



ORDINARY MEETING

MINUTES

15 OCTOBER 2019

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 15 OCTOBER 2019 COMMENCING AT 9.00AM**

1 OPENING**2 PRESENT**

Members Present:

Acting Mayor, Councillor C R Rutherford (Chairperson)
Councillor C E Smith
Councillor M D Wickerson
Councillor S J Schwarten
Councillor A P Williams
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Mr T Cullen – General Manager Advance Rockhampton
Mr A Pont – Acting General Manager Community Services
Mr J Gillard – Manager Economic Development
Ms A Pearce – Manager Tourism, Events and Marketing
Mr D Scott – Manager Planning and Regulatory Services
Mr M O’Keeffe – Manager Rockhampton Regional Waste and Recycling
Mr J Plumb – Manager Fitzroy River Water
Ms T Sweeney – Manager Workforce and Governance
Mr D Stevenson – Manager Corporate and Technology Services
Mr D Morrison – Executive Coordinator to the Mayor
Mr M Mansfield – Coordinator Media and Communications
Ms A Brennan – Coordinator Legal and Governance
Ms T Fitzgibbon – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Mr T Mudalige – Development Engineer
Mr T Gardiner – Senior Planning Officer
Ms K Talbot – Senior Media Officer
Ms C Steinberger – Community Engagement Officer
Ms E Brodel – Media Officer
Ms G Dwyer – Media Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting previously granted to The Mayor, Councillor Margaret Strelow and Councillor Rose Swadling to represent Council at the LGAQ Annual Conference in Cairns.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 1 October 2019 be taken as read and adopted as a correct record.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

THAT the minutes of the Special Meeting held on 8 October 2019 be taken as read and adopted with a correction to the record noting that Councillor Williams left the meeting room immediately following declaration of the material personal interest.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

10.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR TONY WILLIAMS - WEDNESDAY 30 OCTOBER TO FRIDAY 1 NOVEMBER INCLUSIVE

File No: 10072
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Nicole Semfel - Executive Support Officer

SUMMARY

Councillor Tony Williams is seeking a leave of absence from Wednesday 30 October to Friday 1 November inclusive.

COUNCIL RESOLUTION

THAT Councillor Tony Williams be granted a leave of absence from Wednesday 30 October to Friday 1 November 2019 inclusive.

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

11 OFFICERS' REPORTS

11.1 D/30-2019 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL CARE FACILITY, RETIREMENT FACILITY AND COMMUNITY USE

File No: D/30-2019

Attachments:

1. Locality Plan
2. Site Plan
3. Elevations

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Colleen Worthy - General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/30-2019

Applicant: Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning and Development

Real Property Address: 60 West Street, The Range

Common Property Address: Lot 2 on CP890319 and Lot 4 SP220782, Parish of Rockhampton

Area of Site: 1.35 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Low Density Residential Zone

Planning Scheme Overlays: Steep Land Overlay
Airport Environs Overlay

Existing Development: Benevolent Aged Care Home

Existing Approvals: D/597-2000 – Extension to Aged Persons Home – Approved 16 October 2000
D/1247-2000 – Aged Persons Home – Approved 21 November 2000
D/921-2001 – Special Purposes – Benevolent Home – Approved 21 September 2001
D/1328-2005 – Redevelopment of Aged Care Persons Home - Approved 22 August 2005
D/1240-2006 Material Change of Use (Aged Care Accommodation – 25 Beds) Approved 22 March 2007
D/174-2015 – Material Change of Use for a Residential Care Facility

Approval Sought: Development Permit for a Material Change of Use for a Residential Care Facility, Retirement Facility and Community Use

Level of Assessment: Impact Assessable

Submissions: Nil
Referral Agency(s): Nil
Infrastructure Charges Area: Charge Area
Application Progress:

<i>Application Lodged:</i>	<i>17 April 2019</i>
<i>Acknowledgment Notice issued:</i>	<i>26 April 2019</i>
<i>Request for Further Information sent:</i>	<i>10 May 2019</i>
<i>Applicant request for additional time (information request)</i>	<i>8 August 2019</i>
<i>Request for Further Information responded to:</i>	<i>21 August 2019</i>
<i>Submission period commenced:</i>	<i>26 August 2019</i>
<i>Submission period end:</i>	<i>17 September 2019</i>
<i>Council request for additional time:</i>	<i>20 September 2019</i>
<i>Last receipt of information from applicant:</i>	<i>25 September 2019</i>
<i>Statutory due determination date:</i>	<i>12 November 2019</i>

