



ORDINARY MEETING

MINUTES

25 AUGUST 2026

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 25 AUGUST 2026 COMMENCING AT 10:00AM**

1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Deputy Mayor, Councillor M D Wickerson
Councillor S Latcham
Councillor E W Oram
Councillor C R Rutherford (Videotelephony)
Councillor M A Taylor
Councillor G D Mathers
Councillor E B Hilse

In Attendance:

Mr E Pardon – Chief Executive Officer (Executive Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 11 August 2026 be confirmed.

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

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

10:02AM

Councillor Grant Mathers informed the meeting of a conflict of interest in Item 10.1 – Councillor Discretionary Fund Application – The Shelter Collective. This conflict of interest arises as I am a founding member of The Shelter Collective Group.

I will deal with this conflict of interest by leaving the room and staying away from the place where the meeting is being held whilst this matter is being discussed and voted on.

10:02AM Councillor Mathers left the room

10:03AM Councillor Wickerson attended the meeting

10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - THE SHELTER COLLECTIVE

File No: 8295

Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor and Economic Development
Evan Pardon - Chief Executive Officer

Author: Tahlee Gibbins - Executive Support Officer

SUMMARY

This report requests Council's consideration and approval for an allocation from Councillor Discretionary Funds towards The Shelter Collective, for financial support to assist with the Mobile Outreach Bus Initiative.

COUNCIL RESOLUTION

THAT Council approves the allocation of Councillor Discretionary Fund (CDF) totalling \$2,400 as follows to support The Shelter Collective:

- \$500 from Mayor Tony Williams' Councillor Discretionary Fund;
- \$400 from Councillor Shane Latcham's Councillor Discretionary Fund;
- \$500 from Councillor Cherie Rutherford's Councillor Discretionary Fund;
- \$500 from Councillor Drew Wickerson's Councillor Discretionary Fund, and
- \$500 from Councillor Marika Taylor's Councillor Discretionary Fund.

Moved by: Councillor Taylor

Seconded by: Councillor Oram

MOTION CARRIED

10:03AM Councillor Mathers returned to the meeting room

11 OFFICERS' REPORTS

11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR TWO (2) DWELLING HOUSES (BUILDING ENVELOPES) AND RECONFIGURING A LOT FOR A SUBDIVISION (TWO LOTS INTO THREE LOTS)

File No: D/69-2026

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Damon Morrison - General Manager Communities and Lifestyle

Author: Michelle Mackay - Planning Officer

SUMMARY

Development Application Number: D/69-2026

Applicant: Christopher Andrew Galvin & Simone Irene Galvin

Real Property Address: Lot 2 on B28617 and Lot 188 on SP107818

Common Property Address: 25 Mill Street, Bajool

Area of Site: 12,107 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (v5.0)

Planning Scheme Zone: Special Purpose Zone and Township Zone

Planning Scheme Overlays: Acid Sulfate Soils Overlay
Flood Hazard Overlay

Existing Development: Dwelling House on Lot 2 on B28617

Approval Sought: Development Permit for Material Change of Use for two (2) Dwelling Houses (building envelopes) and Reconfiguring a Lot for a Subdivision (two lots into three lots)

Category of Assessment: Assessable subject to Impact assessment

Submissions: Nil

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

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for two (2) Dwelling Houses (building envelopes) and Reconfiguring a Lot for a Subdivision (two lots into three lots), made by Christopher Andrew Galvin and Simone Irene Galvin, located at 25 Mill Street, Bajool described as Lot 2 on B28617 and Lot 188 on SP107818, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	
Material Change of Use for two (2) Dwelling Houses (building envelopes) and Reconfiguring a Lot for a Subdivision (two lots into three lots)	
Reasons for Decision	
a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.	
Assessment Benchmarks	
The development was assessed against the following assessment benchmarks: • Local Government Infrastructure Plan • Strategic Framework • Special Purpose Zone Code • Township Zone Code • Access, Parking and Transport Code • Filling and Excavation Code • Landscape Code • Reconfiguring a Lot Code • Stormwater Management Code • Waste Management Code • Water and Sewer Code • Flood Hazard Overlay Code	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Special Purpose Zone Code	Special Purpose Zone 6.7.6.2 Purpose (1), (a) and (b) The proposed development may conflict with the Purpose of the Special Purpose Zone, specifically (1) (a) and (b) which state: 1 (a) <i>“protect important special purpose sites from the establishment of inappropriate land uses”; and</i> 1 (b) <i>“minimise land use conflict and ensure that development does not adversely affect the amenity and characteristics of the surrounding area”.</i>

	The proposal is for the reconfiguration of two lots into three lots, where three lots will now be located within the Special Purpose Zone and two (2) building envelopes for two (2) new Dwelling Houses are to be established. Lot 188 is zoned as Special Purpose because it was owned previously by Queensland Rail who sold the land as surplus to their needs. As the lot is no longer being utilised for its intended purpose by Queensland Rail the Special Purpose Zone is considered not applicable. Despite this, the development is located in the Rural Settlement Pattern where sensitive land uses are contemplated under 3.3.6.1 Specific Outcome (3). Furthermore, the development is split zoned with Lot 2 on B28617 being located in the Township Zone where Dwelling Houses are accepted. The reconfiguration and building envelopes are generally consistent with the acceptable outcomes of the Township Zone. Therefore, the proposed development is not anticipated to compromise the Strategic Framework of the Rockhampton Region Planning Scheme 2015.
Reconfiguring a Lot Code	Performance Outcome (PO) 14 The proposed development may conflict with PO14 because of its proximity to the rail corridor and no Acceptable Outcome (AO) is nominated. The reconfiguration and building envelopes are of a sufficient size and depth to ensure that noise attenuation measures can be facilitated for future dwellings. The building envelope over proposed Lot 4 has been positioned so that it is outside the Railway Noise Corridor, Category 4 Overlay. This will allow the building works to comply with the Queensland Development Code (QDC) MP4.4 – Buildings in a transport noise corridor. Furthermore, the proposed development responds effectively to the characteristics of the surrounding locality while providing additional residential opportunities within the Bajool community. Therefore, the development is taken to comply, on balance with the purpose of the Reconfiguring a Lot Code.
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
Matters raised in submissions	
The proposal was the subject of public notification between 18 June 2026 and 10 July 2026, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.	
Matters prescribed by regulation	
• The Rockhampton Region Planning Scheme 2015 (version 5.0); • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application.	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for two (2) Dwelling Houses (building envelopes) and Reconfiguring a Lot for a Subdivision (two lots into three lots), made by Christopher Andrew Galvin and Simone Irene Galvin, located at 25 Mill Street, Bajool described as Lot 2 on B28617 and Lot 188 on SP107818, Council resolves to Approve the application subject to the following conditions:

Reconfiguring a Lot**1.0 ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
 - 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a compliance with condition notice for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
 - 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.4.1 Operational Works:
 - (i) Access Works.
 - 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
 - 1.6 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.
 - 1.7 Street numbering for the development must be in accordance with *Australian/New Zealand Standard for Rural and Urban Addressing (AS4819:2011)*. Council will allocate street numbering to the development in accordance with this standard at the time of issuing the Survey Plan Approval Certificate.
 - 1.8 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 2.0 APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Proposed Plan of Lots 2, 3 and 4 Superimposed on Google imagery and Contour Map	GSPC	26 March 2026	261421-01	01
Proposed Lots 2 to 4 and Proposed Building Envelopes in Lots 3 & 4	GSPC	26 March 2026	261421-01	01
Proposed Lots 2 to 4 and Proposed Access Arrangements	GSPC	26 March 2026	261421-02	02

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

3.0 REFERRAL AGENCY CONDITIONS

- 3.1 Prior to lodgement of the Survey Plan to Council for endorsement, provide written confirmation to Council that the conditions as per the State Assessment and Referral Agency Response dated 25 June 2026 (Ref:2605-52404 SRA), or as amended, have been complied with.

