



# **ORDINARY MEETING**

## **MINUTES**

**11 FEBRUARY 2025**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 11 FEBRUARY 2025 COMMENCING AT 9:01AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer - Father Ashwin Acharya, Holy Family Catholic Church

## **2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief 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 21 January 2025 be confirmed.

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Hilse

**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**

Nil

## 11 OFFICERS' REPORTS

### 11.1 D/35-2024 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT FOR A SUBDIVISION (ONE LOT INTO FOUR LOTS)

**File No:** D/35-2024

**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
Doug Scott - Manager Planning & Regulatory Services  
Alicia Cutler - General Manager Community Services

**Author:** Sophie Muggeridge - Planning Officer

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#### SUMMARY

**Development Application Number:** D/35-2024

**Applicant:** Discovery Communities Pty Ltd

**Real Property Address:** 12 on RP609433

**Common Property Address:** 196 Mason Street, Berserker

**Area of Site:** 3,129 square meters

**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (v4.4)

**Planning Scheme Zone:** Low Density Residential

**Planning Scheme Overlays:** Acid Sulfate Soils Overlay;  
Airport Environs Overlay;  
Biodiversity Areas Overlay;  
Coastal Protection Overlay;  
Flood Hazard Overlay; and  
Steep Land Overlay.

**Existing Development:** Vacant

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

**Category of Assessment:** Assessable subject to Impact assessment

**Submissions:** Three (3)

**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 four lots), made by Discovery Communities Pty Ltd, located at 196 Mason Street, Berserker, described as Lot 12 on RP609433, 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 four 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;
- Low Density Residential Zone Code;
- Access, Parking and Transport Code;
- Filling and Excavation Code;
- Landscape Code;
- Reconfiguring a Lot Code;
- Stormwater Management Code;
- Water and Sewer Code;
- Biodiversity Overlay Code;
- Coastal Protection Overlay Code;
- Flood Hazard Overlay Code;
- Steep Land Overlay Code; and
- *Planning Regulation 2017, Schedule 12A*

**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****Coastal Protection Overlay Code****Performance Outcome (PO)14**

The proposed development does not comply with Acceptable Outcome (AO) 14.1 or Performance Outcome 14 as a resulting lot (proposed Lot 2) is partially affected by the Coastal Protection Overlay, hazard – medium.

Despite this, proposed Lot 2 is marginally mapped as being affected by the Coastal Protection Overlay (approximately 4.5m<sup>2</sup>). The hazard is likely contained within the Frenchmans

	<p>Creek corridor to the east of the site. Proposed Lot 2 is 1,004.61 square metres in area and therefore is of a sufficient size to accommodate a future dwelling house outside the hazard area and will avoid an unacceptable increase in the severity of the hazard or potential for damage on the site or to other properties.</p> <p>On this basis, the proposed development is taken to comply with the purpose of the Coastal Protection Overlay Code and overall outcome (2), (a).</p>
<b>Flood Hazard Overlay Code</b>	<p><b>Performance Outcome (PO) 14</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 14.1 or Performance Outcome 14 because it results in the creation of new lots (proposed Lot 2 and Lot 4) within the Flood Hazard Overlay.</p> <p>The Flood Hazard Overlay (Riverine) affects an approximate 240 square metre area in the southeastern corners of proposed Lots 2 and 4 and approximate 95 square metres (creek catchment) in the southeast corner of proposed Lot 2. Furthermore, the proposed development does not comply with Overall Outcome (2) (f) of the Flood Hazard Overlay Code because it results in the creation of additional lots in the Flood Hazard Overlay.</p> <p>Despite this, the proposed development does comply with Strategic Outcome 3.4.1 (3) and Specific Outcome 3.4.3.1 (1) of the Planning Scheme within the Natural Environment and Hazards theme of the Strategic Framework. Because only part of proposed Lots 2 and 4 are mapped as being affected by the flood hazard overlay and the developable area (i.e. excluding the flood hazard overlay and easements) of each lot can accommodate a future dwelling house outside of the hazard. A condition of approval has also been recommended requiring a drainage easement over the extent of the Flood Hazard Overlay. The drainage easement will ensure no further development can occur within the flood hazard areas.</p> <p>On this basis, it is considered that there is no increased risk to people or property from flooding as a result of the proposed subdivision and the development does not conflict with the Strategic Framework of the Planning Scheme.</p>
<b>Relevant Matters</b>	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>An amendment to the <i>Rockhampton Region Planning Scheme 2015</i> has been submitted to the State Government for approval to reduce the level of assessment for new lots created from impact to code assessable when impacted by the flood hazard overlay mapping.</li> </ul>	
<b>Matters raised in submissions</b>	
<p>The proposal was the subject of public notification between 30 September 2024 and 21 October 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and three (3) submissions were received.</p>	
Increased Traffic	<p>The submitters raised concern that the proposed reconfiguration of a lot will increase vehicle and pedestrian traffic to Mason Street.</p>