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, Retirement Facility and Community Use, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning and Development, located at 60 West Street, The Range, described as Lot 2 on CP890319 and Lot 4 SP220782, Parish of Rockhampton, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal contributes to the diversification of residential land uses in the zone by providing intergenerational housing options for Rockhampton's growing ageing population;
- b) The subject site is located in direct proximity to critical supporting infrastructure, including the Rockhampton Base Hospital and Hillcrest Private Hospital, which will service the needs of residents residing at the premises;
- c) The design of the facility will exhibit a high degree of visual amenity by using variations in colour, materials and landscaping treatments which are complementary to the surrounding area in order to maintain the immediate residential streetscape and character;
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- e) 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
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, Retirement Facility and Community Use, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning and Development, located at 60 West Street, The Range, described as Lot 2 on CP890319 and Lot 4 SP220782, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
 unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Sewerage Works;
 - (iv) Stormwater Works;
 - (v) Roof and Allotment Drainage;
 - (vi) Site Works;
 - 1.5.2 Plumbing and Drainage Works;
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 Lot 2 on CP890319 and Lot 4 on SP220782 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
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Basement Site Master Plan	SD-0101	24 September 2019
Ground Level Site Master Plan	SD-0102	24 September 2019
Level 1 Site Master Plan	SD-0103	24 September 2019
Level 2 Site Master Plan	SD-0104	16 July 2019
Basement Staging Plan	SD-0121	24 September 2019
Ground Level Staging Plan	SD-0122	24 September 2019
Level 1 Staging Plan	SD-0123	24 September 2019
Level 2 Staging Plan	SD-0124	16 July 2019
Building A (RAC) Ground Level GA Plan	A-SD-1001	16 July 2019
Building A (RAC) Level 1 GA Plan	A-SD-1002	16 July 2019
Building A (RAC) Level 2 GA Plan	A-SD-1003	16 July 2019
Building A (RAC) Level 3 GA Plan	A-SD-1004	16 July 2019
Building A (RAC) Roof Plan	A-SD-1005	16 July 2019
Building A (RAC) North East Elevation and South East Elevation	A-SD-2001	16 July 2019
Building A (RAC) North West Elevation and South West Elevation	A-SD-2002	16 July 2019
Building B (ILU) Basement GA Plan	B-SD-1001	24 September 2019
Building B (ILU) Ground Level GA Plan	B-SD-1002	24 September 2019
Building B (ILU) Ground Level Kitchen / Laundry GA	B-SD-1003	21 March 2019
Building B (ILU) Level 1 GA Plan	B-SD-1004	24 September 2019
Building B (ILU) Level 2 GA Plan	B-SD-1005	8 March 2019
Building B (ILU) Level 3 GA Plan	B-SD-1006	8 March 2019

Building B (ILU) Level 4 GA Plan	B-SD-1007	8 March 2019
Building B (ILU) Roof Plan	B-SD-1008	8 March 2019
Building B (ILU) North East Elevation	B-SD-2001	24 September 2019
Building B (ILU) Cambridge Street Elevation	B-SD-2002	24 September 2019
Building B (ILU) South West Elevation	B-SD-2003	8 March 2019
Building B (ILU) North West Elevation	B-SD-2004	8 March 2019
Building C (RAC) Car Park Level GA Plan	C-SD-1001	8 March 2019
Building C (RAC) Ground / Street Level GA Plan	C-SD-1002	8 March 2019
Building C (RAC) Level 1 GA Plan	C-SD-1003	8 March 2019
Building C (RAC) Level 2 GA Plan	C-SD-1004	8 March 2019
Building C (RAC) Roof Plan	C-SD-1005	8 March 2019
Building C (RAC) North West and South West Elevations	C-SD-2001	8 March 2019
Building C (RAC) South East and North East Elevations	C-SD-2002	8 March 2019
West and Cambridge Street Elevations	SD-0201	24 September 2019
Lennox and Voss Park Elevations	SD-0202	16 July 2019
Site Sections	SD-0301	16 July 2019
Landscape Concept	1018050	4 April 2019
Engineering Infrastructure Report	18-001613	8 April 2019
Traffic Engineering Report	DA RFI V02b	September 2019
Waste Management Plan	-	August 2019
RE: 60 West Street, The Range – Benevolent Aged Care, Rockhampton Airport	062701-01	No date.

