



ORDINARY MEETING

MINUTES

23 MARCH 2021

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 23 MARCH 2021 COMMENCING AT 9:07AM**

1 OPENING

- 1.1 Acknowledgement of Country

Meeting Adjourned

COUNCIL RESOLUTION

9:10AM

THAT the meeting be adjourned for 10 minutes or until such time that the technical issues are resolved.

Moved by: Councillor Fisher
Seconded by: Councillor Wickerson

MOTION CARRIED

9:23AM The meeting resumed.

2 PRESENT

Members Present:

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

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
Mr G Bowden – Executive Manager Advance Rockhampton
Mr D Morrison – Manager Office of the Mayor
Mr M O’Keeffe – Manager RRWR
Ms A O’Mara – Acting Coordinator Development Assessment
Mr B Koelmeyer – Planning Officer
Ms G Dwyer – Senior Communications Officer
Ms L Leeder – Senior Committee Support Officer
Ms K Walsh – Committee Support Officer

Via Webex:

Ms T Sweeney – Executive Manager Workforce and Governance
Ms M Taylor – Chief Financial Officer
Mr M Crow – Manager Infrastructure Planning
Mr A Collins – Manager Project Delivery
Ms A Brennan – Coordinator Legal and Governance
Mr G Sheppard – Senior Executive Economic Development
Mr M Mansfield – Coordinator Media and Communications
Mr A Hodges – Coordinator Community Assets

3 APOLOGIES AND LEAVE OF ABSENCE

The Mayor, Councillor A P Williams tendered his apology.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 9 March 2021 be confirmed.

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

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9:25AM Councillor Smith informed the meeting:

“I inform this meeting that I have a declarable conflict of interest in **Item 10.3 – Disposal of Council Assets – Victoria Park Tennis Courts Shed**. This declarable conflict of interest arises as my nephew Rhett McKinnon has a permanent job with Tennis Queensland as Junior Development Officer.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.”

9:26AM Councillor Donna Kirkland informed the meeting:

I have a personal interest in the South Rockhampton Flood Levee as my husband, Brett Kirkland and I lease a premises at 55 Gladstone Road, Allenstown, the company business name is Dalkrik Pty Ltd trading as Ultratune South Rockhampton.

Item 8.1.4 – Rockhampton Regional Council – Outcomes of Queensland Treasury Corporation Financial Performance Review and Credit Review, Item 8.1.6 – Finance Section Update and Item 8.1.10– Risk Registers – Quarterly Update as at 31 January 2021 mention the South Rockhampton Flood Levee, however as the reports are at a high level providing information and are not for decision making, I do not believe I have a declarable conflict of interest in these items.

However, if there is discussion on the South Rockhampton Flood Levee, I will declare a declarable conflict of interest and leave the meeting.”

9:27AM Councillor Kirkland informed the meeting:

"I inform this meeting that I have a declarable conflict of interest in **Item 10.5** - *Request for Negotiated Decision to Development Permit D/28-2020 for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (Two (2) Freestanding Signs, One (1) Canopy Sign and One (1) Fascia Sign*. This declarable conflict of interest arises because a related party, my son-in-law Troy Graham is a beneficiary and employee of his parents' business, HD Engineering Designs and Professionals and the property is located at 18 Albert Street, Rockhampton City.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on."

9:28AM Councillor Latcham informed the meeting:

"I inform this meeting that I have a declarable conflict of interest in **Item 10.3** – *Disposal of Council Assets – Victoria Park Tennis Courts Shed*. This declarable conflict of interest arises because I am a Trustee for a Family Trust that owns a tennis complex in North Rockhampton.

I propose to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on."

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 PRESENTATION OF PETITIONS

Nil

8 COMMITTEE REPORTS

8.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 11 MARCH 2021

COUNCIL RESOLUTION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 11 March 2021 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Councillor Latcham

Seconded by: Councillor Kirkland

MOTION CARRIED

(**Note:** The complete minutes are contained in the separate Minutes document)

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.1 CALL FOR AUDIT AND BUSINESS IMPROVEMENT COMMITTEE CHAIRPERSON NOMINATIONS****File No:** 3012**Authorising Officer:** John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer**Author:** Kisane Ramm - Senior Risk and Assurance Advisor

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

Nominations are being called from Audit and Business Improvement Committee members to fill the vacant chairperson role.

COMMITTEE RECOMMENDATION

THAT the Audit and Business Improvement Committee recommends Council appoints Mr G Mullins as the Audit and Business Improvement Committee Chairperson.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.2 CEO UPDATE****File No:** 13900**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

SUMMARY

The CEO will update the committee on any matters of importance.