	The proposed development aligns with the requirements of the Access, Parking and Transport Code and the Low Density Residential Zone. Furthermore, any access works being undertaken as a result of the development have been conditioned to comply with all relevant requirements and must obtain an operational works permit prior to construction.
Proposed driveway location	<p>The submitters raised concern that the location of the driveways for the proposed reconfiguration of a lot will increase the possibility of accidents and disputes.</p> <p>The proposed development aligns with the requirements of the Access, Parking and Transport Code of the <i>Rockhampton Region Planning Scheme 2015</i>. All access works required for the development (e.g. access driveways) have been conditioned to comply with all relevant requirements and must obtain an operational works permit prior to construction.</p>
Increase to noise, dust & light pollution	<p>The submitters raised concern that the increased vehicles to the area will increase noise, dust and light pollution to surrounding residents.</p> <p>The proposed development does not propose any uses that would generate excessive noise, dust or light pollution that would impact on surrounding residents.</p>
Devaluation of surrounding properties	<p>The submitters raised concern that the proposed reconfiguration of a lot and subsequent dwelling houses will decrease surrounding property values.</p> <p>Property value is not a matter Council may or must have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application.</p> <p>However, the proposed subdivision is located within an established residential area and is appropriately zoned for residential development to occur.</p>
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"> <li>• The Rockhampton Region Planning Scheme 2015 (version 4.4).</li> <li>• Central Queensland Regional Plan 2013; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

## RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for a Subdivision (one lot into four lots), made by Discovery Communities Pty Ltd, located at 196 Mason Street, Berserker, described as Lot 12 on RP609433, 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 Unless otherwise stated, 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 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Survey Plan Approval Certificate, 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.
    - (ii) Inter-allotment Drainage 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.
- 1.9 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.

## 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>
SITE PLAN	Design direct	29 May 2024	230802	E

- 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 required by this development approval.
- 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*, and the provisions of a Development Permit for Operational Works (access works).

- 3.3 A 3 meter wide sealed access driveway for proposed Lot 3 and 4 must be constructed for the full length of the access handle.

#### 4.0 SEWERAGE WORKS

- 4.1 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2018*.

- 4.2 All lots within the development must be connected to Council's reticulated sewerage network via gravity sewerage connections. Each lot must be provided with its own separate sewerage connection point, located wholly within its respective property boundary.

Note: Sewerage service connections (jump-ups) must be provided under Private Works Quote by Fitzroy River Water (FRW).

- 4.3 Sewer connections/ access chambers located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

#### 5.0 WATER WORKS

- 5.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2018*.

- 5.2 All lots within the development must be connected to Council's reticulated water network. A hydraulic engineer or other suitably qualified person must determine the size of connection required.

Note: Water service connections must be provided under Private Works Quote by Fitzroy River Water (FRW).

- 5.3 A New Fire Hydrants (FH) must be installed along the Mason Street for the proposed development.

Note: New location for fire hydrant is within the frontage of Lot 3 on RP608001 or Lot 2 on RP608001.

#### 6.0 STORMWATER WORKS

- 6.1 All stormwaters 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.

- 6.2 An easement must be provided over the 1% AEP inundation extents within the southeastern corner of proposed Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate.

#### 7.0 INTER-ALLOTMENT DRAINAGE WORKS

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

- 7.2 All inter-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 and the provisions of a Development Permit for Operational Works (inter-allotment drainage works).

7.3 Inter-allotment drainage systems and overland flow paths must be wholly contained within a private easement and be in accordance with the minimum widths prescribed in the *Capricorn Municipal Design Guidelines*. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Survey Plan Approval Certificate.

