



# ORDINARY MEETING

## AGENDA

**10 OCTOBER 2023**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 October 2023 commencing at 9:00am for transaction of the enclosed business.*

A handwritten signature in black ink that reads "R. Chessman".

**ACTING CHIEF EXECUTIVE OFFICER**  
5 October 2023

Next Meeting Date: 24.10.23

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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**1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Pastor Paula HukeHuke from Northside Uniting Parish

**2 PRESENT**

Members Present:

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

In Attendance:

Mr R Cheesman – Acting Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 26 September 2023

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

## **9 COMMITTEE REPORTS**

### **9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 5 OCTOBER 2023**

#### **RECOMMENDATION**

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 5 October 2023 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.1 CALL FOR AUDIT AND BUSINESS IMPROVEMENT COMMITTEE  
CHAIRPERSON NOMINATIONS**

**File No:** 3012  
**Authorising Officer:** John Wallace - Chief Audit Executive  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Kisane Ramm - Senior Risk and Assurance Advisor

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**SUMMARY**

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

**COMMITTEE RECOMMENDATION**

THAT the Audit and Business Improvement Committee recommends Council appoints Mr Graham Mathews as the Audit and Business Improvement Committee Chairperson for the term of his Contract.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.2 ACTING CEO UPDATE**

**File No:** 13900  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Ross Cheesman - Acting Chief Executive Officer

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**SUMMARY**

*Acting Chief Executive Officer providing an update on matters of importance.*

**COMMITTEE RECOMMENDATION**

THAT the Acting Chief Executive Officer's update be received.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.3 CAPITALISATION OF CAPITAL WORKS IN PROGRESS**

**File No:** 5960  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Michael Clerc - Acting Chief Financial Officer

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**SUMMARY**

*Acting Chief Financial Officer reporting the status of Non-Current Asset Capitalisation to June 2023.*

**COMMITTEE RECOMMENDATION**

THAT the Capitalisation of Capital Works in Progress report be received.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.4 ANNUAL FINANCIAL STATEMENTS 30 JUNE 2023**

**File No:** 9509  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Michael Clerc - Acting Chief Financial Officer

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**SUMMARY**

*Chief Financial Officer providing report on the 2022/2023 Draft Financial Statement that have been provided to Thomas Noble Russell (TNR) to be audited on behalf of the Queensland Audit Office (QAO). The closing audit report is provided under a separate cover.*

**COMMITTEE RECOMMENDATION**

THAT the Draft Financial Statements for the period ended 30 June 2023 be received and any feedback be provided to the Mayor and Chief Executive Officer prior to signing.

THAT the final draft of the Financial Statements be presented at a special meeting (via video-link) of the Audit and Business Improvement Committee.



**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.5 2023 CLOSING REPORT**

**File No:** 9509  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Michael Clerc - Acting Chief Financial Officer

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**SUMMARY**

*The Closing Report from the Queensland Audit Office (delegate Thomas Noble & Russell) will be provided in regards to the final audit for 2023.*

**COMMITTEE RECOMMENDATION**

THAT the Draft Closing Report for the financial year ended 30 June 2023 be received.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.6 SWIMMING POOLS AUDIT**

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

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**SUMMARY**

*The Swimming Pools Lease and Site Administration is an approved item on the current Audit Plan for 2023-24 and was previously requested to be looked at before June 2024.*

*The Manager Community Assets & Facilities (CAF) will provide a verbal report to the committee on this item.*

*The Internal Audit Charter Policy S5.1.8 provides for – verbal reports to the committee.*

**COMMITTEE RECOMMENDATION**

THAT the report from CAF be received.