COMMITTEE RECOMMENDATION

THAT the update provided by the Deputy Chief Executive Officer be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.3 EXTERNAL AUDIT PLAN 2021 AND QAO BRIEFING PAPER**

File No: 9509
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The External Audit Plan from Council's Auditors, Thomas Noble & Russell Chartered Accountants (TNR), together with a Briefing Paper from Queensland Audit Office (QAO) are provided for Committee review.

COMMITTEE RECOMMENDATION

THAT the 2021 External Audit Plan be endorsed and the Queensland Audit Office Briefing Paper be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.4 ROCKHAMPTON REGIONAL COUNCIL - OUTCOMES OF QUEENSLAND TREASURY CORPORATION FINANCIAL PERFORMANCE REVIEW AND CREDIT REVIEW**

File No: 2114
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Presentation of the outcomes of the Financial Performance Review and Credit Review of Council, carried out by Queensland Treasury Corporation (QTC).

COMMITTEE RECOMMENDATION

THAT the Financial Performance Review and Credit Review Reports provided by Queensland Treasury Corporation (QTC) be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.5 ASSET REVALUATIONS 2020/2021**

File No: 5960
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The purpose of this report is to inform the Audit and Business Improvement Committee regarding the Asset Revaluations for the 2020/21 reporting year.

Key items included are summary comments/highlights regarding the status of the Infrastructure Airport, Infrastructure Bridges, stage two Infrastructure Roads revaluations, indices analysis for 2020/21, and Buildings indexation applied 01/07/2020.

Procurement processes have been completed in relation to service providers to support the revaluation of Airport and Bridge, and the interim assessments of indices for application to asset classes not due for comprehensive revaluation.

COMMITTEE RECOMMENDATION

THAT the members of the Audit and Business Improvement Committee note the contents of this report.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.6 SAFETY STATISTICS SUMMARY AS AT 31 DECEMBER 2020**

File No: 8780
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Tony Hauenschild - Coordinator Safety and Training

SUMMARY

Submission of the Safety Statistics Summary as at 31 December 2020.

COMMITTEE RECOMMENDATION

THAT the Safety Statistics Summary as at 31 December 2020 be 'received'.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.7 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

File No: 5207
Authorising Officer: Tracy Sweeney - Executive Manager Workforce and Governance
Author: Travis Pegrem - Coordinator Workforce Relations and Ethics

SUMMARY

Coordinator Workforce Relations and Ethics presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.

COMMITTEE RECOMMENDATION

THAT the update of Investigative and Legal matters for Rockhampton Regional Council be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.8 FINANCE SECTION UPDATE**

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

SUMMARY

Chief Financial Officer providing a Financial Update on year to date matters for 2020/2021.

COMMITTEE RECOMMENDATION

THAT the Finance Section Update be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.9 LOSS / THEFT ITEMS - SEPTEMBER 2020 TO FEBRUARY 2021**

File No: 3911
Authorising Officer: Drew Stevenson - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Anderson - Coordinator Property & Insurance

SUMMARY

Presenting details of the Loss / Theft register for the period 1 September 2020 to 28 February 2021.

COMMITTEE RECOMMENDATION

THAT the Committee 'receives' the Loss/Theft Report for the period 1 September 2020 to 28 February 2021.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.10 RISK REGISTERS - QUARTERLY UPDATE AS AT 31 JANUARY 2021**

File No: 8780
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Submission of the quarterly risk register updates, as at 31 January 2021, for Audit and Business Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

THAT the Committee "receives" the quarterly risk register updates as at 31 January 2021, as presented in the attachments to this report, and recommends they be adopted by Council.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.11 QUALITY ASSURANCE AND IMPROVEMENT PROGRAM - ASSERTIONS AND DECLARATIONS**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

Internal Audit's assertions and declarations are provided for the information of the Committee.

COMMITTEE RECOMMENDATION

THAT Internal Audit's assertions and declarations be "received" and noted.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.12 ANNUAL AUDIT PLAN 2020-21 MID-YEAR UPDATE**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The original Annual Audit Plan for 2020-21 is re-presented, having undergone a mid-year review, for the consideration by the committee.

COMMITTEE RECOMMENDATION

THAT:

1. The updated Annual Audit Plan 2020-21 be "received" and that the rolling adjustments to the plan be reviewed by the committee, before approval by the CEO; and
2. The committee only requires input to audit scope at the time of developing the Annual Audit Plan.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.13 ANNUAL AUDIT PLAN 2020-2021 PROGRESS UPDATE**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

An update is provided on progress against the approved Annual Audit Plan for the period 20 November to 1 March 2021, as per Local Government Regulation – S207 (1)

COMMITTEE RECOMMENDATION

THAT the Annual Audit Plan update be received and progress noted.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.14 ACTION PROGRESS REPORT**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Action Progress Report is required twice yearly, as per the Local Government Regulation – S207(3), and S211 (1).