#### 8.0 SITE WORKS

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

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

#### 9.0 ELECTRICITY

9.1 Electricity services to each lot 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 each lot 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 issue of the Survey Plan Approval Certificate. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).

#### 12.0 OPERATING PROCEDURES

12.1 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 Mason Street.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

**NOTE 2. General Environmental Duty**

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

**NOTE 3. General Safety of Public During Construction**

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

**NOTE 4. Works in Road Reserve Permit**

Access driveways for the proposed Lot 1 and 2 can be constructed under works in road reserve permit at building works stage.

**NOTE 5. Gravity sewerage connections**

Should a gravity sewerage connection be unable to achieve for the proposed Lots please contact council to discuss alternative connection.

**NOTE 6. Infrastructure Charges Notice**

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

**Moved by: Councillor Mathers**

**Seconded by: Councillor Hilse**

**MOTION CARRIED UNANIMOUSLY**

**11.2 D/73-2024 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR CHILDCARE CENTRE**

**File No:** D/73-2024  
**Authorising Officer:** Amanda O'Mara - Coordinator Development Assessment  
Doug Scott - Manager Planning & Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Sophie Muggeridge - Planning Officer

**SUMMARY**

**Development Application Number:** D/73-2024  
**Applicant:** George Henry Rose  
**Real Property Address:** Lot 43, 42 and Lot 41 on RP607265  
**Common Property Address:** 7, 9 and 11 Denning Street, Park Avenue  
**Area of Site:** 2,362 square metres  
**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (v4.4)  
**Planning Scheme Zone:** Low Density Residential Zone  
**Planning Scheme Overlays:** Airport Environs Overlay  
**Existing Development:** Lot 43 – Dwelling House;  
Lot 42 – Dual Occupancy; and  
Lot 41 – Dwelling House.  
**Approval Sought:** Development Permit for Material Change of Use for a Childcare Centre  
**Category of Assessment:** Assessable subject to Impact assessment  
**Submissions:** Two (2)  
**Referral Agency:** Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department)

**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for a Childcare Centre, made by George Henry Rose, located at 7, 9 and 11 Denning Street, Park Avenue, described as Lot 43, 42 and Lot 41 on RP607265, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS****Description of the development**

Material Change of Use for a Childcare Centre

**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;
- Low Density Residential Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

#### Compliance with assessment benchmarks

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

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<b>Strategic Framework</b>	<p><b>3.3 Settlement Pattern</b></p> <p><b>3.3.8 Element – Urban and new urban</b></p> <p><b>3.3.8.1 Specific Outcome (8)</b></p> <p>The proposed development does not comply with Specific Outcome (8) of the Urban and new urban theme of the Strategic Framework as the proposed Childcare Centre is not considered to only service the needs of the immediate local residential community.</p> <p>Despite this, the proposed development does comply on balance with the remaining relevant overall outcomes of the Urban and new Urban area theme because the proposed childcare centre is small in scale with a capacity of 78 and will provide employment opportunities to the region. Furthermore, the development is not an expansion of the Specialised Centre Zone as a Childcare Centre is considered a consistent land use within the Low Density Residential Zone. The proposed building is designed to maintain an attractive streetscape and align with the amenity of the surrounding residential area whilst encouraging a pedestrian network.</p> <p>Therefore, the proposed development is taken to comply, on balance with the Specific Outcomes of the Urban and new urban theme of the Strategic Framework.</p>
<b>Low Density Residential Zone</b>	<p><b>Low Density Residential Zone Purpose (2), (e), (iii) and (vi)</b></p> <p>The proposed development does not comply with the following Overall Outcomes of the Low Density Residential Zone Code Purpose:</p> <p>(iii) which states “<i>primarily function to service the needs of the immediate local residential community</i>”; and</p>

(vi) 'part' which states *"have direct access to higher order roads (minor urban collector or higher) and are in proximity to public transport"*

The proposed childcare centre is located on a low order road (Urban access street) and the service provided is available to the wider community.

Despite this, the proposed development can comply with the remaining Overall Outcomes (i), (ii), (iv) and (v) for a non-residential development because:

The proposed building is designed to maintain an attractive streetscape and align with the amenity of the surrounding residential area whilst encouraging a pedestrian network. Furthermore, the increased traffic to the area is mitigated against due to the required number of vehicle parking spaces being located wholly on site and continuous no stopping line marking conditions imposed to reduce off-site parking and road congestion. The proposed Childcare Centre is small in scale and within close proximity to public transport (90 metres away) and will not detract from the role and function of centres nor result in the expansion of a centre zone as a Childcare Centre is considered a consistent land use within the Low Density Residential Zone.