4.0 STAGED DEVELOPMENT

- 4.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

4.1.1 Proposed Lot 2 (Stage One);

4.1.2 Proposed Lots 3 and 4 (Stage Two),

in accordance with the approved plan (refer to condition 2.1).

Stage One must be completed prior to any other stage.

- 4.2 The currency period for Stage One and Stage Two is six (6) years from the date this approval takes effect.

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

5.0 ACCESS WORKS

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

- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).

- 5.3 A new access to proposed Lots 2, 3 and 4 must be constructed from the Mill Street carriageway and along the frontage of the lots (behind the existing sealed portion of Mill Street) as part of Stage 2. The construction must incorporate the following:

5.3.1 Construction must be an all-weather gravel surface, with any existing drainage swales to be maintained as necessary.

- 5.3.2 The alignment must be determined in consultation with Council and location details must be demonstrated in any application for a Development Permit for Operational Works (access works).
- 5.4 The access arrangements for Lots 2, 3 and 4 must comply with the requirements of the *Capricorn Municipal Development Guidelines* and be generally in accordance with the approved plans (refer to condition 2.1)
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 On-site sewerage and internal sanitary drainage infrastructure must be located wholly within the respective property boundaries of the lot in which it serves.
- 7.0 ELECTRICITY
- 7.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.
- 7.2 A *Certificate of Electricity Supply* from the relevant service provider must be provided to Council, prior to the issue of the Survey Plan Approval Certificate.
- Note: The applicant can enter into a *Negotiated Connection Establishment Contract* with the Supplier for the provisioning of electrical services and/or street lighting. Provided the Applicant has undertaken all the conditions of the contract, including providing performance security, the Supplier will issue a *Certificate of Electricity Supply*.
- 8.0 TELECOMMUNICATIONS
- 8.1 Telecommunications services can be provided to each lot 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.
- Note: The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 9.0 ASSET MANAGEMENT
- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 9.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.0 ENVIRONMENTAL
- 10.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the 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.
- 11.0 OPERATING PROCEDURES
- 11.1 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 Mill Street.

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Provision for Sewer and Water services

Any future Dwelling on Lots 3 and 4 must be provided with on-site sewerage treatment and disposal systems. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 “On-site domestic wastewater management”* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 5. Infrastructure Charges Notice

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

Material Change of Use**1.0 ADMINISTRATION**

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

- 1.4 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 Plumbing and Drainage Works; and
- 1.5.2 Building Works.
- 1.6 Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.
- 1.10 The currency period for the Dwelling Houses is six (6) years from the date this approval takes effect.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Proposed Lots 2 to 4 and Proposed Building Envelopes in Lots 3 & 4	GSPC	26 March 2026	261421-01	01

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

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.2 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 3.3 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

3.4 Internal Plumbing and Sanitary Drainage of existing buildings must be contained within the lot it serves.

3.5 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

4.1 All roof and allotment runoff from the development (each proposed Lot) must be discharged such that it must not impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

5.0 BUILDING WORKS

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

5.2 All structures (habitable and non-habitable) must be contained within the Building Envelopes located on Lot 3 and Lot 4.

6.0 ASSET MANAGEMENT

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

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

7.0 ENVIRONMENTAL

7.1 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland*), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017*, *International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:

7.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

8.0 OPERATING PROCEDURES

8.1 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 Mill Street.

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 Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.dwatsipm.qld.gov.au/>

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Transport Noise Corridor

Any residential buildings located within the Transport Noise Corridor must comply with the *Queensland Development Code (QDC)* MP4.4 – Buildings in a transport noise corridor.

Moved by: Councillor Latcham

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillor Oram recorded his vote against the motion

11.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A DWELLING HOUSE AND SHED

File No: D/202-2025

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Damon Morrison - General Manager Communities and Lifestyle

Author: Michelle Mackay - Planning Officer

SUMMARY

Development Application Number: D/202-2025

Applicant: Annette and Daniel Sos

Real Property Address: Lots 1 and 3 on RP603374

Common Property Address: 621-623 Montgomerie Street, Lakes Creek

Area of Site: 7,386 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (v5.0)

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Airport Environs Overlay
Biodiversity Areas Overlay
Bushfire Hazard Overlay
Special Management Area Overlay
Steep Land Overlay

Existing Development: Vacant Land

Approval Sought: Development Permit for Material Change of Use for a Dwelling House and Shed

Category of Assessment: Assessable development subject to impact assessment

Submissions: One (1) submission

Referral Agency: Nil

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House and Shed, made by Anette and Daniel Sos, located at 621-623 Montgomerie Street, Lakes Creek, described as Lots 1 and 3 on RP603374, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS**Description of the development**

Material Change of Use for a Dwelling and Shed

Reasons for Decision	
a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.	
Assessment Benchmarks	
The development was assessed against the following assessment benchmarks: • Local Government Infrastructure Plan • Strategic Framework • Rural Zone Code • Biodiversity Overlay Code • Bushfire Hazard Overlay Code • Special Management Overlay Code • Steep Land Overlay Code	
Compliance with assessment benchmarks	
The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Rural Zone Code	Performance Outcome (PO) 3 The proposed development conflicts with Acceptable Outcome (AO) 3.1 (a) which states development is to be setback a minimum of twenty (20) metres from all site boundaries. The proposed dwelling house is oriented at an angle to the northern boundary, resulting in an increasing setback distance along this boundary. The north-eastern corner of the proposed dwelling house is setback approximately 13.164 metres from the northern boundary and approximately 17 metres from the eastern boundary. The proposed dwelling house will be constructed on stumps and is located within an area of the site that is already partially cleared. The proposed development maintains sufficient separation from adjoining properties and is not expected to adversely impact the use of neighbouring rural land for lawful rural purposes. Furthermore, the proposal does not compromise the continued operations of the Lakes Creek Meatworks facility or Boral Asphalt facility. Therefore the proposal is taken to comply with Performance Outcome (PO) 3.
Biodiversity Overlay Code	Performance Outcome (PO) 1 and 2 No acceptable outcomes are nominated.

	The Dwelling House is located within the Biodiversity Overlay, land mapped as containing matters of state or local environmental significance. A Bushfire Hazard Assessment Report has been provided by Max Bushfire Protection Consulting that requires the establishment of an Asset Protection Zone (APZ) with a radius of twenty (20) metres around the proposed development to ensure adequate separation from hazardous vegetation and achieve an appropriate level of bushfire protection. As a result of the recommendations, vegetation within the overlay will be cleared. The entire APZ area is within the development site where creation and maintenance of the APZ can be managed by the landowner to ensure ongoing protection from bushfires. The fuel load reduction activities can carefully target and focus on the management of invasive weeds, overgrown ground cover, and understory vegetation while minimising the clearing of native vegetation. These measures ensure the preservation of significant ecological values. Therefore, the proposed development is taken to comply with the purpose of the Biodiversity Overlay Code.
Bushfire Hazard Overlay Code	Performance Outcome (PO) 1 The proposed development conflicts with Acceptable Outcome (AO) 1.1.1 (b) that requires the access driveway to be a maximum length of sixty (60) metres. The proposed dwelling house will be sited approximately 65.6 metres from Montgomerie Street. Owing to the curvature required in the driveway design and the central siting of the dwelling toward the rear of the allotment, the overall driveway length will exceed 60 metres. The access driveway will be conditioned to provide a minimum sealed and formed width, including appropriate passing bays and turning areas, and will be constructed in accordance with the <i>Capricorn Municipal Development Guidelines</i>. The access to the development will avoid potential for entrapment during a bushfire, will facilitate safe and efficient emergency services access and egress from the site and will enable safe evacuation of the site for site occupants, therefore the proposal is taken to comply with Performance Outcome (PO) 1. Performance Outcome (PO) 4 The proposed development does not comply with Acceptable Outcome (AO) 4.1 as the development does not have a Bushfire Attack Level of less than 12.5. The associated Bushfire Hazard Report has assessed the Bushfire Attack Level to be 29 and recommends the provision of an Asset Protection Zone (APZ) with specific actions required in the Inner Protection Area and Outer Protection Area. The report and recommendations demonstrate the proposed development is compatible with the level of risk associated with the bushfire hazard, therefore, the proposed development is taken to comply with Performance Outcome (PO) 4.

