



**GLADSTONE**  
REGIONAL COUNCIL

**GENERAL MEETING MINUTES**

**HELD AT THE COUNCIL CHAMBERS - CIVIC CENTRE  
101 GOONDOON STREET, GLADSTONE**

**On Tuesday 7 May 2024**

**Commencing at 9.00am**

**Leisa Dowling  
CHIEF EXECUTIVE OFFICER**

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**Elected Members**

Councillor - Mayor M Burnett  
Councillor G Churchill  
Councillor K Goodluck  
Councillor K Davis  
Councillor M Wagner  
Councillor N Muszkat  
Councillor S McClintock  
Councillor L Patrick

**Officers**

L Dowling (Chief Executive Officer)  
R Millett (Executive Secretary)  
T Whalley (Manager Governance and Risk)  
M Holmes (General Manager Finance Governance and Risk)  
K Lee (General Manager Community and Lifestyle)  
J Tumbers (General Manager Operations)  
M Francis (General Manager Assets and Environment)  
R Huth (General Manager Customer Experience)  
E Noakes (Strategic Project Specialist)  
T McDonald (Principal Planning Lead)  
H Robertson (Manager Development Services)  
N Cooper (Planning Officer)

**G/0.3.2. APOLOGIES AND LEAVE OF ABSENCE**

**GM/24/5217 Council Resolution:**

Moved Cr Goodluck  
Seconded Cr Patrick

That an apology for Cr Holzheimer be received.

**CARRIED**

**G/0.3.3. MESSAGES OF CONDOLENCE**

Nil

**G/0.3.4. DECLARATION OF INTERESTS**

Nil

## **G/1. MAYORAL STATEMENT OF CURRENT ISSUES**

Bella the Brave fun run at Millennium Esplanade was held on Sunday 28 April 2024. Run for a Cure which is raising funds and awareness for childhood brain cancer. Robin and the team did an amazing job. Well done to everyone involved.

Thank you, Councillor Glenn Churchill, who opened the Intercity Images 2024 exhibition at the Gladstone Regional Art Gallery and Museum (GRAGM) on the weekend on Saturday 4 May 2024.

The Boyne Tannum Hook Up was on the weekend as well. They have so many sponsors, with 40 of the 50 plus sponsors being local. Raising great funds for lots of local community groups and organisations in our region. And congratulations to all the winners, there were lots, and the community came out in droves, even though it was a very wet weekend. I was looking over the crowd on Sunday night and couldn't believe how many people were there. Everyone wanting to win that big boat. It was a great event.

Up at the Boyne Burnett Inland Rail Trail (BBIRT) their event on the weekend was very popular as well with approximately 250 people attending the Caravanning and Camping event sponsored by Council and others including Cycling Queensland. Desley O'Grady has been mentioned a few times for her efforts there, but I must thank Desley, and all the volunteers for organising that event. Some great events on the BBIRT.

We are in the middle of Beef Week in Central Queensland. A huge event held every three years in Rockhampton. Our neighbours in Rockhampton put on a fantastic show. Of course, it was a local Gladstone resident who stole the show, Adam Coffey, was named Queensland Country Life Red Meat Achiever of the Year. Congratulations to Adam and his wife Jacynta from Miriam Vale. Fantastic for Adam and his family winning that award last night.

National Volunteers week is coming up, Monday 20 May to Sunday 26 May 2024. We have amazing volunteers in our region, and I've just mentioned some of the events that they have attended and a few more that I'll mention shortly. Our community wouldn't be what it is without our volunteers. We will make sure we are celebrating them and acknowledging them during volunteers week.

We have the McCosker Gladstone Speedway on Saturday 11 May 2024. The Mother's Day Classic at Tannum Sands on Sunday 12 May 2024. That is a walk or run again raising funds and awareness for breast and ovarian cancer research. The Tannum Crab Classic coming up on Sunday 19 May 2024, raising funds for local families living with a disability and creating a platform for men's mental health. The Gladstone Islamic Society Open Day and International Food Festival, which will be awesome, on Sunday 12 May 2024. And of course, the Seventeen Seventy Festival, the big one in Seventeen Seventy, on Friday 24 May to Sunday 26 May 2024. Heaps happening in our region.

It is an appropriate time for us to thank and acknowledge our volunteers. If you haven't nominated a volunteer this year, make sure you nominate them next year as no doubt they will be volunteering over the next 12 months as well.