Therefore, the proposed development is taken to comply, on balance with the purpose of the Low Density Residential Zone Code.

#### **Performance Outcome (PO) 13**

The proposed development does not comply with Acceptable Outcome (AO) 13.3 because the length of exterior walls are between 23 to 32.3 metres, where AO13.1 requires the length of exterior walls to be a maximum length of 12 metres.

Despite this, the proposed development is designed and located to an appropriate scale and size and is integrated into the streetscape and built form because:

- The proposed building is articulated with various materials to maintain the amenity of the area;
- Landscaping is proposed along all four property boundaries to soften the appearance of the building; and
- Is integrated with the streetscape with a pedestrian path proposed along the full frontage of the development site along Boland Street and Denning Street.

Therefore, the proposed development is taken to comply with PO 13.

#### **Performance Outcome (PO) 16**

The development complies with all the Performance Outcomes of 16, with the exception of Performance Outcome (f) which states *"does not adjoin an existing centre zone"* and no acceptable outcome is nominated.

The Childcare Centre site is located in the Low Density Residential Zone. Adjoining the proposal site to the east and south is commercial shops that front a State controlled road 'Yaamba Road' and are located in the Specialised Centre Zone.

Despite this, the proposed development is a consistent use in the Low Density Residential Zone, however, is not supported within the adjoining centre zoning. The proposed development does not take away from the intention of the adjoining centre, with the adjoining commercial tenants being oriented towards Yaamba Road rather than utilising the transport network proposed by the Childcare Centre.



	<p>Therefore, the proposed development is taken to comply with PO 16.</p> <p><b>Performance Outcome (PO) 17</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 17.1 because the subject site is located on urban access streets, being Denning Street and Boland Street, where AO17.1 requires non-residential development to be located on a higher order road.</p> <p>Despite this, the traffic impact assessment concluded that the surrounding road network is functional and has sufficient capacity to accommodate the traffic generated from the development because:</p> <ul style="list-style-type: none"> <li>• The proposed development provides the required number of vehicle parking spaces wholly onsite;</li> <li>• Conditions are incorporated to restrict off street vehicle parking through continuous no stopping line marking along the full development site frontage along with all existing parking restrictions maintained on Boland Street;</li> <li>• The configuration allows for ingress and egress vehicle movements to be dispersed over both road frontages, directing traffic to exit onto Boland Street; and</li> <li>• Due to the nature of the development, the maximum number of long-term vehicle parking spaces being occupied is 13, with all other parking spaces being transient.</li> </ul> <p>Therefore, the proposed development is taken to comply with PO 17.</p> <p><b>Performance Outcome (PO) 21</b></p> <p>The proposed development does not comply with Acceptable Outcome (AO) 21.1 because the development proposes hours of operation from 6:30am to 6:30pm five days a week, where AO21.1 requires non-residential land uses to operate between the hours of 07:00 and 22:00.</p> <p>Despite this, the proposed development minimises adverse impacts on the amenity of adjoining land uses and surrounding area because:</p> <ul style="list-style-type: none"> <li>• The development would not impact adjoining land uses to the east and south as these are commercial premises with similar operating hours; and</li> <li>• Landscaping and fencing along all property boundaries and outdoor play areas will enhance the amenity to the surrounding area.</li> </ul> <p>Therefore, the proposed development is taken to comply with PO 21.</p>
<b>Relevant Matters</b>	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
<b>Matters raised in submissions</b>	
The proposal was the subject of public notification between 26 September 2024 and 21 October 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and two properly made submissions were received.	
Traffic Congestion	<p>The submitters raised concern that the proposed childcare centre will increase traffic to the area and cause congestion.</p> <p>While the proposed site is located on an urban access street, the increased traffic generated from the development has been mitigated against in the following ways:</p>