Special Management Overlay Code	8.2.10.2 Purpose (2), c Performance Outcome (PO) 1 The proposed development conflicts with Performance Outcome (PO) 1 because it seeks to establish a new dwelling house and thereby involves the intensification of a sensitive land use within the Lakes Creek Special Management Area. Furthermore, the development conflicts in part with the purpose and overall outcomes of the Special Management Overlay Code, specifically overall outcome (2) (c) which states that <i>“the establishment of new or the further intensification (except for minor alterations or extensions) of existing sensitive land use(s) does not occur”</i>. As the development does not comply with the Special Management Area Overlay Code, assessment and consideration has been given towards the Strategic Framework, particularly the themes for the settlement pattern (site is subject to rural designation) and natural environment and hazards. To the extent of the conflict identified with the purpose and overall outcome (2) (c) of the Special Management Area Overlay Code, assessment against the Strategic Framework is considered to outweigh those conflicts.
Strategic Framework	Settlement Pattern 3.3.6 Element – Rural Natural environment and hazards 3.4.7 Element – Air, noise and hazardous materials The proposed development does not comply with Specific Outcome 3.3.6.1 (3) which states the following: <i>“Sensitive land uses in rural areas will not occur when in proximity to incompatible development (for example industrial uses). The special management area overlay provides a separation distance between industry (such as the Lakes Creek meatworks, Bajool explosives reserve, Marmor limeworks, landfill sites and the Gracemere industrial area) and new sensitive land uses. Within this overlay no further subdivision or the establishment of new sensitive land uses is supported.”</i> The proposed Dwelling House is located approximately 810 metres from the Lakes Creek Meatworks processing facility (high impact industry), 500 metres from the Lakes Creek Meatworks facility cattle yards and approximately 170 metres from the Boral asphalt manufacturing facility (high impact industry). Both facilities are environmentally relevant activities (ERA) under the <i>Environmental Protection Act 1994</i> and each subject to an Environmental Authority (EA) approval. The proposed dwelling house is elevated above both the Lakes Creek Meatworks facility and the Boral Asphalt facility. Existing vegetation surrounding the plant and between the sites provides a barrier that will minimise potential amenity impacts. Despite the conflict identified above, the proposed development does comply with the balance of the Strategic Framework, with consideration particularly given to the themes for the settlement pattern (site is subject to rural designation) and natural environment and hazards.

	With regard to the natural environment and hazards theme, the following consideration is given to the specific outcomes of the air, noise and hazardous material element (3.4.7) between the existing industrial activities in Lakes Creek and the proposed dwelling house: • The health, well-being, amenity and safety of nearby residents (existing and future) is protected from the impacts of air, noise and odour emissions, and hazardous materials through implementation and continued development of environmental management plans from the existing industrial uses particularly the Lakes Creek Meatworks and Boral asphalt manufacturing facilities. Each of these sites have relevant environmental and amenity conditions as imposed by their respective EA approvals. • The separation distance between the subject site and the asphalt facility includes native vegetation which provides a naturally occurring landscape buffer and physical barrier that further minimises potential environmental nuisance that may result from the asphalt facility in addition to the relevant EA approval conditions (EPAEA/3/2013). • The subject site is not contaminated land and therefore can be suitable for a residential use. • The asphalt facility has hazardous material and waste management plans in place to mitigate offsite impacts as conditioned by the EA approval (EPAEA/3/2013). Therefore, potential impact and conflict between the development and the existing industrial activities within the Lakes Creek area are considered minimal. The proposed development is taken to comply with the balance of the strategic and specific outcomes of the Strategic Framework.
Relevant Matters	
The proposed development was assessed against the following relevant matters: The subject site is located within the Rural Zone where a Dwelling House is accepted development subject to the requirements of the Rural Zone Code. This demonstrates that the planning scheme generally anticipates and supports residential use within the Rural Zone where the relevant code requirements can be achieved. Furthermore, the locality contains a number of existing dwelling houses within both the Rural Zone and the adjoining Rural Residential Zone. These established residential uses demonstrate that residential living is an accepted and established component of the surrounding area. In this context, the proposed Dwelling House would be consistent with the existing character of the locality and would not represent an unforeseen land use outcome. The proposal is therefore considered to be a logical and compatible extension of the established development pattern within the locality.	
Matters raised in submissions	
The proposal was the subject of public notification between 6 June 2026 and 29 June 2026, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and one submission was received.	

Submitter Concerns	Response
Access The submitter raised concerns the developer would not be required to provide a formed access along Montgomerie Street.	The applicant is required to construct an access driveway from the intersection of Montgomerie Street and Bassett Street to the proposed dwelling site, incorporating a minimum three (3) metre wide sealed pavement and a minimum five (5) metre wide road formation. In addition, the construction, establishment and ongoing maintenance of the section of access located within the unformed portion of Montgomerie Street will be the sole responsibility of the landowner.
Built Form The submitter raised concerns with the proposal being constructed from metal building materials and being unsuitable for fire code and aesthetics.	All buildings must be designed and constructed in accordance with the approved Bushfire Hazard Assessment Report, Australian Standard AS 3959 Construction of buildings in bushfire-prone areas and the National Association of Steel-Framed Housing Standard for steel-framed construction in bushfire areas. All recommendations and requirements of the approved Bushfire Hazard Assessment Report must be implemented as part of the development.
Matters prescribed by regulation	
• The Rockhampton Region Planning Scheme 2015 (version 5.0). • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application.	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House and Shed, made by Anette and Daniel Sos, located at 621-623 Montgomerie Street, Lakes Creek, described as Lots 1 and 3 on RP603374, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
 - (i) Access Works; and
 - (ii) Site Works;
 - 1.4.2 Plumbing and Drainage Works; and
 - 1.4.3 Building Works.
- 1.5 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.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 Lots 1 and 3 on RP603374 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.9 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
Site Plan	AMF Building Design	4 November 2025	AMF 25625 - SD/02	A
Ground Floor	AMF Building Design	4 November 2025	AMF 25625 - SD/04	A
Site Sections	AMF Building Design	4 November 2025	AMF 25625 - SD/05	A
Elevations	AMF Building Design	4 November 2025	AMF 25625 - SD/07	A
Cover Sheet	Dileigh	12 December 2025	D25.349-00	C
General Existing Features and Plans	Dileigh	12 December 2025	D25.349-01	C
General Proposed Plan	Dileigh	12 December 2025	D25.349-101	C
General Earthworks	Dileigh	12 December 2025	D25.349-102	C
Roadworks	Dileigh	12 December 2025	D25.349-	C

Driveway Long Section (01 of 02)			103	
Roadworks Driveway Long Section (02 of 02)	Dileigh	12 December 2025	D25.349-104	C
Erosion and Sediment Control Plan	Dileigh	12 December 2025	D25.349-301	C
Erosion and Sediment Control Notes	Dileigh	12 December 2025	D25.349-302	C
Wastewater Design	CQ Soil testing	26 May 2026	CQ30906	A
Landslide Susceptibility Analysis	CQ Soil testing	25 May 2026	CQ30906	A
Bushfire Hazard Assessment Bushfire Report	Max Bushfire protection Consulting	14 March 2026	B6130	2.1

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

3.0 ACCESS WORKS

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

Note: Alternatively, in lieu of the Development Permit for Operational Works, an Install / Alter Private Infrastructure in a Road Reserve Application can be submitted and obtained from Council for the access works.

- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1) and Capricorn Municipal Development Guidelines.

- 3.3 A minimum three (3) metre wide sealed pavement, with a road formation of five (5) metres wide, must be constructed from the intersection of Montgomerie Street and Bassett Street to the proposed dwelling site. The access within the unformed portion of Montgomerie Street road reserve must be designed and constructed to allow for future widening to a total width of five and a half (5.5) metres. The access must be constructed prior to approval of the building works.

- 3.4 The establishment and maintenance of the proposed access located within the unformed portion of Montgomerie Street, is the responsibility of the property owner and is to be undertaken at no cost to Council.

Note: A property note to this effect will be included to notify future landowners.

- 3.5 A turnaround area with a minimum radius of eight (8) metres must be provided at the termination of the driveway access.

- 3.6 Passing bays in accordance with the approved plans (refer to condition 2.1) must be provided within the development site and the unformed portion of Montgomerie Street road reserve.

- 3.7 The access driveway gradient must be in accordance with the Capricorn Municipal Development Guidelines.
- 3.8 It is the property owner's responsibility to establish and maintain, in accordance with the approved Bushfire Hazard Assessment Bushfire Report (refer to condition 2.1):
- 3.8.1 A working area of three (3) metres on either side of the constructed access including both the portion of unconstructed Montgomerie Street road reserve and internal driveway. This working area must be cleared of all flammable vegetation greater than ten (10) centimetres in height; and
- 3.8.2 A minimum vertical clearance of 4.8 metres for the entire width of the constructed access including both the portion of unconstructed Montgomerie Street road reserve and internal driveway.

Note: A property note to this effect will be included to notify future landowners.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.2 Adequate domestic and fire-fighting protection must be provided to the development and must be certified by a hydraulic engineer or other suitably qualified person.
- 4.3 On-site water supply for domestic and fire fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.
- 4.4 A water tank with a minimum of 10,000 litres must be provided onsite within ten (10) metres of any building or structure and meet the following requirements:
- 4.4.1 A take off connection from the building to the tank which is at a level that provides on-site water storage of not less than 10,000 litres;
- 4.4.2 A hardstand area allowing heavy rigid fire appliance access within six (6) metres of a tank; and
- 4.4.3 Fire brigade tank fittings must consist of a 50 millimetre ball valve and male camlock coupling and above ground metal water pipe fittings.
- 4.5 On-site sewerage treatment and disposal must be provided in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.
- 4.6 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the Queensland Plumbing and Wastewater Code.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines and sound engineering practice.
- 5.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause an actionable nuisance or worsening to surrounding land or infrastructure.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site when not approved under the Building Permit as incidental to the building work.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 6.2.1 the location of cut and/or fill;
 - 6.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 6.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 6.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 6.2.5 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.
- 6.3 Cut and fill of the subject allotment(s) must be undertaken in accordance with the recommendations of the Landslide Susceptibility Analysis report (refer to condition 2.1).
- 6.4 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 6.5 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 an actionable nuisance or worsening to surrounding land or infrastructure.
- 6.6 All retaining structures above one (1) metre in height require building approval. Structural engineering plans are to be prepared and endorsed by a Registered Professional Engineer of Queensland (Structural Engineer) for all structural components of the retaining wall.

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.
- 7.2 All buildings must be designed and constructed in accordance with the approved Bushfire Hazard Assessment Report (refer to Condition 2.1), Australian Standard AS3959 Construction of buildings in bushfire-prone areas and the National Association of Steel-Framed Housing Standard for steel-framed construction in bushfire areas. All recommendations and requirements of the approved Bushfire Hazard Assessment Report must be implemented as part of the development.
- Note: Regard should also be given to the Bushfire Resilient Building Guide for Queensland Homes published by the Queensland Government and CSIRO.
- 7.3 An Asset Protect Zone (APZ) must be established and maintained in accordance with the recommendations of the Bushfire Hazard Assessment Bushfire Report.
- 7.4 The Inner Protection Area of the APZ must be managed as follows:
- 7.4.1 A one (1) metre wide area, suitable for pedestrian traffic is to be provided around the immediate curtilage of the building;
 - 7.4.2 Planting is limited in the immediate vicinity of the building;
 - 7.4.3 All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period;
 - 7.4.4 Planting does not provide a continuous connection to the building;

- 7.4.5 Plants greater than ten (10) centimetres in height are not recommended to be located within three (3) metres of a glazed element of the building;
- 7.4.6 Low flammability vegetation species are used;
- 7.4.7 Tree cover should be less than 15 per cent at maturity;
- 7.4.8 Trees at maturity should not touch or overhang the building;
- 7.4.9 Lower limbs should be removed up to a height of two (2) metres above the ground;
- 7.4.10 Tree canopies should be separated by two (2) to five (5) metres;
- 7.4.11 Preference should be given to smooth barked and evergreen trees;
- 7.4.12 Create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings must be provided;
- 7.4.13 Shrubs should not be located under trees;
- 7.4.14 Shrubs should not form more than ten per cent ground cover;
- 7.4.15 Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- 7.4.16 Grass should be kept mown regularly (as a guide grass should be kept to no more than 100 millimetres in height); and
- 7.4.17 Leaves and vegetation debris should be removed regularly.
- 7.5 The Outer Protection Area of the APZ must be managed as follows:
 - 7.5.1 Tree canopy cover should be less than 30 per cent at maturity;
 - 7.5.2 Tree canopies should be separated by two (2) to five (5) metres;
 - 7.5.3 Shrubs should not form a continuous canopy;
 - 7.5.4 Shrubs should not form more than 20 per cent ground cover;
 - 7.5.5 Grass should be kept mown regularly to a height of less than 100 millimetres; and
 - 7.5.6 Leaves and other debris should be removed regularly.
- 7.6 External walls and roof finishes should not include highly reflective surfaces or bright or high contrast colours including white, yellows or reds.
- 8.0 GEOTECHNICAL
- 8.1 All construction works must be designed and completed in accordance with the recommendations in the Landslide Susceptibility Analysis report (refer to condition 2.1).
- 8.2 Slope stability must be managed as follows:
 - 8.2.1 all engineering drawings/specifications and designs must be in accordance with the requirements of the relevant Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments" and must be approved by a Registered Professional Engineer of Queensland;
 - 8.2.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 8.2.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.

9.0 ELECTRICITY

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

10.0 TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.
- 11.3 '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).

12.0 ENVIRONMENTAL

- 12.1 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (Certified Professional in Erosion and Sediment Control or Registered Soil Practitioner – Erosion and Sediment Control or Registered Professional Engineer of Queensland), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the State Planning Policy 2017, International Erosion Control Association Best Practice Guidelines and Capricorn Municipal Design Guidelines requirements, must be:

12.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

Note: Where engineering structures, either temporary or permanent, such as basins, channels, inlets, outlets and spillways etc form part of an Erosion and Sediment Control plan, the design and inspection of the structures must be undertaken by a Registered Professional Engineer of Queensland.

13.0 OPERATING PROCEDURES

- 13.1 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 Montgomerie Street, Bassett Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation.