	Obstacle Limitation Surfaces Study		
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	Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.		
3.0	<u>STAGED DEVELOPMENT</u>		
3.1	This development approval is for a development to be undertaken in three (3) discrete stages, namely:		
	3.1.1 Building A (Stage One);		
	3.1.2 Building B (Stage Two); and		
	3.1.3 Building C (Stage Three).		
	in accordance with the approved plan (refer to condition 2.1).		
	The stages are not required to be undertaken in any chronological order.		
4.0	<u>ROAD WORKS</u>		
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), <i>Capricorn Municipal Development Guidelines</i> , relevant <i>Australian Standards</i> , <i>Austrroads Guidelines</i> and the provisions of a Development Permit for Operational Works (road works).		
4.3	On-street parking spaces along Lennox Street and West Street must be lined marked for the full frontage of the development site. Appropriate line marking must be provided to this effect in accordance with <i>Australian Standard AS1742.1 "Manual of uniform traffic control devices"</i> and <i>Australian Standard AS2890.1 "Parking facilities and the provisions of a Development Permit for Operational Works (Road Works)</i> .		
	<u>Note:</u> No on-street parking will be approved on West Street between the proposed new driveway access to Building B and West Street/Cambridge Street intersection.		
4.4	The existing 'Loading Zone' signs on Lennox Street must be removed and the pavement area must be utilised for rear-in angled parking spaces.		
4.5	A concrete pathway, with a minimum width of 1.2 metres, must be constructed to match the existing pathway of Cambridge and Lennox Street for the full frontage of the development site.		
4.6	All pathways and access ramps must be designed and constructed in accordance with <i>Australian Standard AS1428 "Design for access and mobility"</i> .		
4.7	All pathways located within a road reserve or Public use land must be provided with public space lighting in accordance with <i>Australian Standard AS1158 "Lighting for roads and public spaces"</i> .		
4.8	All pathways must incorporate kerb ramps at all road crossing points.		
4.9	Traffic signs and pavement markings must be provided in accordance with the <i>Manual of Uniform Traffic Control Devices – Queensland</i> . Where necessary, existing traffic signs and pavement markings must be modified in accordance with the <i>Manual of Uniform Traffic Control Devices – Queensland</i> .		
5.0	<u>ACCESS AND PARKING WORKS</u>		

- 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 The existing accesses to the development at Lennox Street must be consolidated to one access location.
- 5.5 Two (2) new accesses to the development must be provided at West Street (refer to condition 2.1).
- 5.6 Service and delivery vehicles, including refuse collection vehicles must be via Cambridge Street access only.
- 5.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.8 All vehicles must ingress and egress the development in a forward gear.
- 5.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 5.10 A minimum of 75 parking spaces must be provided on-site.
- 5.11 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"*.
- 5.12 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).
- 5.13 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 5.14 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"*.
- 5.15 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.16 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.17 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 6.0 SEWERAGE WORKS
- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 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 2017* and the provisions of a Development Permit for Operational Works (sewerage works).

- 6.3 The development must be connected to Council's reticulated sewerage network.
- 6.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.5 A section of existing 150 millimetre diameter Gravity Sewerage Main must be diverted around proposed Building B in accordance with the approved plans (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 128 of the *Planning Act 2016*.
- 6.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 6.7 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.
- 6.8 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*.
- 6.9 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.
- 6.10 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

7.0 WATER WORKS

- 7.1 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, and Plumbing and Drainage Act 2002*.
- 7.2 The development must be connected to Council's reticulated water network.
- 7.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 7.4 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 7.5 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.

8.0 PLUMBING AND DRAINAGE WORKS

- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 8.2 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.
- 8.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.