	<ul style="list-style-type: none"><li>• The proposed development provides the required number of vehicle parking spaces wholly onsite;</li><li>• The configuration allows for ingress and egress vehicle movements to be dispersed over both road frontages, directing traffic to exit onto Boland Street; and</li><li>• Council has imposed a condition that requires a continuous no stopping line to be provided along the full frontage of the development on Denning Street along with all existing parking restrictions maintained on Boland Street;</li></ul> <p>Furthermore, due to the nature of the development, a maximum of 13 vehicle parking spaces will be occupied for long periods of time, with the remaining parking spaces being transient to allow for parents/caregivers to drop off and pick up children. The traffic movements will also vary depending on when children are dropped off and picked up throughout the day.</p>
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"><li>• The Rockhampton Region Planning Scheme 2015 (version 4.4).</li><li>• Central Queensland Regional Plan 2013; and</li><li>• The common material, being the material submitted with the application.</li></ul>	

**Moved by:** Councillor Mathers

**Seconded by:** Councillor Hilse

**MOTION CARRIED UNANIMOUSLY**

**11.3 D/128-2024 - DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR AGRICULTURAL SUPPLIES STORE**

**File No:** D/128-2024  
**Authorising Officer:** Kathy McDonald - Acting Coordinator Development Assessment  
Doug Scott - Manager Planning & Regulatory Services  
Alicia Cutler - General Manager Community Services  
**Author:** Sophie Muggeridge - Planning Officer

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**SUMMARY**

**Development Application Number:** D/128-2024  
**Applicant:** SolutionsWon Group Pty Ltd c/- Precinct Urban Planning  
**Real Property Address:** Lot 6 on SP326319  
**Common Property Address:** 787 Yaamba Road, Parkhurst  
**Area of Site:** 10,020 square metres  
**Planning Scheme:** Rockhampton Region Planning Scheme 2015 (v4.4)  
**Planning Scheme Zone:** High Impact Industry  
**Planning Scheme Precinct:** Parkhurst Precinct  
**Planning Scheme Overlays:** Airport Environs Overlay;  
Steep Land Overlay;  
**Existing Development:** Nil.  
**Approval Sought:** Development Permit for Material Change of Use for Agricultural Supplies Store  
**Category of Assessment:** Assessable subject to Impact assessment  
**Submissions:** Nil  
**Referral Agency:** Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department)

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**COUNCIL RESOLUTION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for an Agricultural Supplies Store, made by SolutionsWon Group Pty Ltd c/- Precinct Urban Planning, located at 787 Yaamba Road, Parkhurst, described Lot 6 on SP326319, Council resolves to provide the following reasons for its decision:

**STATEMENT OF REASONS**

Description of the development
Material Change of Use for Agricultural Supplies Store

### 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;
- High Impact Industry Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

### Compliance with assessment benchmarks

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

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
High Impact Industry Zone Code	<p><b>6.6.3.2 High Impact Industry Zone Purpose (2), (d)</b></p> <p>The proposed development does not comply with Outcome (2), (d) of the High Impact Industry Zone Purpose, which states <i>“the zone does not accommodate uses which attract visitation by members of the public”</i>.</p> <p>The proposed use, an Agricultural Supplies Store is located within the Parkhurst Precinct and is for the sale of goods associated with agricultural and rural land uses, thereby in nature will involve consumers to attend the site.</p> <p>However, as per Purpose (1), (c) the Parkhurst Precinct is to transition into a Medium Impact Industrial Zone in which an Agricultural Supplies Store would be considered a consistent land use.</p> <p>This is reflected within the overarching Strategic Framework, Settlement Pattern 3.3.7 Element - Industrial (existing, new and future) and Specific Outcome 3.3.7.1 (1) <i>Industrial development will be consolidated within the industrial areas designated on the strategic framework maps (SFM-1 to SFM-3)</i>. Furthermore, the development is designed to ensure all environmental nuisances are obtained and contained on site to avoid any off-site impacts to surrounding areas. The proposed development is designed to an aesthetic that does not worsen the amenity for the surrounding area and presents less offsite impacts than that of a High Impact Industry use.</p>

	The non-compliance with purpose (2) (d) of the High Impact Industry Zone Code is considered a low-level conflict and the development does not compromise the Strategic Framework.
<b>Relevant Matters</b>	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.	
<b>Matters raised in submissions</b>	
The proposal was the subject of public notification between 18 November 2024 and 9 December 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.	
<b>Matters prescribed by regulation</b>	
<ul style="list-style-type: none"><li>• The Rockhampton Region Planning Scheme 2015 (version 4.4).</li><li>• Central Queensland Regional Plan 2013; and</li><li>• The common material, being the material submitted with the application.</li></ul>	