The information on Aboriginal cultural heritage is available on the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.dwatsipm.qld.gov.au/>

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Retention of vegetation

It is advised the development site is mapped by the Department of the Environment, Tourism, Science and Innovation as containing Regulated Vegetation. The Vegetation Management Act 1999 has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at:

<https://www.qld.gov.au/environment/land/management/vegetation>

NOTE 5. Bushfire Prone Areas

Any future buildings in a bushfire prone area are required to be constructed in accordance with any bushfire management plan approved as part of this development permit and with AS3959 – Construction of buildings in bushfire prone areas and/or the National Association of Steel-Framed Housing Standard: Steel framed construction in bushfire areas. Regard should also be had to the Bushfire Resilient Building Guide for Queensland Homes published by the Queensland Government and CSIRO.

NOTE 6. Property Note (Access)

The establishment and maintenance of the proposed access located within the unformed portion of Montgomerie Street, is the responsibility of the property owner and is to be undertaken at no cost to Council.

It is the property owner's responsibility to establish and maintain a constructed access within the unconstructed Montgomerie Street road reserve and internal driveway that provides:

- a) A working area of three (3) metres on either side of the constructed access including both the portion of unconstructed Montgomerie Street road reserve and internal driveway. This working area must be cleared of all flammable vegetation greater than ten (10) centimetres in height; and
- b) Have a minimum vertical clearance of 4.8 metres for the entire width of the constructed access including both the portion of unconstructed Montgomerie Street road reserve and internal driveway.

Moved by: Councillor Mathers

Seconded by: Councillor Hilse

MOTION CARRIED

11.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR A CEMETERY (EXPANSION)

File No: D/37-2026
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Damon Morrison - General Manager Communities and Lifestyle
Author: Sophie Muggeridge - Planning Officer

SUMMARY

Development Application Number: D/37-2026
Applicant: Rockhampton Regional Council
Real Property Address: Lot 184 on SP355353
Common Property Address: Lot 184 Burnett Highway, Mount Morgan
Area of Site: 54,310 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (v5)
Planning Scheme Zone: Low Density Residential Zone
Community Facilities Zone
Planning Scheme Overlays: Biodiversity Areas Overlay;
Bushfire Hazard Overlay;
Flood Hazard Overlay;
Heritage Place Overlay; and
Steep Land Overlay.
Existing Development: Mount Morgan Cemetery
Approval Sought: Development Permit for Material Change of Use for a Cemetery (Expansion)
Category of Assessment: Assessable subject to Impact assessment
Submissions: One (1)
Referral Agency: Department of State Development, Infrastructure and Planning (State Assessment and Referral Agency)

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for a Cemetery (Expansion), made by Rockhampton Regional Council, located at Lot 184 Burnett Highway, Mount Morgan, described as Lot 184 on SP355353, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS**Description of the development**

Material Change of Use for a Cemetery (Expansion)

Reasons for Decision

- a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Local Government Infrastructure Plan;
- Strategic Framework;
- Low Density Residential Zone Code;
- Community Facilities Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Flood Hazard Overlay Code;
- Heritage Place Overlay Code; and
- Steep Land Overlay Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and wholly complies without exception.

Relevant Matters

The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.

Matters raised in submissions

The proposal was the subject of public notification between 5 May 2026 and 25 May 2026, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and one (1) submission was received.

Submitter Concerns**Response****Flora and Fauna Impacts**

Submitters raised concerns the development will impact on local flora and fauna species native to

The submission raised concerns around tree clearing and local bird nesting times. The subject site is partially mapped within the biodiversity overlay, however the applicant has identified all vegetation that is to be cleared is located outside

the area.	of the overlay. The development proposes sixteen (16) trees to be retained, and twelve (12) additional trees to be planted. Additionally, conditions have been imposed to ensure all trees required for removal are inspected by a qualified Council Arborist prior to any removal to ensure there is no significance or habitat linked to the tree. Tree protection zones and additional mitigation methods are conditioned to be implemented during the construction stage.
Fence Impacts Submitters have concerns with proposed fencing restricting movement for local animals.	The submitter raised concerns in relation to fencing restricting local animal movement between the site and adjoining properties. The proposal retains all existing boundary fencing with 1.1 metre fencing proposed along boundaries that are not currently fenced. Fences under 2 metres in height are accepted development as per the <i>Building Act</i> 1975 and is therefore not considered a planning matter and is not further addressed as part of the application. Conditions have been imposed to ensure any new fences are constructed as per the proposed plans.
Spread of paspalum grass from neighbouring property owner Submitters have concerns with the spread of paspalum grass into surrounding flood ways from neighbouring property owners mowing activities.	The submitter raised concerns in relation to the spread of weed grass (<i>paspalum grass</i>) into the adjoining flood way due to the neighbouring owners mowing activities. This is not considered a planning matter and is therefore not further addressed as part of this application.
Matters prescribed by regulation	
• The Rockhampton Region Planning Scheme 2015 (version 5). • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application.	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Cemetery (Expansion), made by Rockhampton Regional Council, located at Lot 184 Burnett Highway, Mount Morgan described as Lot 184 on SP355353, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:

- 1.3.1 to Council's satisfaction.
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works; and
 - (iii) Site Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

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 were amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Overall Layout Plan	McMurtrie Consulting Engineering	22 January 2026	R0332425-1002	B

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 3.0 ACCESS AND PARKING WORKS
- 3.1 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.
- 3.2 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).
- 3.3 All access, parking and vehicle manoeuvring areas must be asphalt 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).

- 3.4 The existing access from East Street South to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.
- 3.5 All vehicles must ingress and egress the development in a forward gear.
- 3.6 A minimum of seven (7) parking space along the internal access on the eastern section must be provided on-site.
- 3.7 Parking spaces must be line-marked as shown in the 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).
- 3.8 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"*.
- 3.9 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-streetcar parking"*.
- 3.10 Any signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 3.11 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 3.12 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 4.0 STORMWATER WORKS
- 4.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 4.2 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).
- 4.3 All stormwaters must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 4.4 Any application for a Development Permit for Operational Works (stormwater works) must be supported by a short Stormwater Management Report. The report must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ) and, as a minimum, include the following:
 - 4.4.1 identification of the drainage catchment for the proposed drainage channel along the northern boundary. A suitably scaled stormwater master plan that clearly identifies the contributing catchment area(s) and Lawful point(s) of discharge, demonstrating compliance with the *Queensland Urban Drainage Manual*;
 - 4.4.2 assessment of peak stormwater discharges for all critical rainfall events up to and including the one (1) per cent Annual Exceedance Probability (AEP) design flood event;
 - 4.4.3 identification and conceptual design of all proposed new drainage infrastructure and any required modifications to existing drainage systems, necessary to appropriately manage stormwater collection and discharge generated by the proposed development;

Note: The hydraulic capacity of a channel should be based on the expected channel conditions just prior to normal channel maintenance (i.e. prior to clearing, weeding, grass cutting).

- 4.4.4 demonstration of how major design storm flows are safely conveyed through the site to a lawful point of discharge, in accordance with *Queensland Urban Drainage Manual* and *Capricorn Municipal Development Guidelines*;
- 4.4.5 identification of land affected by inundation during the 1% AEP flood event resulting from the existing overland flow path along the western boundary;
- 4.4.6 confirmation that all Site Works, Earthworks, Grave Site and Grave Beam extents are located entirely outside the one (1) per cent AEP flood inundation area;

Note: The development site is located within the Mount Morgan catchment and is affected by the one (1) per cent AEP local storm / overland flow flooding event. The one (1) per cent AEP flood extent from the Mount Morgan Flood Study may be superimposed onto the overall site layout plan to demonstrate compliance with this requirement.
- 4.4.7 full details of all calculations, assumptions, design parameters, and data files used in the stormwater assessment (where applicable).
- 4.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 4.6 The proposed bed level crossing within the channel must be designed and constructed to ensure that:
 - 4.6.1 hydraulic capacity of the drainage line is maintained;
 - 4.6.2 no actionable nuisance or worsening of flooding upstream or downstream of the crossing;
 - 4.6.3 crossing remains trafficable during minor storm events;
 - 4.6.4 works complies with *Queensland Urban Drainage Manual* and *Capricorn Municipal Development Guidelines*;
 - 4.6.5 detailed design drawings, hydraulic calculations, and construction details are submitted for assessment and approved as part of a Development Permit for Operational Works (stormwater works).