THAT the Swimming Pool Audit be deferred for 6 months after the commencement of the successful contract (ie from January 2025)

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.7 SAFETY UPDATE**

**File No:** 4868  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Damon Morrison - Manager Workforce and Governance

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**SUMMARY**

*Manager Workforce and Governance presenting an update on safety matters for the information of the committee.*

**COMMITTEE RECOMMENDATION**

THAT the safety update report be received.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.8 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

**File No:** 1830  
**Authorising Officer:** Damon Morrison - Manager Workforce and Governance  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Travis Pegrem - Coordinator Workforce Relations and Ethics

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**SUMMARY**

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

**COMMITTEE RECOMMENDATION**

THAT the update of Investigation and Legal Matters Progress report for Rockhampton Regional Council be received.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.9 LOSS / THEFT ITEMS - JULY TO AUGUST 2023**

**File No:** 3911  
**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Kellie Roberts - Coordinator Property and Insurance

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**SUMMARY**

*This report presents details of the Loss/Theft Items for the period July to August 2023.*

**COMMITTEE RECOMMENDATION**

THAT the Committee 'receives' the Loss/Theft Items – July to August 2023 report.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023****9.1.10 ASSET MANAGEMENT**

**File No:** 13900  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Martin Crow - Manager Infrastructure Planning

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**SUMMARY**

*Manager Infrastructure Planning presenting an update on Asset Management matters.*

**COMMITTEE RECOMMENDATION**

THAT the update on Asset Management matters be 'received'.

**Recommendation of the Audit and Business Improvement Committee, 5 October 2023**

**9.1.11 CAE GENERAL UPDATE**

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

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**SUMMARY**

*The CAE presents an update on progress of the audit plan/general matters.*

**COMMITTEE RECOMMENDATION**

THAT the CAE update be received.

## 10 COUNCILLOR/DELEGATE REPORTS

### 10.1 COUNCILLOR DISCRETIONARY FUND - SCOUT ASSOCIATION OF QUEENSLAND SEEONEE PARK SCOUT CAMPSITE

**File No:** 8295  
**Attachments:** Nil  
**Authorising Officer:** Justin Kann - Manager Office of the Mayor  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Nicole Semfel - Executive Assistant to the Mayor

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#### SUMMARY

*Councillor Shane Latcham is requesting approval for a donation from his Councillor Discretionary Fund to Scout Association of Queensland Seeonee Park Scout Campsite.*

#### OFFICER'S RECOMMENDATION

THAT Council approves the allocation of \$1,000.00 from Councillor Shane Latcham's Councillor Discretionary Fund to Scout Association of Queensland Seeonee Park Scout Campsite towards purchasing a defibrillator.

#### BACKGROUND

Scout Association of Queensland Seeonee Park Scout Campsite have applied for funding through Councillor Discretionary Fund allocation to assist in the purchase of a defibrillator.

Recently the Seeonee Park Scout Campsite had a possible life threatening condition with one of the Scout leaders and they did not have a defibrillator on site to provide first response first aid.

Councillor Shane Latcham has a potential conflict of interest and is seeking Council approval to make a donation from his Councillor Discretionary Fund to the value of \$1,000.00 towards the purchase of the defibrillator.

## 11 OFFICERS' REPORTS

### 11.1 ADVANCE ROCKHAMPTON 2024 MAJOR EVENT DATES

<b>File No:</b>	<b>11715</b>
<b>Attachments:</b>	<b>1. <a href="#">Rockhampton Major Events Calendar Draft</a></b>
<b>Authorising Officer:</b>	<b>Angus Russell - Executive Manager Advance Rockhampton</b>
<b>Author:</b>	<b>Zac Garven - Tourism and Events Manager</b>

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#### SUMMARY

*This report details 2024 dates for Major Events to be delivered by Advance Rockhampton and other third party managed major events that are supported by cash sponsorship and in-kind contribution by Advance Rockhampton or are supported events for the community and region.*

#### OFFICER'S RECOMMENDATION

THAT Council adopt the proposed dates for the 2024 Major Events Calendar, as detailed in the report.

#### COMMENTARY

The Advance Rockhampton Events team deliver or support a series of major events each year with a combination of city building, destination, community and civic events. This activity supports our goals to be a liveable city and an event destination that drives increased economic growth for the region.

The Events team of eight staff, under the leadership of the Tourism and Event Manager, will deliver 9 key events, sponsor 2 city building events and support various other community events by way of marketing via council media assets, infrastructure or specialist advice. The delivery of events is also supported by wider council departments to meet operational, health and safety, community requirements and expectations.

The ability to forward plan with secured dates enables funding and grant opportunities, and contractual arrangements and sponsorship arrangements to assist in reaching revenue targets.