COMMITTEE RECOMMENDATION

THAT:

1. The progress report be received and status of actions noted.
2. The committee formalise its acceptance of the report and frequency of reporting, being acceptable, via resolution, moving forward:
 - i.e. the committee is satisfied that-
 - **Frequency** of reporting is acceptable (being **twice yearly**) moving forward
 - **Detail** of reporting is acceptable (being as per the proposed standard attachment)

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.15 INTERNAL AUDIT - COUNCILLOR DISCRETIONARY FUND**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The planned review of Councillor Discretionary Fund is provided for review by the Committee.

COMMITTEE RECOMMENDATION

THAT the review of Councillor Discretionary Fund be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.16 INTERNAL AUDIT - PCI DSS**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The planned review of Payment Card Industry Data Security Standard (PCI DSS) is provided for review by the Committee.

COMMITTEE RECOMMENDATION

THAT the PCI DSS Review be received.

Recommendation of the Audit and Business Improvement Committee, 11 March 2021**8.1.17 INTERNAL AUDIT - DAMAGE TO VEHICLES (FLEET)**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The planned review of Damage to Vehicles (Fleet) covering 2019-2020 Financial Year is provided to the Committee for their review.

Attention is drawn to – A Report Addendum, which includes some additional comments and a status update, made post the management signoff of the report.

COMMITTEE RECOMMENDATION

THAT the Damage to Vehicles (Fleet) report be received.

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 OFFICERS' REPORTS

10.1 RESOLUTION FOR EOI - E-SCOOTERS

File No: 1291
Authorising Officer: Greg Bowden - Executive Manager Advance
Rockhampton
Author: Graham Sheppard - Senior Executive Economic
Development

SUMMARY

The purpose of this report is to seek a Council resolution in calling Expressions of Interest (EOI) for the operation of e-scooters in the Rockhampton city. The EOI process aims to shortlist suitable applicants with a range of ideas for this unique opportunity.

COUNCIL RESOLUTION

THAT Council resolves to call for public Expressions of Interest for the operation of e-scooters in the Rockhampton City in accordance with section s228 of the *Local Government Regulation 2012*.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.2 AIRPORT FLIGHT INFORMATION DISPLAY SYSTEM SOLE SOURCE SUPPLIER ARRANGEMENT

File No: 1656
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

The purpose of this report is to seek a Council resolution that the nominated Airport Flight Information Data System vendors / suppliers are deemed as specialised or sole suppliers in accordance with Section 235 (a) and (b) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT the matter lay on the table until later in the meeting, and that further advice be provided at that time.

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

10.3 DISPOSAL OF COUNCIL ASSETS

9:38AM

Councillor Smith left the meeting room having earlier declared a conflict of interest in this matter.

9:38AM

Councillor Latcham left the meeting room having earlier declared a conflict of interest in this matter.

9:39AM

Councillor Smith and Councillor Latcham returned to the meeting room to discuss all items detailed in the report excluding the matter pertaining to declarable conflicts of interest - *Victoria Park Tennis Courts Shed*.

File No: 1464
Authorising Officer: Richard Dunkley - Manager Community Assets and Facilities
Alicia Cutler - General Manager Community Services
Author: Anthony Hodges - Coordinator Community Assets

SUMMARY

The properties nominated in this report are at, or approaching, end of life and require significant remedial or maintenance works in order to retain them. This report details a plan over the next 3 years to dispose of the nominated properties and offset the cost of demolition with the sale of three additional properties.

COUNCIL RESOLUTION

THAT Council approves the plan to dispose of the nominated properties and associated structures as detailed in the report excluding Victoria Park Tennis Courts Shed.

Moved by: Councillor Wickerson
Seconded by: Councillor Fisher

MOTION CARRIED

Councillors Kirkland, Fisher, Wickerson, Mathers, Smith, Latcham voted for the motion
Councillor Rutherford voted against the motion

9:45AM

Councillor Smith and Councillor Latcham left the meeting room having earlier declared a declarable conflict of interest in this item - *Victoria Park Tennis Courts Shed*.

COUNCIL RESOLUTION

THAT Council approves the plan to dispose of Victoria Park Tennis Courts Shed as detailed in the report.

Moved by: Councillor Wickerson

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

Councillors Rutherford, Kirkland, Wickerson, Mathers and Fisher voted for the motion.