5.0 SITE WORKS

- 5.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 5.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
 - 5.2.1 the location of cut and/or fill;
 - 5.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 5.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 5.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 5.2.5 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.

- 5.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 5.4 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 an actionable nuisance or worsening to surrounding land or infrastructure.
- 5.5 Any retaining structures above one (1) metre in height must require a building approval. Structural engineering plans are to be prepared and endorsed by a *Registered Professional Engineer of Queensland (Structural Engineer)* for all structural components of the retaining wall.
- 6.0 LANDSCAPING WORKS
- 6.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 6.2 An additional 12 shade trees must be provided as identified on the approved plans (refer to condition 2.1).
- 6.3 Any shade trees located within car parking areas must be planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 6.4 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 — Design for access and mobility*.
- 6.5 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 6.5.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 6.5.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 6.6 Shade trees shown on the approved plan (refer to condition 2.1) must be retained and maintained.
- 6.7 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 6.8 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.
- 6.9 Trees identified for removal on the concept plan (refer to condition 2.1) must be physically identified for inspection by a qualified Council Arborist prior to any removal to ensure there is no significance or habitat linked to the tree.
- 6.10 Prior to the commencement of any works, the following must be provided:
- 6.10.1 Onsite provisions for future irrigation connections (e.g. water meter and backflow connections for irrigation systems)
 - 6.10.2 An impact assessment report prepared by Council's Level 5 Arborist. The report must inspect the health and determine the tree protection zones for trees to be retained. The report must provide all tree protection measures that must be followed during the development as per *Australian Standard AS 4970 Protection of Trees on development sites*.
- 6.11 The tree protection zones identified in the impact assessment report must be erected by Council's Level 5 Arborist and any other required control measures must be implemented with the project officer to ensure compliance and minimal disruption to

the trees while the project is undertaken.

6.12 Landscaping, or any part thereof, upon reaching full maturity, must not:

6.12.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;

6.12.2 adversely affect any road lighting or public space lighting; or

6.12.3 adversely affect any Council infrastructure, or public utility plant.

6.13 The landscaped areas must be subject to:

6.13.1 a watering and maintenance plan during the establishment moment; and

6.13.2 an ongoing maintenance and replanting programme.

7.0 ASSET MANAGEMENT

7.1 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.

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

7.3 '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)*.

8.0 ENVIRONMENTAL

8.1 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (Certified Professional in Erosion and Sediment Control or Registered Soil Practitioner – Erosion and Sediment Control or Registered Professional Engineer of Queensland), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017*, *International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:

8.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

9.0 ENVIRONMENTAL HEALTH

9.1 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within East Street South.

10.2 Boundary fencing must be provided for the perimeter of the subject sites as per the approved plans (refer to condition 2.1).

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 Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.dwatsipm.qld.gov.au/>

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the development is considered a minor use as per the Rockhampton Regional Council Charges Resolution No. 2 (2025).

NOTE 6. Clearing of fauna

Prior to any clearing of the subject site and during construction it is recommended an appropriately experienced and suitably qualified fauna spotter catcher be engaged to conduct a pre-clearing fauna survey to identify any wildlife habitats and breeding places within the clearing area. If identified the wildlife will be removed and relocated. Only a designated and trained person (fauna spotter catcher) can handle and remove fauna under the *Nature Conservation Act*.

The fauna spotter catcher should be present during all vegetation clearing to supervise, including clearing of grasslands.

NOTE 7. Landscaping

Council approval must be obtained prior to the removal of or interference with trees located on Council land.

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

MOTION CARRIED

11.4 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/89-2026
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Damon Morrison - General Manager Communities and Lifestyle
Author: Elaine Bayles - Planning Officer

SUMMARY

Development Application Number: D/89-2026
Applicant: Paul John Goodwin
Real Property Address: Lot 36 on RP604011 and Lot 4, Lot 5 and Lot 6 on RP612262
Common Property Address: 24 Edith Street, Port Curtis
Area of Site: 7,246 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (Version 5)
Planning Scheme Zone: Limited Development (Constrained Land)
Planning Scheme Overlays: Acid Sulfate Soils Overlay
Airport Environs Overlay
Steep Land Overlay
Existing Development: Vacant Land
Approval Sought: Development Permit for a Material Change of Use for a Dwelling House
Category of Assessment: Assessable subject to impact assessment
Submissions: Nil
Referral Agency: Nil

COUNCIL RESOLUTION**RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by P J Goodwin, located at 24 Edith Street, Port Curtis described as Lot 36 on RP604011 and Lot 4, Lot 5 and Lot 6 on RP612262, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS**Description of the development**

Material Change of Use for a Dwelling House

Reasons for Decision

- a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Strategic Framework
- Limited Development (Constrained Land) Zone Code
- Access, Parking and Transport Code
- Landscape Code
- Stormwater Management Code
- Waste Management Code
- Water and Sewer Code

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.

Assessment Benchmark**Reasons for the approval despite non-compliance with benchmark****Strategic Framework****3.3 Settlement Pattern****3.3.6 Element – Rural****3.3.6.1 Specific Outcome 8**

The subject site is located in the Rural designation of the Strategic Framework Settlement Pattern.

Specific Outcome 8 of the Rural Element (3.3.6.1) states:

“Dwellings are not established and further subdivision does not occur in historic subdivisions.”

Editor’s note—Historic subdivisions throughout the region have been zoned limited development.”

While specific outcome 8 discourages the establishment of dwellings within historic subdivisions, the proposed development includes four lots which will be amalgamated through development conditions. This encourages the amalgamation of smaller lots into larger lots to reduce fragmentation. As a result, the proposal will limit future opportunities for incompatible development.

Furthermore, Specific Outcome 14 of the Rural Element (3.3.6.1) states:

“Other uses that are required to coexist with rural uses will be accommodated where they do not:

- a) diminish the productivity of agricultural land;*

	b) <i>impact on adjoining or nearby uses;</i> c) <i>impact on the capacity and safety of state controlled roads; and</i> d) <i>result in fragmentation of rural land."</i> The proposal is consistent with Outcome 14, as it does not diminish productivity, create land use conflicts, or adversely impact infrastructure or surrounding uses. Furthermore, the proposed dwelling house is consistent with the surrounding land uses within the Rural designation. Therefore, on balance the proposed development is not anticipated to compromise the Strategic Framework of the <i>Rockhampton Region Planning Scheme 2015</i>.
Limited Development (Constrained Land) Zone Code	6.7.3.2 Purpose, Outcome 2 (a) and Performance Outcome (PO) 4 (c) The proposed development conflicts with outcome 2 (a) and PO4 (c) of the Limited Development (Constrained Land) Zone Code which seeks to limit residential uses. Despite the conflict with outcome 2 (a) and PO4 (c), the development is consistent with the remaining purpose outcomes, which are: • development does not compromise the operational, functional and location needs of surrounding land use or adversely affect the local character of the surrounding area; • development is sited and designed to reflect and respond to local natural landscape features and constraints on the land; • development is serviced by infrastructure that is commensurate with the needs of the use; • no further subdivision of land to create new lots occurs. In addition, the proposed development is for a single dwelling house use equivalent to established land uses on the surrounding lots; furthermore an approval is conditional on the amalgamation of Lot 36 on RP604011 and Lot 4, Lot 5 and Lot 6 on RP612262 prior to the commencement of the use which supports the purpose of the Limited Development (Constrained Land) Zone Code. The non-compliance with outcome (2) (a) and PO4 (c) is considered a low-level conflict and the proposed development complies with the remaining outcomes of the Limited Development (Constrained Land) Zone Code. Furthermore, the development does not compromise the Strategic Framework.
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
Matters raised in submissions	
The proposal was the subject of public notification between 6 July 2026 and 24 July 2026, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.	
Matters prescribed by regulation	
• The Rockhampton Region Planning Scheme 2015 (Version 5).	