The proposed dates for adoption in chronological order are:

January 26:	Country on Kershaw & Great Australian Bites (subject to funding)
March 29-31:	Rockynats 04
April 25:	ANZAC Dawn Service
May 19:	Rocky River Run
June 12-14:	Rockhampton Agricultural Show
July 26-28:	Rockhampton River Festival
August 31:	Capricon
December 31:	Light up the Sky

Advance Rockhampton also sponsor and support a suite of events that complement these major events.

**BACKGROUND**

Advance Rockhampton manage the delivery and support of major events annually within the Council's operating budget.

**PREVIOUS DECISIONS**

Endorsement of the council FY23/24 operating budget.

**BUDGET IMPLICATIONS**

Rockhampton Regional Council managed events and agreed sponsored events will be delivered within the Advance Rockhampton budget.

**LEGAL IMPLICATIONS**

No legal implications.

**RISK ASSESSMENT**

Managed through individual event management plans.

**CORPORATE/OPERATIONAL PLAN**

Corporate Plan

2.1 Our places and spaces enhance the liveability and diversity of our communities

3.3 Our work attracts visitors to the Region

3.3.2 We design places and deliver events that encourage visitors to come and stay

**CONCLUSION**

The purpose of this report is to finalise the dates for 2024 major events to be able to forward plan and collaborate to reach targets with revenue opportunities that otherwise would not be available without confirmed dates. This will also allow us to finalise our 2024 Major Event Calendar.

# **ADVANCE ROCKHAMPTON 2024 MAJOR EVENT DATES**

## **Rockhampton Major Events Calendar Draft**

**Meeting Date: 10 October 2023**

**Attachment No: 1**



# ROCKHAMPTON REGION 2024 EVENT CALENDAR





JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<p><b>26<sup>TH</sup></b> <b>Australia Day</b> Great Australian Bites Kershaw Gardens</p>  <p><b>26<sup>TH</sup></b> <b>Country on Kershaw</b> Country Music Concert Kershaw Gardens</p> 	<p><b>1<sup>ST</sup></b> <b>Barra Season Opens</b> Fitzroy River</p>  <p><b>TBC</b> <b>Big Beer Festival</b> Riverside Precinct</p> 	<p><b>29-31<sup>ST</sup></b> <b>Rare Spares Rockynats 04</b> Rockhampton City</p>  <p><b>15-24<sup>TH</sup></b> <b>Musical TBC</b> Pilbeam Theatre</p> 	<p><b>25<sup>TH</sup></b> <b>ANZAC Dawn Service</b> Botanic Gardens</p>  <p><b>27<sup>TH</sup></b> <b>The Archer</b> Rocky Amateurs Callaghan Park</p>  <p><b>TBC</b> <b>Paradise Lagoons</b> Campdraft Paradise Lagoons</p>  <p><b>TBC</b> <b>Ridgeland Show</b> Ridgeland</p> 	<p><b>5-11<sup>TH</sup></b> <b>Beef Australia</b> Expo Showgrounds</p>  <p><b>19<sup>TH</sup></b> <b>7Rocky River Run</b> Riverfront Precinct</p> 	<p><b>8<sup>TH</sup></b> <b>Pop Up Polo</b> Victoria Park</p>  <p><b>12-14<sup>TH</sup></b> <b>Rockhampton Agricultural Show</b> Showgrounds</p> 	<p><b>TBC</b> <b>Mount Morgan Show</b> Mount Morgan</p>  <p><b>26-28<sup>TH</sup></b> <b>Rockhampton River Festival</b> Riverside Precinct</p> 	<p><b>31<sup>ST</sup></b> <b>CapriCon</b> Pop Culture Convention Showgrounds</p> 	<p><b>5-8<sup>TH</sup></b> <b>Capricorn Food and Wine Festival</b> Riverside Precinct</p>  <p><b>TBC</b> <b>PBR Invitational</b> Professional Bull Riding Great Western Hotel</p> 	<p><b>TBC</b> <b>Oktoberfest</b> Riverside Precinct</p>  <p><b>TBC</b> <b>Fitzroy River Barra Bash</b> Fitzroy River (Tunuba)</p> 	<p><b>1<sup>ST</sup></b> <b>\$10K Thready Competition</b> Fitzroy River (Tunuba)</p>  <p><b>TBC</b> <b>Ariat APRA</b> National Finals Rodeo COLX</p> 	<p><b>TBC</b> <b>Christmas Fair &amp; Lighting of the Christmas Tree</b> Riverside Precinct</p>  <p><b>TBC</b> <b>Radiance</b> Laser Vision Show Botanic Gardens</p>  <p><b>31<sup>ST</sup></b> <b>Light up the Sky</b> NYE Celebrations Riverside Precinct</p> 