**Moved by:** Councillor Taylor  
**Seconded by:** Councillor Latcham  
**MOTION CARRIED UNANIMOUSLY**

**11.4 2024-25 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 2 AND PROPOSED AMENDMENTS TO THE 2024-25 OPERATIONAL PLAN**

**File No:** 8320  
**Authorising Officer:** Damon Morrison - Acting General Manager Corporate Services  
**Author:** Shannon Jennings - Coordinator Legal and Governance

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**SUMMARY**

*The 2024-25 Operational Plan Quarterly Report for quarter two as at 31 December 2024, pursuant to section 174(3) Local Government Regulation 2012 is presented to Council together with proposed amendments to the 2024-25 Operational Plan for Council's adoption.*

**COUNCIL RESOLUTION**

THAT Council:

- (a) Receive the 2024-25 Operational Plan Quarterly Report for Quarter Two as at 31 December 2024; and
- (b) Adopt the proposed amendment to the 2024-25 Operational Plan detailed within the report and outlined in Attachment 2 of the report.

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

9:53AM Mayor, Councillor Williams left the meeting

9:53AM Deputy Mayor, Councillor Wickerson assumed the chair

**11.5 ROCKHAMPTON REGIONAL COUNCIL - 2024 CREDIT REVIEW**

**File No:** 2114  
**Authorising Officer:** Damon Morrison - Acting General Manager Corporate Services  
**Author:** Marnie Taylor - Chief Financial Officer

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**SUMMARY**

*The results of the Credit Review process undertaken by Queensland Treasury Corporation (QTC) on behalf of the Department of Housing, Local Government, Planning and Public Works has been received and Council's credit rating has been affirmed as Moderate with a Neutral Outlook.*

**COUNCIL RESOLUTION**

THAT the Credit Review Report provided by Queensland Treasury Corporation (QTC) be received.

**Moved by:** Councillor Rutherford  
**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

Mayor Williams was not in attendance and did not participate in the vote.

**11.6 JANUARY BUDGET REVIEW 2025**

**File No:** 8785  
**Authorising Officer:** Damon Morrison - Acting General Manager Corporate Services  
**Author:** Marnie Taylor - Chief Financial Officer

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**SUMMARY**

*Chief Financial Officer presenting updated budget estimates to 17 January 2025.*

**COUNCIL RESOLUTION**

THAT the January Budget Review 2025 report be received and the budget estimate changes be endorsed.

**Moved by:** Councillor Wickerson  
**Seconded by:** Councillor Mathers

**MOTION CARRIED UNANIMOUSLY**

Mayor Williams was not in attendance and did not participate in the vote.



**11.7 PROJECT REFERENCE GROUP 4 FEBRUARY 2025**

**File No:** 11979  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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**SUMMARY**

*The Agenda and Minutes of the Project Reference Group meeting held on 4 February 2025 are provided in accordance with the adopted Terms of Reference.*

**COUNCIL RESOLUTION**

THAT the Agenda and Minutes (as shown in Attachment 1 and 2) of the Project Reference Group meeting held on 4 February 2025 be received.

**Moved by:** Councillor Rutherford  
**Seconded by:** Councillor Hilse

**MOTION CARRIED UNANIMIOUSLY**

Mayor Williams was not in attendance and did not participate in the vote.

## 12 NOTICES OF MOTION

Nil

## 13 QUESTIONS ON NOTICE

Nil

## 14 URGENT BUSINESS\QUESTIONS

Nil

## 15 CLOSED SESSION

### COUNCIL RESOLUTION

#### 10:10AM

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 Proposed Assignment of Lease

In accordance with section 254J(3)(g) (i) 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; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

**Moved by:** Councillor Taylor

**Seconded by:** Councillor Hilse

**MOTION CARRIED**

### COUNCIL RESOLUTION

#### 10:23AM

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

**Moved by:** Councillor Wickerson

**Seconded by:** Councillor Hilse

**MOTION CARRIED**

## 16 CONFIDENTIAL REPORTS

### 16.1 PROPOSED ASSIGNMENT OF LEASE

**File No:** 5126  
**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Damon Morrison - Acting General Manager Corporate Services  
**Author:** Kellie Roberts - Coordinator Property and Insurance

In accordance with section 254J(3)(g) (i) 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; AND a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

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### SUMMARY

*Coordinator Property & Insurance reporting on a request from a current tenant to assign their lease to a new tenant.*

### COUNCIL RESOLUTION

THAT the Chief Executive Officer (Coordinator Property & Insurance) be authorised to proceed with Option 1 as outlined in the report.