9:47AM

Councillor Smith and Councillor Latcham returned to the meeting room

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10.4 FITZROY BASIN ASSOCIATION - SPECIALISED SUPPLIER APPROVAL

File No: 3084 3086 5883
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Martin Crow - Manager Infrastructure Planning

SUMMARY

The purpose of this report is to seek a Council resolution that the Fitzroy Basin Association is deemed a specialised supplier in accordance with Section 235(b) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT pursuant to s235(b) of the *Local Government Regulation 2012* Council approve Fitzroy Basin Association Inc as a specialised supplier for Fitzroy Basin wide Natural Resource Management and Resilience project coordination, administration and delivery services.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.5 REQUEST FOR A NEGOTIATED DECISION TO DEVELOPMENT PERMIT D/28-2020 FOR A MATERIAL CHANGE OF USE FOR A SERVICE STATION AND OPERATIONAL WORKS FOR ADVERTISING DEVICES (TWO (2) FREESTANDING SIGNS, ONE (1) CANOPY SIGN AND ONE (1) FASCIA SIGN

9:51AM

Councillor Kirkland left the meeting room having earlier declared a conflict of interest in this matter.

9:51AM

Ms T Sweeney was placed in the "Webex Lobby" and was excluded from the meeting while this matter was discussed and voted on.

File No: D/28-2020
Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/28-2020
Applicant: RCI Group
Real Property Address: Lot 1, 2, 3, 4 and 5 on RP600729
Common Property Address: 20-26 Albert Street and 34 Kent Street, Rockhampton City
Area of Site: 2,023 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.1)
Planning Scheme Zone: Low-Medium Density Residential Zone
Planning Scheme Overlays: Acid Sulfate Soils Overlay
Airport Environs Overlay
Approval Sought: Negotiated Decision Notice for Development Permit D/28-2020 for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (two (2) Freestanding Signs, one (1) Canopy Sign and one (1) Fascia Sign)
Infrastructure Charges Area: Charge Area 2

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use and Operational Works for a Service Station and Operational Works for Advertising Devices (two (2) Freestanding Signs, one (1) Canopy Sign and one (1) Fascia Sign), made by RCI Group, located at 20-26 Albert Street and 34 Kent Street, Rockhampton City, described as Lot 1, 2, 3, 4 and 5 on RP600729 - Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (two (2) Freestanding Signs, one (1) Canopy Sign and one (1) Fascia Sign)
Reasons for Decision	<p>a) The proposed development is located along a State Controlled Road corridor, with existing amenity impacts onto the adjoining residential properties;</p> <p>b) The Planning Scheme contemplates the establishment of non-residential land uses, and specifically references Service Stations within the Performance Outcomes of the Low-Medium Density Residential Zone Code;</p> <p>c) The proposed development will not adversely affect the safety, amenity and well-being of sensitive land uses in proximity to the subject site with appropriate mitigation measures that can be conditioned;</p> <p>d) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>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;</p> <p>f) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>g) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT to reflect the above changes, RCI Group, be issued with a Negotiated Decision Notice:

Part A - Material Change of Use for a Service Station1.0 ADMINISTRATION

1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or

- discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) 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; 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 Lots 1, 2, 3, 4 and 5 on RP600729 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:

Drawing/report title	Prepared by	Date	Reference number	Revision
Title Page and Site Locality Plan	TRG	3 September 2020	TP01	B
Existing Conditions & Demolition Plan	TRG	13 February 2020	TP02	0
Proposed Site Plan	TRG	3 September 2020	TP03	E
Proposed Floor Plan	TRG	3 September 2020	TP04	C
Proposed Elevations	TRG	3 September 2020	TP05	C
Environmental Noise Assessment	RoadPro Acoustics	13 May 2020	1237R1-R1	1
Traffic Impact Assessment Report	McMurtrie Consulting Engineers	21 February 2020	053-19-20	A
General Notes	Eclipse Consulting Engineers	23 February 2020	C01-B	B
Sediment & Erosion Control Plan	Eclipse Consulting Engineers	27 February 2020	C02-A	A
Stormwater Catchment Area Plan	Eclipse Consulting Engineers	23 April 2020	C03-B	B
External Pavement Plan and Details	Eclipse Consulting Engineers	27 February 2020	C05-A	A
Bulk Earthworks Cut and Fill Plan	Eclipse Consulting Engineers	23 April 2020	C08-B	B
Site Cross Sections	Eclipse Consulting Engineers	27 February 2020	C09-A	A
Site Analysis Plan	JK's Garden Creations	21 April 2020	Sheet 1 of 3	-
Landscape Plan	JK's Garden Creations	21 April 2020	Sheet 2 of 3	-
Specification Plan	JK's Garden Creations	21 April 2020	Sheet 3 of 3	-

Note: The Water Cycle Management Plan report and related drawings including Stormwater Drainage Plan, Stormwater Details (Sheet 1 of 2 and Sheet 2 of 2) are not approved at this time, as part of this application. This information will need to be submitted and approved as part of the Operational Works application, refer to condition 8.6.