Keep up to date with events

Dates subject to change | Check with event organisers for up-to-date information | Major events listed only, for community events visit [www.rrc.qld.gov.au/events](http://www.rrc.qld.gov.au/events)

[explorerockhampton.com.au/events](http://explorerockhampton.com.au/events)





## 11.2 D/92-2022 - REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE (WITHIN EXISTING BUILDING)

**File No:** D/92-2022

**Attachments:**

1. [Locality Plan](#)
2. [Floor Plan](#)

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

**Author:** Kathy McDonald - Senior Planning Officer

### SUMMARY

#### INTRODUCTION

Development Application Number: D/92-2022

Applicant: L Fox and L Fox

Real Property Address: Lot 2 on RP602519

Common Property Address: 127 East Street, Mount Morgan

Area of Site: 698 square metres

Planning Scheme: *Rockhampton Region Planning Scheme 2015 (version 2.2)*

Planning Scheme Zone: Local Centre Zone

Existing Development: Nil on Record

Approval Sought: Amended Decision Notice for Development Permit D/92-2022 for a Material Change of Use for a Dwelling House (within existing building)

Affected Entity: Nil

### OFFICER'S RECOMMENDATION

#### RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change of Use for a Dwelling House (within existing building), made by L and L Fox, located at 127 East Street, Mount Morgan, described as Lot 2 on RP602519, Council resolves to provide the following reasons for its decision:

#### STATEMENT OF REASONS

<b>Description of the development</b>	Material Change of Use for a Dwelling House (within existing building)
<b>Reasons for Decision</b>	<p>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</p> <p>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</p>

	comply with an aspect of the assessment benchmarks.	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Local Centre Zone Code;</li> <li>• Flood Hazard Overlay Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Local Centre Zone Code Purpose	<p>The proposed development is for a Dwelling House involving the entire building. This conflicts with overall outcome (2) (b) which requires residential uses to be above ground level or behind ground storey retail, commercial or community related uses.</p> <p>Despite this, the overall outcomes of the Local Centre Zone Code do contemplate residential uses in the Local Centre Zone, albeit above or behind commercial or community uses.</p> <p>The Dwelling House is well located in relation to infrastructure and other residential development. The existing built form is not anticipated to unduly impact on the amenity of the surrounding area and is generally consistent with the surrounding built form and streetscape, given the mix of residential and non-residential development.</p> <p>The development is not anticipated to compromise the role and function of the designated Mount Morgan Local Centre or impact on the loss of a community hall space, as several other similar use developments exist within the township.</p> <p>The proposed development complies with the remaining overall outcomes, therefore, on balance is considered to comply with the purpose of the zone.</p>

	<p>Local Centre Zone Code</p> <p>Performance Outcome 6</p>	<p>The proposal does not comply with Acceptable Outcome 6.1 as the residential use is not located above ground storey or behind ground storey retail, commercial or community uses; and is not located within a premises containing another use.</p> <p>While the existing building will be occupied by a dwelling, the built form, including the built to boundary frontage and general presentation of the building, means it will remain consistent with the existing and intended character of the streetscape. It also means the building may be occupied by a commercial or community use in the future. The ability for the residents to directly access the dwelling from East Street also assists, in part, in activating the street frontage.</p> <p>Therefore, the development maintains an active street frontage and is considered to achieve the performance outcome.</p>
	<p>Local Centre Zone Code</p> <p>Performance Outcome 22</p>	<p>The proposal does not comply with Acceptable Outcome 22.1 as no streetscape treatments are proposed.</p> <p>No external works are proposed as part of the development. It is deemed unpractical to provide street trees within the road verge due to limited setbacks or within the median strip due to obstructing electrical infrastructure.</p> <p>Therefore, the proposal is considered to achieve the performance outcome.</p>
<p><b>Matters prescribed by regulation</b></p>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); 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 Minor Change to Development Permit D/92-2022 for a Material Change of Use for a Dwelling House (within existing building), made by L and L Fox, located at 127 East Street, Mount Morgan, described as Lot 2 on RP602519, Council resolves to issue an Amended Decision Notice subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions, works, or requirements of this development approval must be undertaken 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 Certificate of Classification for the Building Works, 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 Building Works:

(i) DELETED

(ii) Building Works.