- Central Queensland Regional Plan 2013; and
- The common material, being the material submitted with the application.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by P J Goodwin, located at 24 Edith Street, Port Curtis described as Lot 36 on RP604011 and Lot 4, Lot 5 and Lot 6 on RP612262, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a *Registered Professional Engineer of Queensland (RPEQ)*.
- 1.9 Lot 36 on RP604011 and Lot 4, Lot 5 and Lot 6 on RP612262 must be amalgamated and registered as one lot prior to the commencement of the use.
- 1.10 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No./ Sheet</u>	<u>Version/Issue</u>
Site Plan of Proposed Dwelling House	TPDC	1 July 2026	2604004-01a / 1 of 2	-
Proposed Dwelling House superimposed on Contour Map	TPDC	1 July 2026	2604004-01a / 2 of 2	-
Floor Plan	TPDC	1 May 2026	2604004-02 / 1 of 2	-
Elevations	TPDC	1 May 2026	2604004-02 / 2 of 2	-

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

3.0 ACCESS WORKS

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

Note: It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with *Standard Capricorn Municipal Development Guidelines*, Standard Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works).

- 3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 A new access must be constructed for the proposed development from Edith Street.
- 3.4 The access driveway located within the road reserve of Edith Street must be asphalt sealed in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

Note: Access driveway within the development site may be constructed as an all-weather gravel pavement, extending from the property boundary to the proposed building.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the proposed dwelling house on the development site.
- 4.2 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.
- 4.3 Adequate on-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. The water storage must be easily accessible having regard to

pedestrian and vehicular access. This must be certified by a hydraulic engineer or other suitably qualified person.

- 4.4 On-site sewerage treatment and disposal must be provided in accordance with the approved plans (refer to condition 2.1), *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

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

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

- 5.2 All roof and allotment runoff from the development must discharge such that it must not restrict, impair or change the natural flow of runoff water or cause an actionable nuisance or worsening to surrounding land or infrastructure.

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

- 6.2 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 an actionable nuisance or worsening to surrounding land or infrastructure.

- 6.3 All retaining structures above one (1) metre in height must require a building approval. Structural engineering plans are to be prepared and endorsed by a *Registered Professional Engineer of Queensland (Structural Engineer)* for all structural components of the retaining wall.

7.0 BUILDING WORKS

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

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

8.0 ELECTRICITY

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

9.0 TELECOMMUNICATIONS

- 10.0 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, pipes and conduits that provide a connection to the telecommunications network.

- 11.0 Note: *The Telecommunications Act 1997 (Commonwealth)* specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

12.0 ASSET MANAGEMENT

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

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

13.0 ENVIRONMENTAL

- 13.1 An Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control or Registered Soil Practitioner – Erosion and Sediment Control or Registered Professional Engineer of Queensland*), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017, International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:

13.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

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

14.0 OPERATING PROCEDURES

- 14.1 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 Edith Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Rating Category

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

NOTE 5. Infrastructure Charges Notice

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

NOTE 6. Transport Noise Corridor

Any residential buildings located within the Transport Noise Corridor must comply with the *Queensland Development Code (QDC)* MP4.4 – Buildings in a transport noise corridor.

Moved by: Councillor Mathers

Seconded by: Councillor Hilse

MOTION CARRIED

11.5 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT FOR A SUBDIVISION (ONE LOT INTO TWO LOTS)

File No: D/73-2026

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Damon Morrison - General Manager Communities and Lifestyle

Author: Aidan Murray - Senior Planning Officer

SUMMARY

Development Application Number: D/73-2026

Applicant: S Heath

Real Property Address: Lot 230 on RP855799

Common Property Address: 240 Kalapa - Black Mountain Road, Kalapa

Area of Site: 63.07 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (v5.0)

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Areas Overlay
Bushfire Hazard Overlay
Steep Land Overlay
Agricultural Land Classification Information Overlay

Existing Development: Dwelling House and Grazing/Agriculture

Approval Sought: Development Permit for Reconfiguring a Lot for a Subdivision (one lot into two lots)

Category of Assessment: Assessable subject to impact assessment

Submissions: Nil

Referral Agency: Nil

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for a Subdivision (one lot into two lots), made by S Heath, located at 240 Kalapa - Black Mountain Road, Kalapa, described as Lot 230 on RP855799, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS**Description of the development**

Reconfiguring a Lot for a Subdivision (one lot into two lots)

Reasons for Decision

- a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Local Government Infrastructure Plan
- Strategic Framework
- Rural Zone Code
- Reconfiguring a Lot Code
- Access, Parking and Transport Code
- Landscape Code
- Stormwater Management Code
- Water and Sewer Code
- Filling and Excavation Code
- Biodiversity Areas Overlay Code
- Bushfire Hazard Overlay Code
- Steep Land Overlay Code

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Strategic Framework	3.3 Settlement Pattern 3.3.6 Element – Rural 3.3.6.1 Specific Outcome (6) The proposed development conflicts with Specific Outcome (6) of the Rural designation element which prescribes that “subdivision of rural land will be regulated by minimum lot sizes established to maintain the productive potential of the land. The amalgamation of existing smaller lots into larger proportions is encouraged.” It is acknowledged the proposed subdivision will result in lots that are smaller than the prescribed minimum lot size for the Rural Zone. Despite this, the proposed development does comply on balance with the remaining relevant specific outcomes of the Rural designation element, particularly in relation to the following provisions: • Rural land is not used for urban development and is to be protected for its productive, landscape and natural resource values.

	• Development will not alienate or impact on the productive agricultural capacity of rural areas. • Subdivision of rural land into rural residential lots will not occur, including areas adjoining land designated for rural residential development. The proposed development does not result in the creation or expansion of rural residential land beyond the designated areas. The subdivision proposes lot sizes that far exceed those seen in rural residential land and developments. The proposal is not considered to represent, facilitate or encourage future development for rural residential lots. The proposal can be supported based on the specific physical characteristics of the subject land. The productive capacity of the rural land will not be compromised by the development. The subdivision will not result in reduced potential for rural and agricultural production when compared to the pre-development conditions. Rural lands and natural areas will not be impacted by the subdivision and will continue to be maintained for their rural and landscape values. Therefore, on balance the proposed development is not anticipated to compromise the Strategic Framework of the <i>Rockhampton Region Planning Scheme 2015</i>.
Rural Zone Code	6.7.4.2 Purpose - Part (2), (f); and Performance Outcome (PO) 34 The proposed development does not comply with the following Overall Outcome (2), (f) of the Rural Zone Code Purpose: <i>f) "all rural land is maintained in large land holdings to protect the agricultural production capacity. In this regard, the reconfiguration of land only occurs when lot size is 100 hectares unless otherwise stated in a precinct"</i> The proposed development is for a subdivision (one lot into two lots) over land with a total site area of 63.07 hectares. At present, the site does not comply with the minimum lot size requirement for a lot located within the Rural Zone and is unable to achieve compliance with the overall outcome. Furthermore, the proposed development does not comply with Acceptable Outcome (AO) 34.1 which states: "Unless otherwise stated in a precinct the minimum lot size is 100 hectares". Despite this, the overarching Performance Outcome (PO) 34 states: "the further subdivision of land is limited to reflect the suitability of the land for primarily grazing purposes and to protect water quality, environmental and landscape values". The existing land parcel is bisected by Kalapa - Black Mountain Road, which runs east-west and physically separates the northern and southern parts of the lot on either side of the road. Subdivision of the land using the existing road as the new boundary will not reduce the suitability of the land to be used for grazing purposes or negatively impact on water quality or environmental and landscape values as the subdivision matches