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 ROAD WORKS

3.1 The existing landscaping island with street tree located within the road in front of the shared boundary between 33 and 37 Kent Street (Lot 1 on RP608023 and Lot 1 on RP618028), must be removed as part of the Operational Works application. 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 these works are being carried out must be repaired to Council's satisfaction, 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 while undertaking the works.

Note: These works are required to facilitate a safer right turn movement by heavy vehicles egressing the site onto Kent Street, which must occur as perpendicular as possible, while avoiding vehicle tracking diagonally south along Kent Street.

4.0 ACCESS AND PARKING WORKS

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

4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 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).

4.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

4.5 All vehicles must ingress and egress the development in a forward gear.

4.6 Vehicle ingress to the development site via Kent Street is prohibited, only vehicle egress is permitted using this access. A property note to this effect will be entered against the development. In this regard, appropriate signage and/or line-marking must be included with the Operational Works application.

4.7 Vehicle egress via Kent Street is restricted to a 'Right Turn' movement only. Relevant signage and line-marking, or alternate measures, are to be addressed as part of the Operational Works application.

4.8 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

4.9 A minimum of eight (8) parking spaces must be provided on-site.

- 4.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.11 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.12 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.13 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.15 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

5.0 SEWERAGE WORKS

- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 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).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage manhole and associated sewerage main that is shown underneath the proposed canopy must be relocated / realigned such that it is located outside the footprint of the canopy and complies with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.5 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.
- 5.6 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.

6.0 WATER WORKS

- 6.1 The development must be connected to Council's reticulated water network.
- 6.2 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 and Plumbing and Drainage Act 2002*.
- 6.3 The development must be connected to the water supply network via a single water connection point. All other redundant connection points must be removed. A hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.4 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.5 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.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure and construction of new structures on the development site.
- 7.2 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.
- 7.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing buildings must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 7.4 If required, 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.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 8.2 All stormwater 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 (stormwater works).
- 8.3 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.
- 8.4 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.
- 8.5 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).
- 8.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Plan, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 8.6.1 details of how the peak discharges for all rainfall events up to and including a one per cent (1%) Annual exceedance probability flood event for the pre-development and post-development scenarios were calculated;
 - 8.6.2 detailed calculations for the sizing of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 8.6.3 the volume of detention is sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design rainfall events up to and including a one per cent (1%) Annual exceedance

- probability flood event, in accordance with the provisions of the *Queensland Urban Drainage Manual*;
- 8.6.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
- 8.6.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
- 8.6.6 the potential pollutants in stormwater discharged from the development site are managed in accordance with current water quality best industry practices and in accordance with *State Planning Policy 2017*;
- 8.6.7 the stormwater management plan is accompanied by full calculations; including electronic modelling files from industry standard modelling software, (including both electronic model files and results files) and all details of the modelling assumptions to support both the proposed water quantity and quality management strategy.
- 9.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 9.1 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.
- 9.2 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).
- 9.3 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.
- 9.4 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.
- 10.0 **SITE WORKS**
- 10.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 10.2 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.
- 10.3 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's satisfaction, or in accordance with the approved landscaping plan; or
 - (ii) removed for disposal at a location approved by Council, within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 11.0 **BUILDING WORKS**
- 11.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and construction of new structures on the development site.

- 11.2 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 11.3 All building works must be undertaken in accordance with Council's *Building Over/Adjacent to Local Government Sewerage Infrastructure Policy* and any permit obtained in respect of this policy.
- 11.4 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 11.5 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:
- 11.5.1 aesthetically screened from any road frontage or adjoining property;
 - 11.5.2 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;
 - 11.5.3 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;
 - 11.5.4 setback a minimum of two (2) metres from any road frontage; and
 - 11.5.5 provided with a suitable hosecock and hoses at the refuse container area, and wash-down 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 wash-down facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 11.6 All external elements, such as but not limited to air conditioners, must be adequately screened from public view, to Council's satisfaction.
- 12.0 LANDSCAPING WORKS
- 12.1 Landscaping areas must be established in accordance with the approved Landscape Plan (refer to condition 2.1).
- 12.2 The landscape areas must predominantly contain plant species that have a low water dependency.
- 12.3 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.
- 12.4 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - (ii) adversely affect any road lighting or public space lighting; or
 - (iii) adversely affect any Council infrastructure, or public utility plant.
- 12.5 The landscaped areas must be subject to:
- 12.5.1 a watering and maintenance plan during the establishment moment; and
 - 12.5.2 an ongoing maintenance and replanting programme.