9.0 STORMWATER WORKS

- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved Engineering Infrastructure Report (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater must drain to a demonstrated 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.
- 9.4 Easements must be provided over any other land required to accommodate the flows associated with the subject development.
- 9.5 Easements must be provided over all land assessed to be within the inundation area in a one per cent (1%) Annual exceedance probability flood event.
- 9.6 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).
- 9.7 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner.

10.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 10.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 10.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 10.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

11.0 SITE WORKS

- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 11.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.2.1 the location of cut and/or fill;
 - 11.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 11.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

- 11.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 11.2.5 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.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 11.4 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.
- 11.5 Any 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).
- 11.6 All site works must be undertaken to ensure that there is:
 - 11.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 11.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 11.6.3 a lawful point of discharge to which the approved works drain during construction phase.
- 12.0 **BUILDING WORKS**
- 12.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and proposed structures on the development site.
- 12.2 Any additional structures proposed on top of the approved buildings which have not been identified on the approved plans (refer to condition 2.1) must be referred to the Rockhampton Regional Airport for approval prior to construction to ensure that there is no obstruction into the Obstacle Limitation Surface.

Note: This includes any additional masts, aerals, satellites, chimneys or the like.
- 12.3 There must be no light sources or reflective surfaces installed on any of the proposed buildings which may generate a distraction to pilots during both construction and throughout the commencement of the use.
- 12.4 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 2008* and must be:
 - 12.4.1 of a sufficient size to accommodate commercial type 2 x 6m³ Skip Bins, 4 x 200L Recycle Bins, 10 x 240L Recycle Bins, 1 x small Bin and 1 x 8m³ large Skip Bin that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
 - 12.4.2 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.

13.0 LANDSCAPING WORKS

- 13.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.
- 13.2 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.
- 13.3 Council approval must be obtained prior to the removal or interference of street trees located on Council land in accordance with Council's Tree Management Policy.

14.0 ENVIRONMENTAL HEALTH

- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as to not 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"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

15.0 ELECTRICITY

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

16.0 TELECOMMUNICATIONS

- 16.1 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.

17.0 ASSET MANAGEMENT

- 17.1 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.
- 17.2 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.
- 17.3 '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)*.

18.0 OPERATING PROCEDURES

- 18.1 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 West Street, Cambridge Street or Lennox Street.

- 18.2 The Rockhampton Regional Airport must be notified of any temporary obstacles that may infringe the Obstacle Limitation Surface (OLS), prior to the commencement of any construction works on the site. If the obstacle does infringe, a "Notice to Airmen" (NOTAM) must be lodged with the relevant aviation authority to notify aircraft pilots of the obstacle, prior to works taking place.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. Licensable Activities

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

NOTE 5. General Safety Of Public During Construction

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

NOTE 6. Infrastructure Charges Notice

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

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Residential Care Facility, Retirement Facility and Community Use, made by Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning and Development, located at 60 West Street, The Range, described as Lot 2 on CP890319 and Lot 4 SP220782, Parish of Rockhampton, Council resolves to issue an Infrastructure Charges Notice for the amount of \$1,085,317.50.

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

11.2 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER**File No:** 12660**Attachments:**

1. Safety in Recreational Water Activities Act 2011 Delegation Register
2. Strong and Sustainable Resource Communities Act 2017 Delegation Register
3. Summary Offences Regulation 2006 Delegation Register
4. Survey and Mapping Infrastructure Act 2003 Delegations Register
5. Trusts Act 1973 Delegations Register

Authorising Officer: Tracy Sweeney - Manager Workforce and Governance**Author:** Allysa Brennan - Coordinator Legal and Governance

SUMMARY

This report seeks Council's approval for delegations under State legislation to the position of Chief Executive Officer.

COUNCIL RESOLUTION**THAT:**

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the registers attached to this report:
 1. *Safety in Recreational Water Activities Act 2011*
 2. *Strong and Sustainable Resource Communities Act 2017*
 3. *Summary Offences Regulation 2006*
 4. *Survey and Mapping Infrastructure Act 2003*
 5. *Trusts Act 1973*
2. These powers must be exercised subject to any limitations contained in schedule 2 of the attached Delegation Registers.