## **G/2. CONFIRMATION OF MINUTES**

### **G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 23 APRIL 2024**

**Responsible Officer:** Chief Executive Officer

**Prepared By:** Executive Secretary

**Council Meeting Date:** 7 May 2024

**File Ref:** CM7.2

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#### **Purpose:**

Confirmation of the minutes of the General Meeting held on 23 April 2024.

#### **Officer's Recommendation:**

That the minutes of the General Meeting of Council held on 23 April 2024 be confirmed.

#### **GM/24/5218 Council Resolution:**

Moved Cr Churchill

Seconded Cr McClintock

That the Officer's Recommendation be adopted.

**CARRIED**

**G/3. DEPUTATIONS**

Nil

**G/4. OFFICERS' REPORTS****G/4.1. CONSIDERATION OF DEVELOPMENT APPLICATION DA/42/2023 MATERIAL CHANGE OF USE OF PREMISES FOR BULK LANDSCAPE SUPPLIES AT 2654 ROUND HILL ROAD, AGNES WATER**

**Responsible Officer:** General Manager Customer Experience

**Prepared By:** Planning Officer

**Council Meeting Date:** 7 May 2024

**File Ref:** DB1.7

**Development Application:**

<b>Application Number:</b>	DA/42/2023
<b>Applicant:</b>	Agnes Coast Earthmoving C/- Zone Planning Group
<b>Owner:</b>	Stanley James Pty Ltd
<b>Date Of Receipt:</b>	7 August 2023
<b>Location:</b>	2654 Round Hill Road, Agnes Water Qld 4677
<b>RPD:</b>	LOT 5 RP 612151
<b>Area:</b>	4.89 Ha
<b>Current Use of Land:</b>	Vacant (unlawful Bulk Landscape Supplies)
<b>Zoning:</b>	Rural Residential
<b>Proposal:</b>	Bulk Landscape Supplies
<b>Submissions:</b>	15 February 2024 – 7 March 2024
<b>Number Of Submissions:</b>	10 – 9 properly made and 1 not properly made

**Purpose:**

The purpose of this report is to decide Development Application 42/2023 for Material Change of Use for a Bulk Landscape Supplies on land at 2654 Round Hill Road, Agnes Water against the *State Planning Policy July 2017*, and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* under the *Planning Act 2016*.

**Officer's Recommendation:**

Development application DA/42/2023 for Material Change of Use – Bulk Landscape Supplies located at 2654 Round Hill Road, Agnes Water (Lot 5 RP612151) is recommended for **refused**, on the following grounds.

1. The proposed development does not, satisfy the planning scheme requirements for a non residential use seeking to locate in the Rural Residential zone as required by PO7 of the Rural residential zone code where:
  - a. The nature and scale of the proposed use is not consistent with a use that is subordinate to a residential use as required by PO7 a) of the Rural Residential Zone Code
  - b. The proposed use substantially exceeds the scale and intensity of the non residential uses anticipated for the zone as listed within PO7 e) of the Rural Residential Zone Code
  - c. It has not been demonstrated that the proposed development will not give rise to unacceptable residential amenity impacts or that the use is complementary to local character and amenity as required by PO7 b) and d)

- d. It is not considered, nor has it been demonstrated, that the proposed the use is of a nature that is needed to serve the day to day needs of residents of the Agnes Water community as required by PO7 a)
2. The proposed development does not satisfy, or has not been demonstrated to comply, with Overall Outcome 2 e) as the use does not have a direct relationship with the land and the use does not provide for the day-to-day needs of the area.
3. It has not been demonstrated that the proposed development will not give rise to unacceptable impacts on residential amenity and therefore has not been demonstrated to comply with the following provisions of the planning scheme:
  - a. Overall Outcome 2c of the Rural Residential zone code requires a high level of residential amenity appropriate to the character of the rural residential zone.
  - b. PO11 of the Rural Residential zone code which requires uses minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industrial uses
  - c. Purpose statement 1d, PO15 and PO16 of the Development Design Code which requires the development to minimise potential conflicts with, or impacts on, other uses having regard to odour, dust or other emissions, and prevent or minimise the generation of any noise or vibration
4. It has not been demonstrated that the proposed development will not give rise to unacceptable impacts on natural features and therefore has not been demonstrated to comply with the following provisions of the planning scheme:
  - a. Overall Outcome 2 d) and f) of the Rural Residential Zone Code – as the development has not responded to land constraints or minimised through location, design operation and management requirements that natural features are retained, enhanced or buffered from the impacts of the development
  - b. Performance Outcome PO10 b) c) and d) of the Rural Residential Zone Code, the development has not responded sensitively to on-site and surrounding topography, drainage patterns, and vegetation by minimising earthworks, retaining natural draining lines, and maximising retention of existing vegetation
  - c. Purpose Statement 1d) of the Development Design Code – requiring that adverse impacts on the environment are avoided
  - d. Biodiversity Overlay Code PO1, PO2, PO5, PO6, and PO7 as the development has not demonstrated that it avoids potential impacts on MSES mapped vegetation, that it has considered adequate setbacks and buffer areas, that it avoid alteration to landforms and drainage patterns, and how it enhances riparian vegetation along watercourses and drainage corridors.
5. The proposed development does not, or has not been demonstrated to, comply with the Bushfire Overlay Code.
6. There is insufficient detail as to the nature and scope of the proposal as presented as part of the application material and known conflict with the current operations of the business on site which creates uncertainty given:
  - a. The nature and scope of the proposed development has not been clearly defined by the applicant, where screening/mulching/processing of material has been occurring on site as part of the current business operations which does not comply with the definition of Bulk Landscape Supplies.
  - b. The uncertainty referred to above is material to delivery, nature and scope of the proposed development.



