS EXTREMELY DANGEROUS BECAUSE OF THE AMOUNT OF TRAFFIC TRAVELLING ON ALEXANDRA ST LARGE TRUCKS FIND IT DIFFICULT TO PASS EACH OTHER - LEAVING DRIVEWAYS IS VERY DANGEROUS BECAUSE YOU CANT SEE ONCOMING TRAFFIC. THE LAND HOLDERS HAVE KPT THE FOOTPATHS CLEAN & MAINTAINED FOR YEARS AND HAVE HAD NO COMPLAINTS.

Petitioner Details

NAME	ADDRESS	SIGNATURE
KEV IRELAND	NORMAN GARDENS	
GLYN HENMUTH	12 WEBBER AV	
BRANDON ROBERTS	GLENLEE	
BRIAN COOPER	2 BOOKER ST	
RHONDA COOPER	''	
9 Mcquarrie	Peter St	
Math Preston	Bassonker	
GREG BLAMIRE	BARMONA	
LEIZA BLAMIRE	BARMONA	
Shaun Hellmuth	Robinson St	
Melissa Broom	Robinson St	
GARY RODGIE	16 LORRIKETT CT	


Please print and attach additional petition forms if required.

Submit



Privacy Notice: Council deals with personal information in accordance with law, including the Information Privacy Act 2009.

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Principal Petitioner Details		
Contact name:		
Contact details:		
Petition Details		
We, the undersigned, hereby respectfully request the Rockhampton Regional Council:		
Petitioner Details		
NAME	ADDRESS	SIGNATURE
KAREN DUGGAN	25 TOMTIT AVE PARKHURST	
Jack Duggan	25 TomTit Ave Parkhurst	J Duggan
RAYMOND STONE	6 PEPPERMINT DR KAWANA	R Stone
BOB LIST	17 BARRETT ST. N. GARDENS	R-K. List

Please print and attach additional petition forms if required.

Submit

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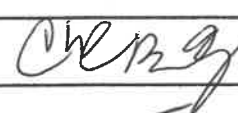
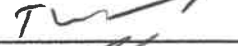








Principal Petitioner Details		
Contact name: Paul Downing		
Contact details: 218 Alexandra St, Kawana 4701 (mobile 0459 176 036)		
Petition Details		
<p>We, the undersigned, hereby respectfully request the Rockhampton Regional Council:</p> <p>We are petitioning for parking to be allowed on the footpath between Maloney St and Power St on Alexandra St. Due to the volume of traffic in this street of Kawana, it is unsafe to park on the street. It is also hard to see traffic coming when trying to drive out of the property with cars parked on the roadway. When freight is being delivered to the properties along Alexandra St, the trucks block the roadway and vehicles parked on the roadway make it unsafe. Simultaneously many heavy vehicles are using Alexandra St in both directions. This also makes it difficult to exit your vehicle when parking on the street.</p> <p>Therefore we are asking Council to give permission to allow parking in the industrial estate in this area.</p>		
Petitioner Details		
NAME	ADDRESS	SIGNATURE
Mick Reynolds	21 Morgan Rd Kalapa	M Reynolds
GREG STUBBEYS	2 COUSIN ST ROCKHAMPTON	GSA
Attilio Dallavalle	220 Alexandra St Rockhampton	AD
Jeanette Dallavalle	220 Alexandra St, Kawana	J
FRANCO DALLAVALLE	220 ALEXANDRA STREET	F
PETER HILL	24 McDONALD ST GRACEMERE	P Hill

Please print and attach additional petition forms if required.

Submit

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(10)

Principal Petitioner Details		
Contact name:	Charlie Belz	
Contact details:	0403 619 442 64 Stenlake Ave	
Petition Details	G/L Dunnett Plasterboard	
We, the undersigned, hereby respectfully request the Rockhampton Regional Council:		
ALEXANDRA STROBT IS NOW LIKE A HIGHWAY AND IS ONLY GOING TO GET BUSIER WITH THE KING ROAD. PARKING ON THE ROADWAY IS NOTHING BUT DANGEROUS !!		
Petitioner Details		
NAME	ADDRESS	SIGNATURE
Charlie Belz	64 Stenlake Ave	
Jason Watson	102 Pilkington St	
Alan Finch	242 Flowers AS	
Jai Ireland	78 Keryn Drive Caves	
Cameron	247 Carpenter St	
Jede Shandqvist	250 WEST ST	
Nick Shandqvist	250 WEST ST	
Jordan Semple	351 Marsh Av	
Mark Parler	78 Varsity Cres	
Geoff Dunnett	707 Victoria Parade	

Please print and attach additional petition forms if required.