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

11.3 CENTRAL QUEENSLAND BUSHFIRES FLEXIBLE FUNDING GRANTS - ROUND TWO**File No:** 54**Attachments:**

1. CQ Bushfires Funding Grant Fact Sheet
2. CQ Bushfires Funding Grant Information Paper

Authorising Officer: Matthew Mansfield - Coordinator Media and Communications
Damon Morrison - Executive Coordinator to the Mayor**Author:** Camille Steinberger - Community Engagement Officer

SUMMARY

Round two of the Central Queensland Bushfires Flexible Funding Grants has opened for funding submissions. This report seeks Council approval to submit an application for the roll-out of digital noticeboards as proposed in the report.

9:25AM Councillor Schwarten left the meeting

9:31AM Councillor Schwarten returned to the meeting

COUNCIL RESOLUTION

THAT Council approves the submission of a grant application for \$150,000 under Central Queensland Bushfires – Category C Flexible Funding Grants Program Round 2 for the Digital Noticeboard Project.

Moved by: Councillor Williams**Seconded by:** Councillor Smith**MOTION CARRIED****COUNCIL RESOLUTION**

THAT Council prepares a grant submission for later rounds for the use of fire resistant plants as a buffer in urban areas.

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

11.4 CORPORATE SERVICES DEPARTMENT - MONTHLY OPERATIONAL REPORT - SEPTEMBER 2019**File No:** 1392**Attachments:**

1. CTS Monthly Report - September 2019
2. ES Monthly Report - September 2019
3. Finance Monthly Report - September 2019
4. SP Monthly Report - September 2019

Authorising Officer: Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

The monthly operations report for the Corporate Services Department as at 30 September 2019 is presented for Councillors information.

COUNCIL RESOLUTION

THAT the Corporate Services Departmental Operations report as at 30 September 2019 be 'received'.

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

**11.5 PROPOSED INTERNATIONAL TRAVEL TO CHINA - INVITATION TO PRESENT
AT THE 2019 CHINA HI-TECH FAIR**

File No: 8308
Attachments: 1. 2019 China Hi-Tech Forum - Asia-Pacific
Smart City Development Forum Agenda
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Drew Stevenson - Manager Corporate & Technology

SUMMARY

This report seeks Council approval for the Manager Corporate & Technology and SmartHub Business Manager to attend the 2019 China Hi-Tech Fair in Shenzhen China to present a case study of our region's implementation of our award winning Smart Way Forward Strategy.

COUNCIL RESOLUTION

THAT Council approves the international travel for the Manager Corporate & Technology and SmartHub Business Manager to visit Shenzhen China to present the region's Smart Way Forward Strategy implementation at the 2019 China Hi-Tech Fair.

Moved by: Councillor Schwarten

Seconded by: Councillor Wickerson

MOTION CARRIED

11.6 OFFICE OF THE CEO DEPARTMENT - MONTHLY OPERATIONAL REPORT - SEPTEMBER 2019**File No:** 1830**Attachments:**

1. Office of the CEO and Office of the Mayor - Monthly Report - September 2019
2. Workforce and Governance - Monthly Report - September 2019

Authorising Officer: Evan Pardon - Chief Executive Officer**Author:** Tracy Sweeney - Manager Workforce and Governance

SUMMARY

The monthly operations report for the Office of the CEO Department for the period ending 30 September 2019 is presented for Councillors information.

COUNCIL RESOLUTION

THAT the Office of the CEO Departmental Operations Report as at 30 September 2019 be "received".

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

11.7 WASTE STRATEGY PUBLIC CONSULTATION PROPOSAL

File No: 13511
Attachments: 1. Draft Waste Strategy for Public Consultation
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

SUMMARY

The report is to seek Council's endorsement to proceed to a formal public consultation of the draft Rockhampton Regional Council Waste Strategy 2020-2030.

COUNCIL RESOLUTION

THAT Council endorses the draft document "Rockhampton Regional Council Waste Strategy 2020-2030" and it be distributed for a 28 day public consultation as detailed in the report.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

11.8 ADVANCE ROCKHAMPTON OPERATIONAL REPORT SEPTEMBER 2019**File No:** 12614**Attachments:** 1. Advance Rockhampton Operational Report
September 2019**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Marcus Vycke - Acting General Manager Advance
Rockhampton

SUMMARY

The monthly operations report for the Advance Rockhampton Unit over the month of September 2019 is presented for Councillors' information.