**Motion:**

Moved Cr Goodluck  
Seconded Cr Patrick

That the Officer's Recommendation be adopted.

**Amendment to the Motion:**

Moved Cr Goodluck  
Seconded Cr Patrick

That the Development application DA/42/2023 for Material Change of Use – Bulk Landscape Supplies located at 2654 Round Hill Road, Agnes Water (Lot 5 RP612151) is **refused**, on the following grounds.

1. The proposed development does not, satisfy the planning scheme requirements for a non residential use seeking to locate in the Rural Residential zone as required by PO7 of the Rural residential zone code where:
  - a. The nature and scale of the proposed use is not consistent with a use that is subordinate to a residential use as required by PO7 a) of the Rural Residential Zone Code
  - b. The proposed use substantially exceeds the scale and intensity of the non residential uses anticipated for the zone as listed within PO7 e) of the Rural Residential Zone Code
  - c. It has not been demonstrated that the proposed development will not give rise to unacceptable residential amenity impacts or that the use is complementary to local character and amenity as required by PO7 b) and d)
  - d. It is not considered, nor has it been demonstrated, that the proposed the use is of a nature that is needed to serve the day to day needs of residents of the Agnes Water community as required by PO7 a)
2. The proposed development does not satisfy, or has not been demonstrated to comply, with Overall Outcome 2 e) as the use does not have a direct relationship with the land and the use does not provide for the day-to-day needs of the area.
3. It has not been demonstrated that the proposed development will not give rise to unacceptable impacts on residential amenity and therefore has not been demonstrated to comply with the following provisions of the planning scheme:
  - a. Overall Outcome 2c of the Rural Residential zone code requires a high level of residential amenity appropriate to the character of the rural residential zone.
  - b. PO11 of the Rural Residential zone code which requires uses minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industrial uses
  - c. Purpose statement 1d, PO15 and PO16 of the Development Design Code which requires the development to minimise potential conflicts with, or impacts on, other uses having regard to odour, dust or other emissions, and prevent or minimise the generation of any noise or vibration
4. It has not been demonstrated that the proposed development will not give rise to unacceptable impacts on natural features and therefore has not been demonstrated to comply with the following provisions of the planning scheme:
  - a. Overall Outcome 2 d) and f) of the Rural Residential Zone Code – as the development has not responded to land constraints or minimised through location, design operation and management requirements that natural features are retained, enhanced or buffered from the impacts of the development
  - b. Performance Outcome PO10 b) c) and d) of the Rural Residential Zone Code, the

- development has not responded sensitively to on-site and surrounding topography, drainage patterns, and vegetation by minimising earthworks, retaining natural draining lines, and maximising retention of existing vegetation
- c. Purpose Statement 1d) of the Development Design Code – requiring that adverse impacts on the environment are avoided
  - d. Biodiversity Overlay Code PO1, PO2, PO5, PO6, and PO7 as the development has not demonstrated that it avoids potential impacts on MSES mapped vegetation, that it has considered adequate setbacks and buffer areas, that it avoid alteration to landforms and drainage patterns, and how it enhances riparian vegetation along watercourses and drainage corridors.
5. The proposed development does not, or has not been demonstrated to, comply with the Bushfire Overlay Code.
6. There is insufficient detail as to the nature and scope of the proposal as presented as part of the application material and known conflict with the current operations of the business on site which creates uncertainty given:
- a. The nature and scope of the proposed development has not been clearly defined by the applicant, where screening/mulching/processing of material has been occurring on site as part of the current business operations which does not comply with the definition of Bulk Landscape Supplies.
  - b. The uncertainty referred to above is material to delivery, nature and scope of the proposed development.