1.5 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>
Services and Site Plan	GDA2020 – Rockhampton Regional Council	20 September 2022	-	-
Floor Plan	-	-	-	-

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 The development must be connected to Council's reticulated sewerage and water networks.

3.2 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.

## 4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

4.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

## 5.0 SITE WORKS

5.1 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.

## 6.0 BUILDING WORKS

6.1 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.

- 6.2 The existing awning located over the footpath within Council road reserve must remain as an open structure as to not to obstruct Council road reserve.

Note: Undertaking regulated activities on local government controlled areas and roads, including maintenance of the existing awning located over the footpath within Councils road reserve must be the responsibility of the property owner and in accordance with *Rockhampton Regional Council Local Law No. 1 (Administration) 2011*.

- 6.3 DELETED

7.0 ELECTRICITY

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

8.0 TELECOMMUNICATIONS

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

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.

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. 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 new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

NOTE 6. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit may be required when planning to carry out works in a Council road reserve.

NOTE 7. Building Works

A Building Works Permit for a change of building classification is required in accordance with the *Building Act 1975*.

NOTE 8. Building Works

Council will be a referral agency for the Building Works Permit where the development does not comply with the *Queensland Development Code*. This Development Permit does not constitute a referral agency response from Council for the Building Works Permit in relation to building setbacks.

**BACKGROUND**

Council at its meeting on 25 October 2022, approved a Development Permit for a Material Change of Use for a Dwelling House (within existing building) located at 127 East Street, Mount Morgan, formally described as Lot 2 on RP602519.

**SITE AND LOCALITY**

The subject site is 698 square metres in size and is designated in the Local Centre Zone under the *Rockhampton Region Planning Scheme 2015* (version 2.2). The surrounding area is a mix of Local Centre Zone predominantly used for small-scale non-residential uses and Low Density Residential Zone accommodating single dwellings. The development site has two (2) road frontages, Campion Street and East Street and direct vehicle access to the site is gained via Campion Street, with pedestrian access gained from both Campion and East Streets.

The subject site is affected by the Floodplain Investigation Area Overlay under the current flood mapping. The existing building is located to the west on the highest part of the subject site, (East Street) and slopes to the east towards Campion Street. Under the Local Creek Catchment (draft) 2017/2018 Flood Study, the subject site is wholly outside the hazard area.

**PROPOSAL**

In accordance with section 78 of the *Planning Act 2016*, the applicant has applied for a 'Minor Change' to the development approval. The applicant has proposed to make the following changes to the development:

- Conditions 1.4.1 (i), 6.1, 6.2 and 6.3 are requested to be deleted.

The conditions relate to the removal of the attached existing awning located within Council road reserve.

The previous recommendation was that the Dwelling House in accordance with the building provisions was to be sited wholly within the property boundary.

The applicant has since engaged a Private Building Certifier who has advised they can certify the structure as a Dwelling House including the attached existing awning. Whilst our advice hasn't changed, we acknowledge the building provisions have nuances that can be interpreted differently. Therefore, rather than remove the condition we support the change subject to amending the condition to ensure no additional structures such as screening around the existing awning are constructed in the road reserve to impede the use of the footpath.

Consequential changes to conditions of approval are detailed herein.