	the existing physical characteristics of the site, specifically the existing segregation as a result of Kalapa - Black Mountain Road. Given the conflict with this part of the purpose and overall outcome of the Rural Zone Code, consideration has been given to the Strategic Framework of the Planning Scheme. The subdivision will not result in reduced potential for rural and agricultural production when compared to the pre-development conditions and will not compromise the rural and landscape values of the site and local area. The proposal would formalise legal and administrative separation of the land to align with the existing physical separation caused by Kalapa - Black Mountain Road. The subdivision proposes lot sizes that far exceed those seen in rural residential developments. The proposal is not considered to represent, facilitate or encourage future development for rural residential lots. The proposal can be supported based on the specific physical characteristics of the subject land. Ultimately, the proposed subdivision is considered to be generally consistent with the relevant provisions of the Strategic Framework, particularly in relation to the Rural designation under the settlement pattern theme and the provisions under the natural resources and economic development theme. Therefore, the proposed development is taken to comply with PO 34; and the non-compliance with part (2) (f) of the Rural Zone purpose is not anticipated to compromise the Strategic Framework of the <i>Rockhampton Region Planning Scheme 2015</i>.
Reconfiguring a Lot Code	Performance Outcome (PO) 7 The proposed development conflicts with Acceptable Outcome (AO) 7.1 as it does not meet the minimum area for lots located within the Rural Zone in accordance with Table 9.3.5.3.2 of the Reconfiguring a Lot Code. The current lot is 63.07 hectares, also below the minimum lot size for the Rural Zone, and is bisected by Kalapa - Black Mountain Road, which runs east-west physically separating the northern and southern parts of the lot on either side of the road. The proposed subdivision follows the physical characteristics of the site, specifically the existing segregation as a result of Kalapa - Black Mountain Road. Proposed Lot 230 contains an existing dwelling house, which will be fully contained in the new lot and will not be negatively affected by the subdivision. Proposed Lot 1 is currently vacant but allows for appropriate future development. The subdivision will not result in reduced potential for rural and agricultural production when compared to the pre-development conditions. Therefore, the proposed development is taken to comply with PO 7.

Relevant Matters

The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.

Matters raised in submissions

The proposal was the subject of public notification between 18 June 2026 and 8 July 2026, in accordance with the requirements of the *Planning Act 2016* and the *Development Assessment Rules*, and no submissions were received.

Matters prescribed by regulation

- The Rockhampton Region Planning Scheme 2015 (version 5.0)
- Central Queensland Regional Plan 2013
- The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for a Subdivision (one lot into two lots), made by S Heath, located at 240 Kalapa - Black Mountain Road, Kalapa described as Lot 230 on RP855799, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Survey Plan Approval Certificate, unless otherwise stated.
- 1.4 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
Reconfiguration Plan	CSG	17 April 2026	9906-01-ROL	A

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

3.0 STORMWATER WORKS

- 3.1 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.

4.0 SITE WORKS

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

5.0 ELECTRICITY

- 5.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

Alternatively, the approved development must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practices. The installation and maintenance of the on-site energy supply is to be borne by the landowner.

6.0 ASSET MANAGEMENT

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

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

7.0 OPERATING PROCEDURES

- 7.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within Kalapa-Black Mountain Road.

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 Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.dwatsipm.qld.gov.au/>

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Provision for Sewer and Water services

Each lot must be provided with on-site sewerage treatment and disposal systems. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 "On-site domestic wastewater management"* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 6. Rural Addressing

All Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures and must be in accordance with *Australian/New Zealand Standard for Rural and Urban Addressing (AS4819:2011)*. Council will allocate new street numbering to proposed Lot 1 in accordance with this standard when a request for a driveway (access works) is applied for.

NOTE 7. Bushfire Prone Areas

Any future buildings in a bushfire prone area are required to be constructed in accordance with any bushfire management plan approved as part of this development permit and with *AS3959 – Construction of buildings in bushfire prone areas* and/or the *National Association of Steel-Framed Housing Standard: Steel framed construction in bushfire areas*. Regard should also be had to the *Bushfire Resilient Building Guide for Queensland Homes* published by the Queensland Government and CSIRO.

Moved by: Councillor Hilse

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

11.6 ROCKHAMPTON LOCAL DISASTER MANAGEMENT PLAN**File No:** 4704**Authorising Officer:** Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services**Author:** Claudine Cassar - Coordinator Disaster Management

SUMMARY

The Rockhampton Region Local Disaster Management Plan has been reviewed and updated by the Rockhampton Region Local Disaster Management Group.

This matter was not dealt with and moved to the next Item of Business

**11.7 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING 31 JULY 2026**

File No: 1392
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Lisa Caffery - General Manager Workforce and Governance

SUMMARY

General Manager Workforce and Governance presenting the Whole of Council Corporate Performance report for period ending 31 July 2026 for Councillor's information.

COUNCIL RESOLUTION

THAT the Whole of Council Performance Report for period ending 31 July 2026 be 'received'.

Moved by: Councillor Oram
Seconded by: Councillor Taylor
MOTION CARRIED

11.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 JUNE 2026

File No: 8148
Authorising Officer: Marnie Taylor - General Manager Organisational Services
Author: Tisin Simon - Manager Finance

SUMMARY

The Manager Finance presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2026.

10:59AM The Chief Executive Officer left the meeting

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 June 2026 be received.

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

11.9 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2026

File No: 8148
Authorising Officer: Marnie Taylor - General Manager Organisational Services
Author: Tisin Simon - Manager Finance

SUMMARY

The Manager Finance presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 July 2026.

10:59AM The Chief Executive Officer returned to the meeting

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 July 2026 be received.

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

15 CLOSED SESSION

COUNCIL RESOLUTION

11:03AM

THAT Council move into Closed Session pursuant to section 254J(1) of the *Local Government Regulation 2012* and the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 SPECIALISED SUPPLIER PROVISION FOR ROCKHAMPTON MUSEUM OF ART

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

16.2 Property Matter

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

Moved by: Councillor Oram

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

11:31AM

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

Moved by: Mayor Williams

Seconded by: Councillor Oram

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 SPECIALISED SUPPLIER PROVISION FOR ROCKHAMPTON MUSEUM OF ART

File No: 5883

Authorising Officer: John Webb - Manager Communities & Culture
Damon Morrison - General Manager Communities and Lifestyle

Author: Shanna Muston - Curator

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

SUMMARY

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

COUNCIL RESOLUTION

THAT pursuant to Section 235(b) of the *Local Government Regulation 2012*, Council approve the Artist as outlined in this report as a specialised supplier for the acquisition of artwork.

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

16.2 PROPERTY MATTER**File No:** 11092**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Damon Morrison - General Manager Communities and Lifestyle

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

SUMMARY

General Manager Communities and Lifestyle reporting on a property matter.

COUNCIL RESOLUTION

THAT Council authorise the Chief Executive Officer to proceed with Option 1 as outlined in the report.

Moved by: Councillor Mathers**Seconded by:** Councillor Wickerson**MOTION CARRIED UNANIMOUSLY**

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:33am.

SIGNATURE

CHAIRPERSON

DATE