COUNCIL RESOLUTION

THAT the Advance Rockhampton Operational Report for September 2019 be received.

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

12 NOTICES OF MOTION

Councillor Stephen Schwarten tabled a Notice of Motion as follows and indicated his intention to move it at the next Council Meeting on 5 November 2019:

THAT

- (a) Council rescinds and otherwise revokes the Resolution of the Ordinary meeting held on 1 October 2019 "That Council accepts the proposal to trial six (6) locations for paver rectification in the report" about Quay Street.*
- (b) Council adopts a different Resolution providing for qualified private consulting civil engineering parties to be engaged to best recommend to Council what best to do to fix the problem that is the crumbling roadway surface in the interest of present and future residents of Rockhampton Region.*

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS**14.1 EXCAVATION AND CLEAN-UP OF MURRAY LAGOON AND O'SHANESY PARK BASINS****File No: 8029****Responsible Officer: Evan Pardon – Chief Executive Officer****COUNCIL RESOLUTION**

THAT Council authorise \$60,000 to be expended on excavating and clean-up of Murray Lagoon and O'Shanesy Park basins following receipt of any environmental approvals. The funds are to come from existing budgets.

Moved by: Councillor Rutherford**Seconded by: Councillor Fisher****MOTION CARRIED**

15 CLOSED SESSION

In accordance with the provisions of section 275 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 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Rookwood Weir

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage (confidential briefing from proponent).

Moved by: Councillor Schwarten

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.2 D/117-2017 - Update on the Ellida Estate Development

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

Moved by: Councillor Schwarten

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.3 Legal Matters Report - July to September 2019

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

Moved by: Councillor Schwarten

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION**10:10AM**

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Schwarten

Seconded by: Councillor Fisher

MOTION CARRIED

10:42AM Councillor Schwarten left the meeting and did not return.

10:48AM Councillor Fisher left the meeting and did not return.

COUNCIL RESOLUTION**11:13AM**

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 ROOKWOOD WEIR

File No: 2830

Attachments: Nil

Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Peter Kofod - General Manager Regional Services

Author: Angus Russell - Manager Strategy and Planning
Jason Plumb - Manager Fitzroy River Water

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage (Confidential briefing from proponent).

SUMMARY

The report provides discussion of recent developments in relation to Rookwood Weir.

COUNCIL RESOLUTION

That Council prepare correspondence and statements in line with the recommendations contained within the report.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

16.2 D/117-2017 - UPDATE ON THE ELLIDA ESTATE DEVELOPMENT

File No: D/117-2017
Attachments: 1. Locality Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Thomas Gardiner - Planning Officer

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

Development Application Number: D/117-2017
Applicant: Stockland Development Pty Ltd C/O RPS
Real Property Address: 23-27 William Palfrey Road, 923-947 Yaamba Road and 985-1005 Yaamba Road, Parkhurst
Common Property Address: Lot 5 on SP238731, Lot 22 and Lot 23 on SP134380, Lot 49 on SP129857 and Lot 41 on SP226571, Parish of Murchison
Area of Site: 77.36 hectares
Planning Scheme: Rockhampton Region Planning Scheme 2015
Planning Scheme Zone: Low-Medium Density Residential Zone
Current Approval: Development Permit for Reconfiguring a Lot (one lot into 126 lots) (121 residential lots, 2 management lots, 1 active open space lot, 1 linear open space lot, and 1 balance lot)

COUNCIL RESOLUTION

THAT the update on application D/117-2017 Ellida Estate Development be received and the changes outlined in the report be endorsed.

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

16.3 LEGAL MATTERS REPORT - JULY TO SEPTEMBER 2019**File No:** 1830**Attachments:** 1. Legal Matters Report - 1 July to 30 September 2019**Authorising Officer:** Tracy Sweeney - Manager Workforce and Governance**Author:** Allysa Brennan - Coordinator Legal and Governance

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

Presenting an update of current legal matters that Council is involved in as at 30 September 2019.

COUNCIL RESOLUTION

THAT the legal matters report containing updates on legal matters for Rockhampton Regional Council as at 30 September 2019 be received.

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

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:15am.

SIGNATURE

CHAIRPERSON

DATE