**Table 1** includes the conditions that are to be deleted. All conditions to be deleted have been requested to or agreed to by the applicant:

**TABLE 1 – PROPOSED CHANGES**

<b>Requested By Applicant</b>	<b>Council Officer's Response</b>
<p><b>Condition 1.4.1 (i) is to be Deleted:</b></p> <p>1.4.1 (i) Demolition Works</p>	<p>A development permit for building works (demolition works) is not required, therefore this condition is not relevant.</p>
<p><b>Condition 6.1 is to remain:</b></p> <p>6.1 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.</p>	<p>A development permit for building works (change of classification) from a Class 9 to a Class 1A is required.</p>
<p><b>Condition 6.2 is to be Amended:</b></p> <p>6.2 The existing awning located over the footpath within Councils road reserve must be removed such that the proposed dwelling is wholly contained within the subject allotment.</p>	<p>As a result of the changes the condition is to be amended rather than deleted. The condition is to be amended to:</p> <p>6.2 The existing awning located over the footpath within Council road reserve must remain as an open structure as to not to obstruct Council road reserve.</p>
<p><b>Condition 6.3 is to be Deleted:</b></p> <p>6.3 A Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.</p>	<p>A development permit for building works (demolition) is not required, therefore this condition is not relevant.</p>
<p><b>Note to be included with Condition 6.2:</b></p>	<p>The inclusion of the note is to highlight any maintenance carried out on the structure must be in accordance with Council's Local Laws.</p> <p>Note: Undertaking regulated activities on local government controlled areas and roads, including maintenance of the existing awning located over the footpath within Council road reserve must be the responsibility of the property owner and in accordance with <i>Rockhampton Regional Council Local Law No. 1 (Administration) 2011</i>.</p>

## PLANNING ASSESSMENT

The change application has been assessed in accordance with section 81 of the Planning Act. Relevantly in assessing the change application, Council as responsible entity has considered:

- The information the applicant included with the application;
- Any properly made submissions about the development application or other change application that was approved;
- Any pre-request response notice or response notice given in relation to the change application; and



- All matters Council, as responsible entity, would or may assess against or have regard to, if the change application were a development application.

The proposed changes generally comply with the applicable assessment benchmarks contained in the *Rockhampton Region Planning Scheme 2015* and no further assessment is required.

Refer to the Statement of Reasons contained in **Recommendation A**.

### **CONCLUSION**

The Applicant's change application is considered reasonable and recommended for approval.

**D/92-2022 - REQUEST FOR A MINOR  
CHANGE TO DEVELOPMENT PERMIT  
FOR A MATERIAL CHANGE OF USE  
FOR A DWELLING HOUSE  
(WITHIN EXISITNG BUILDING)**