Submit

15

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Principal Petitioner Details

Contact name:

Contact details:

Petition Details

We, the undersigned, hereby respectfully request the Rockhampton Regional Council:

Petitioner Details

NAME	ADDRESS	SIGNATURE
COMPTON PETERSON	4 MARRIS CRESENT	
MARTIN CAVANAGH	27 REIGEL DRIVE GIMERE	
Dan Curie	19 bapmaune ST	
Gavin Murphy	295 eldon st	
Adam PETERSON	94 WANDAL RD	
WILLIAM JONES	70 BARRETT STREET	
Thomas Johnson	86 Fairybowl Rd	
Kylie Jenkins	3 Chestnut Av,	
Michelle Wickers	13 mcGrath st	

Please print and attach additional petition forms if required.

Submit

26

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Principal Petitioner Details

Contact name: CO Automotive

Contact details: 204 Alexandra St, Kawana. 4701.

Petition Details

We, the undersigned, hereby respectfully request the Rockhampton Regional Council:
Due to Council taking all areas of parking away from Customers and visitors.

Petitioner Details

NAME	ADDRESS	SIGNATURE
<u>Sandra Dodd</u>	<u>50 Bronco Crs. Gracemere</u>	<u>S Dodd</u>
<u>Angela Grange</u>	<u>21 Lauga st PARK AV.</u>	<u>Agr</u>
<u>Ayla Grange</u>	<u>21 lauga st Park Avenue</u>	<u>Ayla Grange</u>
<u>Kylie Barnes</u>	<u>5 Bridge st</u>	<u>K Barnes</u>
<u>Dan Smith</u>	<u>74 Mt Waller Rd Bonanda</u>	<u>D Smith</u>
<u>Fiona Johnson</u>	<u>7 Denison st</u>	<u>F Johnson</u>
<u>Conny Standing</u>	<u>96 Alma st</u>	<u>C Standing</u>
<u>Cheryl Childs</u>	<u>ALEXANDRA ST</u>	<u>C Childs</u>
<u>Collette Johnson</u>	<u>1/2 Reany st</u>	<u>C Johnson</u>
<u>WAYNE ROBERTS</u>	<u>33 JULIENNE DRIVE</u>	<u>W Roberts</u>
<u>Tanya Kops</u>	<u>33 Julianne Drive</u>	<u>T Kops</u>
<u>Diane Kupke</u>	<u>88 Clifton St</u>	<u>D Kupke</u>

Please print and attach additional petition forms if required.

Submit

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Principal Petitioner Details

Contact name: CR Automotive

Contact details: 204 Alexandra St, Kowloon.

Petition Details

We, the undersigned, hereby respectfully request the Rockhampton Regional Council:

Due to Council taking all areas of parking away from customers and visitors.

Petitioner Details

NAME	ADDRESS	SIGNATURE
Vicki Ogden	311 Saunders St, Koongal.	
David Johnson	17 Jaggard Street	
Aaron Berry	85 WATER ST	
Mason Berry	40 85 Water St	
Jayson Bimrose		
Matthew Johnson	50 Bronco Cre, Graceville	
Chris Hare	87 Stenlake ave	
CHRIS Hensley	53 HAMILTON AVE	
Carl Lee Hays	53 Hamilton Ave	
Carl Lee Hays	53 Hamilton Ave	
Will Powell	248 Dean St	
Sarah Powell	248 Dean St	
Colin Webb	FERNVALE RD MT MORGAN	

R

This form is to be completed when members of the public wish to submit a petition to Council. Please refer to the Petition Factsheet for further information. All correspondence regarding this request will be directed to the Principal Petitioner. Petitions presented at Council Meetings will be made available on the Council's website.

Principal Petitioner Details		
Contact name: <i>CG Automotive</i>		
Contact details: <i>204 Alexandra Street, Kawana 4701</i>		
Petition Details		
We, the undersigned, hereby respectfully request the Rockhampton Regional Council: <i>Due to Council taking all areas of parking away from customers and visitors.</i>		
Petitioner Details		
NAME	ADDRESS	SIGNATURE
<i>Dick Krump</i>	<i>205 Berserker St Berserker QLD</i>	<i>Dick Krump</i>
<i>STEPHEN BERRY</i>	<i>4 BARFOOT ST KAWANA QLD</i>	<i>[Signature]</i>
<i>Shenee Platen</i>	<i>4 Barfoot St Kawana QLD</i>	<i>[Signature]</i>

Please print and attach additional petition forms if required.

Submit