- 12.6 The plant species selected for the landscaping area located along the boundary adjacent to the five (5) metre high acoustic barrier fence (refer to condition 2.1), must be amended to a plant species that has a mature height equal to or greater than five (5) metres above ground level.
- 13.0 ELECTRICITY
- 13.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 14.0 TELECOMMUNICATIONS
- 14.1 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.
- 15.0 ASSET MANAGEMENT
- 15.1 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.
- 15.2 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.
- 15.3 '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)*.
- 16.0 ENVIRONMENTAL
- 16.1 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.
- 16.2 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.

17.0 ENVIRONMENTAL HEALTH

- 17.1 Noise emitted from the activity must not cause an environmental nuisance.
- 17.2 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, odour or dust.
- 17.3 Noise mitigation measures are to be implemented prior to commencement of the use and must be maintained in accordance with the approved Environmental Noise Assessment (refer to condition 2.1).
- 17.4 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 or light. The monitoring data, an analysis of the data and a report, including noise or light mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise or light 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*.
- 17.5 Access to and use of, the fill point and loading bay by delivery and waste collection vehicles must be limited to between 0700 to 2200 hours on all days, including public holidays.
- 17.6 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 17.7 The underground petroleum storage system must be designed, constructed, installed, maintained, tested and repaired, where necessary, in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*.
- 17.8 All certification and record-keeping requirements associated with the underground petroleum storage system must be maintained in accordance with *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*. When requested, these records must be made available for inspection by Council.
- 17.9 An incidents register must be kept at the premises and it must record any incidents including but not limited to:
- 17.9.1 any fire at the premises; and
 - 17.9.2 any release of contaminants not in accordance with the development approval conditions.
- 17.10 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 17.11 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 17.12 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.

- 17.13 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 17.13.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 17.13.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 17.13.3 waste bags and ties.
- 17.14 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 17.15 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 18.0 CHEMICAL STORAGE (ERA 8)
- 18.1 All fuel dispensing areas must be drained to a holding tank or the sewer through a trade waste approved oil interceptor/separation system.
- 19.0 OPERATING PROCEDURES
- 19.1 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 Albert Street, Kent Street or Kent Lane.
- 19.2 (a) If the owner of 33 Kent Street (Lot 1 on RP608023) is agreeable prior to commencement of the use, the developer must supply and have installed block-out blinds, block-out curtains or shutters to the front rooms of the premises at 33 Kent Street (Lot 1 on RP608023). If these block-out blinds, block-out curtains or shutters are not supplied and installed prior to commencement of the use, then the Service Station use can only operate between the hours of 0700 and 2200; or
- (b) If the owner of 33 Kent Street (Lot 1 on RP608023) is not agreeable to block-out blinds, block-out curtains or shutters being installed prior to the commencement of use, then within six (6) months following the commencement of use on request from the owner of 33 Kent Street (Lot 1 on RP608023), the developer must supply and have installed block-out blinds, block-out curtains or shutters to the front rooms of the premises at 33 Kent Street (Lot 1 on RP608023). The installation must be completed within 30 days of the request being received from the owner of 33 Kent Street (Lot 1 on RP608023). The Service Station can operate without restriction of its hours, regardless of when the owner makes the request; or
- (c) If the owner is not agreeable to the block-out blinds, block-out curtains or shutters being installed prior to commencement of the use or within six (6) months from commencement of the use, the Service Station use can operate without restriction of its hours.
- Note: Once (a), (b) or (c) have been completed this condition is taken to have been fulfilled.
- 19.3 All waste storage areas must be:
- 19.3.1 kept in a clean and tidy condition; and
 - 19.3.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTESNOTE 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 and 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 premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include food storage, preparation and sale. Approval for such activities is required before 'fitout' and operation.

NOTE 5. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 6. 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 7. Property Note (Access)

Direct vehicular access to the development site from Kent Street is prohibited. Only vehicle egress via Kent Street is permitted.

NOTE 8. Infrastructure Charges Notice

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

NOTE 9. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 10. Rating Category

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

Part B – Operational Works for Advertising Devices (Two (2) Freestanding Signs, one (1) Canopy Sign and one (1) Fascia Sign)

Table 1: Abbreviations/terms used in the Conditions

<u>Abbreviation/Term</u>	<u>Meaning</u>
Ambient light sensor	Measures the surrounding ambient light
Animation	A simulation of movement created by displaying a series of picture frames either digitally or otherwise.
AS/NZS	Australian and New Zealand Standard
Cd	Candela – a unit of luminous intensity
Dwell time	The length of time an image displays on the screen.
Luminance	Brightness (intensity of light) leaving the display, which is measured in Candela per square metre.
OMA	Outdoor Media Authority Digital Guideline
RPEQ	Registered Professional Engineer of Queensland
Video	A recording or the streaming of moving visual images captured by using a video camera or similar device.