**GM/24/5219 Council Resolution:**

Moved Cr Goodluck  
Seconded Cr Patrick

That the Development application DA/42/2023 for Material Change of Use – Bulk Landscape Supplies located at 2654 Round Hill Road, Agnes Water (Lot 5 RP612151) is **refused**, on the following grounds.

1. The proposed development does not, satisfy the planning scheme requirements for a non residential use seeking to locate in the Rural Residential zone as required by PO7 of the Rural residential zone code where:
  - a. The nature and scale of the proposed use is not consistent with a use that is subordinate to a residential use as required by PO7 a) of the Rural Residential Zone Code
  - b. The proposed use substantially exceeds the scale and intensity of the non residential uses anticipated for the zone as listed within PO7 e) of the Rural Residential Zone Code
  - c. It has not been demonstrated that the proposed development will not give rise to unacceptable residential amenity impacts or that the use is complementary to local character and amenity as required by PO7 b) and d)
  - d. It is not considered, nor has it been demonstrated, that the proposed the use is of a nature that is needed to serve the day to day needs of residents of the Agnes Water community as required by PO7 a)
2. The proposed development does not satisfy, or has not been demonstrated to comply, with Overall Outcome 2 e) as the use does not have a direct relationship with the land and the use does not provide for the day-to-day needs of the area.
3. It has not been demonstrated that the proposed development will not give rise to unacceptable impacts on residential amenity and therefore has not been demonstrated to comply with the

following provisions of the planning scheme:

- a. Overall Outcome 2c of the Rural Residential zone code requires a high level of residential amenity appropriate to the character of the rural residential zone.
  - b. PO11 of the Rural Residential zone code which requires uses minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industrial uses
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4. It has not been demonstrated that the proposed development will not give rise to unacceptable impacts on natural features and therefore has not been demonstrated to comply with the following provisions of the planning scheme:
- a. Overall Outcome 2 d) and f) of the Rural Residential Zone Code – as the development has not responded to land constraints or minimised through location, design operation and management requirements that natural features are retained, enhanced or buffered from the impacts of the development
  - b. Performance Outcome PO10 b) c) and d) of the Rural Residential Zone Code, the development has not responded sensitively to on-site and surrounding topography, drainage patterns, and vegetation by minimising earthworks, retaining natural draining lines, and maximising retention of existing vegetation
  - c. Purpose Statement 1d) of the Development Design Code – requiring that adverse impacts on the environment are avoided
  - d. Biodiversity Overlay Code PO1, PO2, PO5, PO6, and PO7 as the development has not demonstrated that it avoids potential impacts on MSES mapped vegetation, that it has considered adequate setbacks and buffer areas, that it avoid alteration to landforms and drainage patterns, and how it enhances riparian vegetation along watercourses and drainage corridors.
5. The proposed development does not, or has not been demonstrated to, comply with the Bushfire Overlay Code.
6. There is insufficient detail as to the nature and scope of the proposal as presented as part of the application material and known conflict with the current operations of the business on site which creates uncertainty given:
- a. The nature and scope of the proposed development has not been clearly defined by the applicant, where screening/mulching/processing of material has been occurring on site as part of the current business operations which does not comply with the definition of Bulk Landscape Supplies.
  - b. The uncertainty referred to above is material to delivery, nature and scope of the proposed development.

**CARRIED**

## **G/4.2. COUNCILLOR ATTENDANCE AT THE 2024 DEVELOPING NORTHERN AUSTRALIA CONFERENCE**

**Responsible Officer:** General Manager People and Strategy

**Prepared By:** Economic Development Lead

**Council Meeting Date:** 7 May 2024

**File Ref:** CM6.1

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### **Purpose:**

To seek approval for Councillor representation at the 2024 Developing Northern Australia Conference.

### **Officer's Recommendation:**

That Council approve Councillor Glenn Churchill to attend and represent Gladstone Regional Council at the 2024 Developing Northern Australia Conference on 26-28 August, located in Karratha, Western Australia.

### **GM/24/5220 Council Resolution:**

Moved Cr Muszkat

Seconded Cr McClintock

That the Officer's Recommendation be adopted.

**CARRIED**

**G/5. COUNCILLORS REPORT**

Nil

**G/6. URGENT BUSINESS**

Nil

**G/7. NOTICE OF MOTION**

Nil

**G/8. CONFIDENTIAL ITEMS**

Nil

There being no further business the Mayor formally closed the meeting.

**THE MEETING CLOSED AT 9.35am.**