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

## **17 CLOSURE OF MEETING**

There being no further business the meeting closed at 10:24am.

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SIGNATURE

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CHAIRPERSON

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DATE

# **Development Application (D/73-2024) for Material Change of Use for Childcare Centre**

7, 9 & 11 Denning Street, Park Avenue – Lot 43,  
42 & 41 on RP67265

Council meeting – 11 February 2025

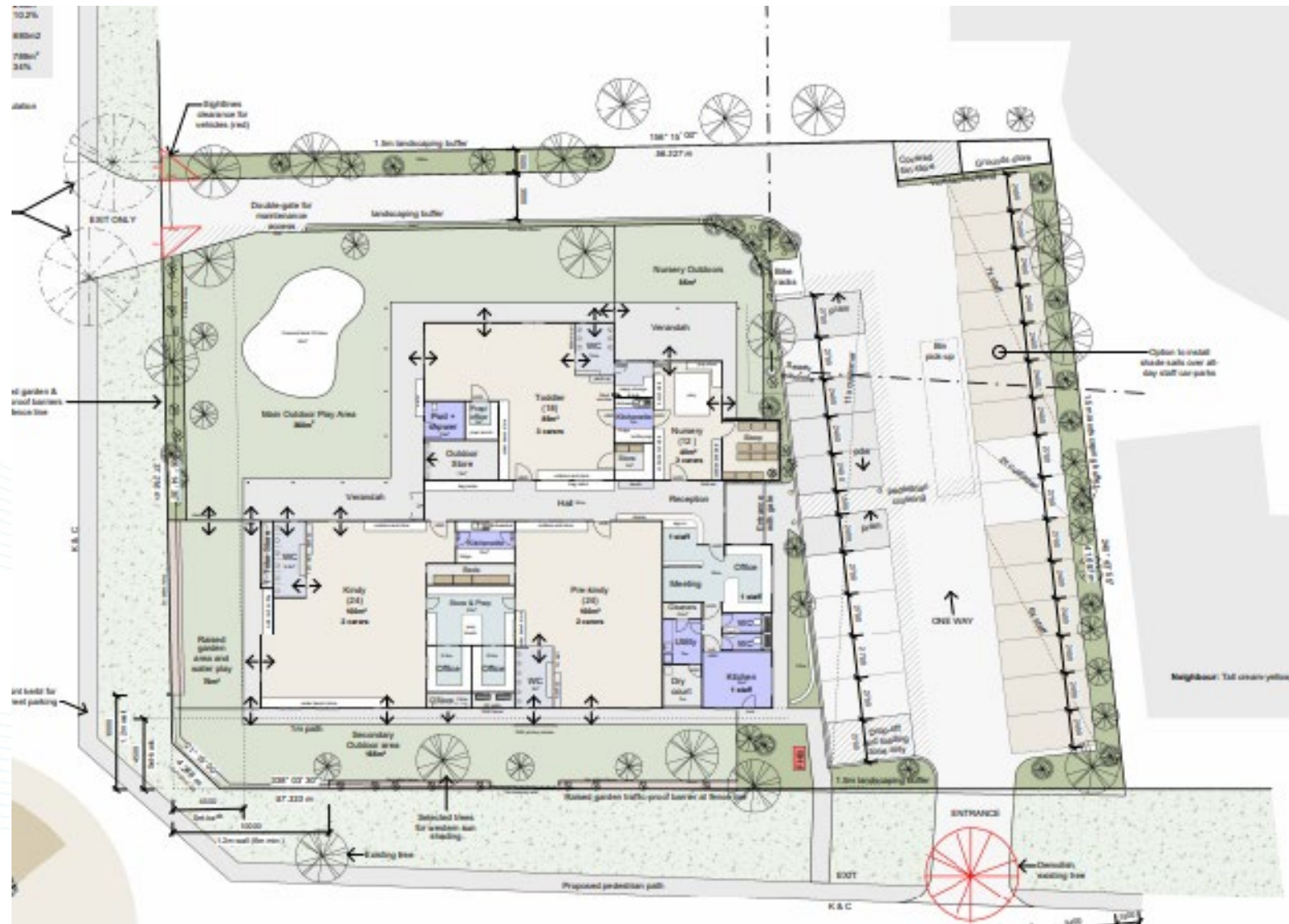
Sophie Muggeridge – Planning Officer – Development Assessment