20.0 ADMINISTRATION

20.1 The Developer is responsible for ensuring compliance with the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

20.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

20.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

20.4 The following further development permits are required prior to the commencement of any works on the site:

20.4.1 Building Works.

20.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

21.0 APPROVED PLANS AND DOCUMENTS

21.1 The approved advertising devices must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this approval:

Drawing/report title	Prepared by	Date	Reference number	Revision
Proposed Elevations	TRG	3 September 2020	TP05	C
Signage Plan	TRG	3 September 2020	TP06	C

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

22.0 OPERATING PROCEDURES

22.1 All advertising devices must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.

22.2 All text and images displayed on the approved advertising device must be static and must not involve moving parts or flashing lights. Advertising devices must not be capable of playing audio nor be synchronised with any outdoor sound system utilised for advertising purposes.

22.3 Any lighting devices associated with the advertising device, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and 'Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers'.

23.0 LUMINANCE

23.1 Luminance levels of the advertising device must not exceed the applicable levels listed in Table 2 below.

Lighting Conditions	Maximum Luminance
Full Sun on Sign face	Maximum Output
Day Time Luminance	6000-7000 cd/m ²
Morning/Evening/Twilight/inclement weather	600 cd/m ²
Night Time	300 cd/m ²

24.0 ASSET MANAGEMENT

24.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:

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

24.1.2 as soon as reasonably possible as agreed with Council.

25.0 CONSTRUCTION AND MAINTENANCE

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

25.2 Adequate horizontal separation distance must be maintained between the proposed advertising devices and the existing water supply main within the Albert Street road reserve. The horizontal separation achieved must comply with the *Queensland*

Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."

- 25.3 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2008* must be observed at all times.
- 25.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 25.5 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 25.6 The advertising devices must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Building Code of Australia.
- 25.7 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 25.8 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007* – "Electrical Installations".
- 25.9 All advertising devices must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed, in a safe, clean, condition that does not adversely impact the visual amenity.
- 26.0 OPERATING PROCEDURES
- 26.1 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 Albert Street, Kent Street or Kent Lane.

ADVISORY NOTES

NOTE 11. Aboriginal Cultural Heritage Act, 2003

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

NOTE 12. Asbestos Removal

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

NOTE 13. 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 14. General Safety Of Public During Construction

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

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

9:58AM

Councillor Kirkland returned to the meeting room.

9:58AM

Ms T Sweeney returned to the meeting room via Webex

10.6 LAKES CREEK ROAD TIP SHOP, RESOURCE RECOVERY CENTRE AND WASTE TRANSFER STATION OPERATIONS

File No: 7284
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

SUMMARY

The purpose of this report is to provide an update on the current status of the Lakes Creek Road Tip Shop, Resource Recovery Centre and Waste Transfer Station operations and seek endorsement to award a new contract for provision of services.

COUNCIL RESOLUTION

THAT Council:

1. Award the contract for the operation of Council's Tip Shop, Resource Recovery Centre and Waste Transfer Station to Community Resources Limited; and
2. Adjust the Rockhampton Regional Waste and Recycling (RRWR) Operational budget with an annualised \$257,000 additional revenue and \$692,000 additional expense to cover this contract on a pro-rata basis from 20 May 2021.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Latcham recorded his vote against the motion.

Meeting Adjourned**COUNCIL RESOLUTION**

10:36AM

THAT the meeting be adjourned for a 20 minute recess.

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

10:56AM The meeting resumed.

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms M Taylor – Chief Financial Officer
Mr D Morrison – Manager Office of the Mayor
Ms G Dwyer – Senior Communications Officer
Ms K Walsh - Committee Support Officer

Via Webex:

Ms A Cutler – General Manager Community Services
Ms T Sweeney – Executive Manager Workforce and Governance
Mr G Bowden – Executive Manager Advance Rockhampton
Mr A Collins – Manager Project Delivery
Mr G Sheppard – Senior Executive Economic Development
Ms A Brennan – Coordinator Legal and Governance
Mr M Mansfield – Coordinator Media and Communications

10.7 DRAFT COUNCIL ADVOCACY FRAMEWORK

File No: 11092
Authorising Officer: Evan Pardon - Chief Executive Officer
Damon Morrison - Manager Office of the Mayor
Author: Genevieve Dwyer - Senior Communications Officer

SUMMARY

The report proposes the adoption of an Advocacy Framework to guide Council's advocacy efforts to achieve positive outcomes and realise aspirations important to it and the community.

COUNCIL RESOLUTION

THAT Council:

1. adopts the draft Advocacy Framework as detailed in the report; and
2. approves the development of a 2021 Advocacy Strategy for further consideration by Council.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

**10.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
28 FEBRUARY 2021**

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 28 February 2021.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 28 February 2021 be 'received'.

Moved by: Councillor Kirkland
Seconded by: Councillor Latcham

MOTION CARRIED

10.9 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS LIMITED

File No: 11044
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

This report seeks Council's approval regarding appointment of a new Primary Director for Central Queensland Regional Organisation of Councils Limited following appointment of Councillor Tony Williams as Mayor.

COUNCIL RESOLUTION

THAT Council resolves to:

- (a) remove Councillor Neil Karl Fisher as director (the primary director) of the Company;
- (b) appoint Mayor Anthony Paul Williams as a director (the primary director) of the Company, subject to Mayor Anthony Paul Williams signing a consent to act as a director and delivering the signed consent to Council;
- (c) appoint:
 - (i) Mayor Anthony Paul Williams, Councillor Neil Karl Fisher and Evan Anthony Pardon as delegates to attend all general meetings of the company (noting that only 2 delegates can represent Council at any one general meeting) and authorise the following delegate to exercise Council's voting entitlement as member at a general meeting:
 - A. Mayor Anthony Paul Williams if Mayor Anthony Paul Williams is in attendance at the general meeting;
 - B. Evan Anthony Pardon if Mayor Anthony Paul Williams is not in attendance at the general meeting; and
 - C. Councillor Neil Karl Fisher if both Mayor Anthony Paul Williams and Evan Anthony Pardon are not in attendance at the general meeting.

Moved by: Councillor Fisher

Seconded by: Councillor Mathers

MOTION CARRIED

10.10 CQROC LTD FUNDING ARRANGEMENT

File No: 11044
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer seeking Council's endorsement of funding contribution towards the operation of Central Queensland Regional Organisation of Councils Limited (CQROC Ltd).

COUNCIL RESOLUTION

THAT Council endorse the funding arrangement for the operation of Central Queensland Regional Organisation of Councils Limited (CQROC Ltd) for the year ended 30 June 2022 that has been calculated based on population and operating revenue results as at 30 June 2019 as per attachment 1 of the report.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

10.11 CQROC REGIONAL ADVOCACY

File No: 11092
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - Manager Office of the Mayor

SUMMARY

The report seeks endorsement of advocacy priorities for inclusion in the Central Queensland Regional Organisation of Councils Ltd advocacy agenda.

COUNCIL RESOLUTION

THAT Council endorse the following advocacy priorities for inclusion in the Central Queensland Regional Organisation of Councils Ltd advocacy agenda:

- a) Supporting critical municipal Infrastructure that facilitates growth and development within the region;
- b) Securing regional water supply including raising of Eden Bann Weir;
- c) Long-term enhancement and growth of defence forces presence and activity and associated industry development;
- d) Developing tourism infrastructure including the Rockhampton Zoo and Botanic Gardens;
- e) Upgrading of key transport links including Glenroy Road and Glenroy Crossing; and
- f) Support for the Pilbeam Theatre Redevelopment Business Case.

Moved by: Councillor Fisher
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

Nil

12 QUESTIONS ON NOTICE

Nil

Matter be Lifted from the Table**COUNCIL RESOLUTION**

THAT the matter – **Item 10.2** – *Airport Flight Information Display System Sole Source Supplier Arrangement* be lifted from the table to be dealt with accordingly.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

10 OFFICERS' REPORTS**10.2 AIRPORT FLIGHT INFORMATION DISPLAY SYSTEM SOLE SOURCE SUPPLIER ARRANGEMENT**

File No: 1656

Attachments: Nil

Authorising Officer: Peter Kofod - General Manager Regional Services

Author: Andrew Collins - Manager Project Delivery

SUMMARY

The purpose of this report is to seek a Council resolution that the nominated Airport Flight Information Data System vendors / suppliers are deemed as specialised or sole suppliers in accordance with Section 235 (a) and (b) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT pursuant to s235(b) of the *Local Government Regulation 2012* Council approve Intersystems as a specialised supplier for Flight Information Display Screen software, hardware and associated maintenance and support services.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

13 URGENT BUSINESS QUESTIONS

14 CLOSURE OF MEETING

There being no further business the meeting closed at 11:47am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

23 MARCH 2021

ANNEXURE A

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

- Item 10.5 Request for a Negotiated Decision to Development Permit D/28-2020 for a Material Change of Use for a Service Station and Operational Works for Advertising Devices (Two (2) Freestanding Signs, One (1) Canopy Sign and one (1) Fascia Sign**

D/28-2020 - Material Change of Use for a Service Station and Operational Works for Advertising Devices (20-26 Albert Street and 34 Kent Street, Rockhampton City)