# Locality Plan

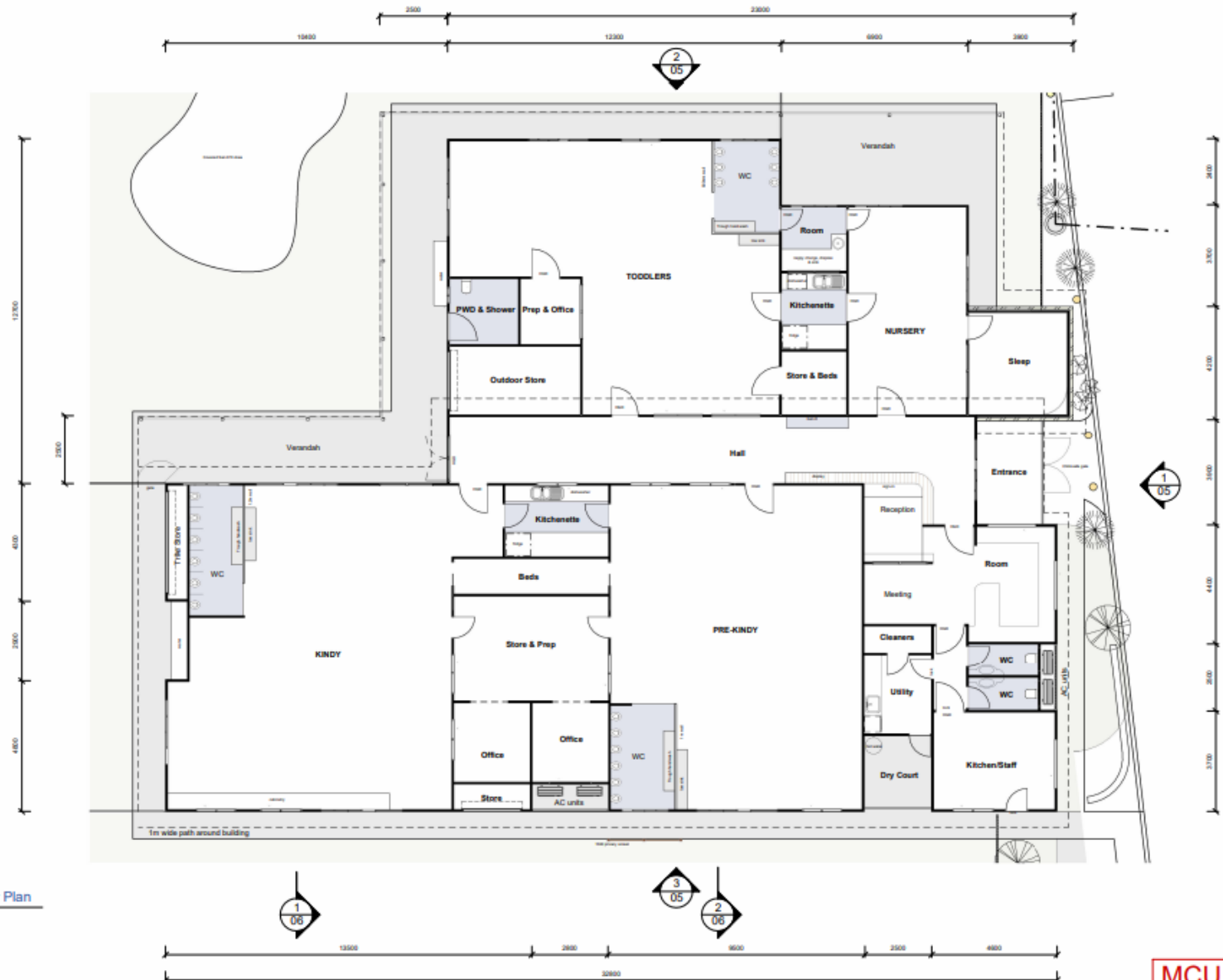




# Site Plan



# Floor Plan



Floor Plan

1: 100



# Elevation Plan