**Locality Plan**

**Meeting Date: 10 October 2023**

**Attachment No: 1**

D/92-2022 - Locality Plan



A4 Page scale at 1: 953.70  
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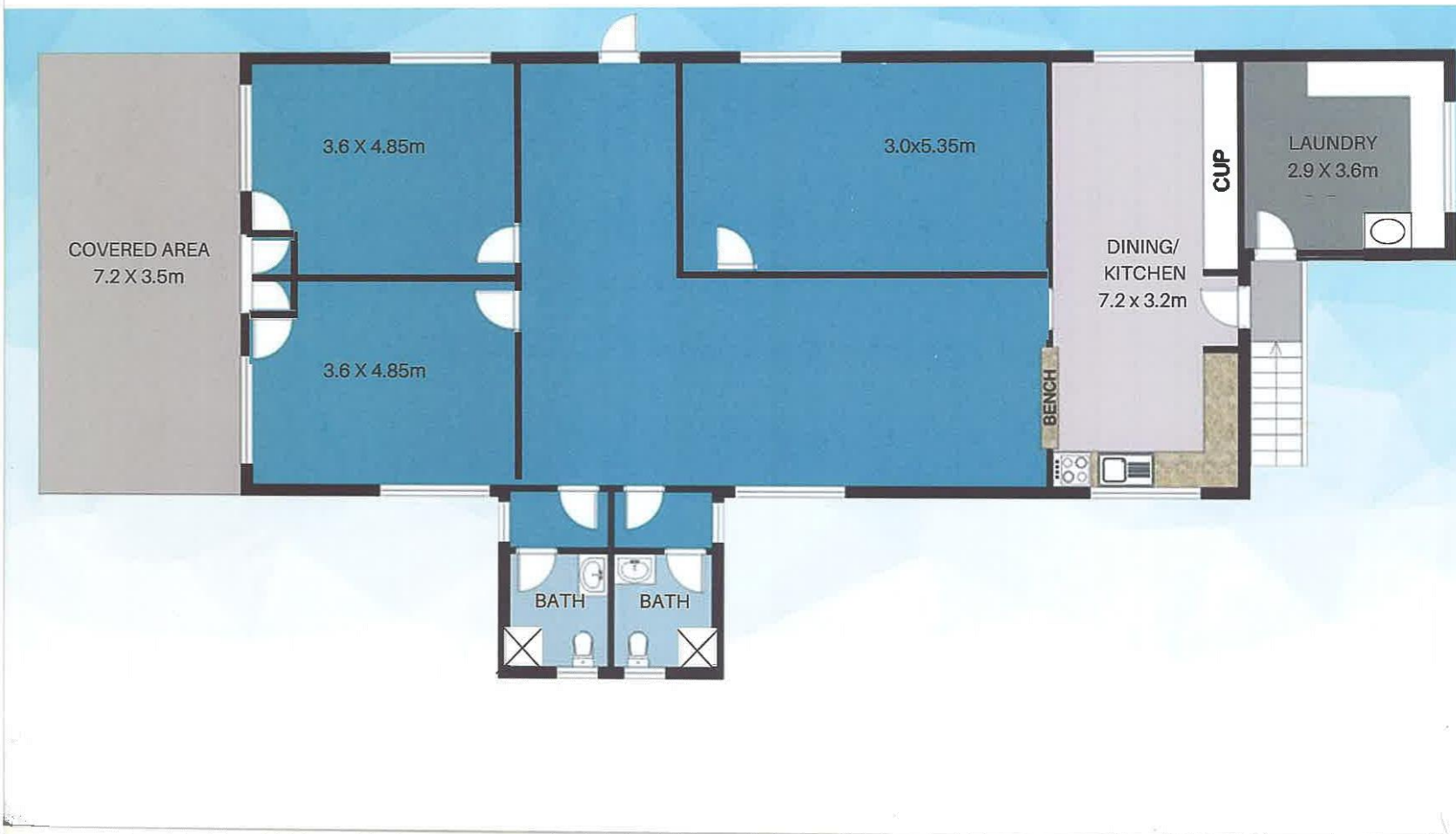
**D/92-2022 - REQUEST FOR A MINOR  
CHANGE TO DEVELOPMENT PERMIT  
FOR A MATERIAL CHANGE OF USE  
FOR A DWELLING HOUSE  
(WITHIN EXISITNG BUILDING)**

**Floor Plan**

**Meeting Date: 10 October 2023**

**Attachment No: 2**

# 127 East Street, Mount Morgan



**11.3 REQUEST TO LEASE 32 THOMPSON AVENUE, MOUNT MORGAN - BENEVOLENT SOCIETY**

**File No:** 15631  
**Attachments:** Nil  
**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services  
Ross Cheesman - Acting Chief Executive Officer  
**Author:** Kellie Roberts - Coordinator Property and Insurance

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**SUMMARY**

*Coordinator Property & Insurance reporting on request from The Benevolent Society to lease the premises situated at 32 Thompson Avenue, Mount Morgan.*

**OFFICER'S RECOMMENDATION**

THAT:

1. Pursuant to Section 236(1)(b)(ii) of the *Local Government Regulation 2012 (Qld)*, Council approves the new lease to The Benevolent Society A.C.N 084 695 045 over 32 Thompson Avenue, Mount Morgan (Lot 2 on SP100506); and
2. Council authorises the Chief Executive Officer (Coordinator Property and Insurance) to negotiate the terms and conditions of the lease, as outlined in the report, in preparation for execution by the delegated Officer.

**COMMENTARY**

In September 2022, Council resolved to renew the lease of the former Mount Morgan Childcare Centre building at 32 Thompson Avenue to the Red Cross Society to run the HIPPY program. Council also approved the sublease arrangement between Red Cross and Benevolent Society.

Red Cross Society are vacating the premises at the end of their lease in January 2024, and Council has been approached by the Benevolent Society to lease the premises so that they can continue to deliver their services to the Mount Morgan community.

Benevolent Society currently provide the following services:

- A universal playgroup for all families
- A supported playgroup for families where smaller groups is more appropriate
- A range of capacity building groups for families
- 1 on 1 support to navigate family support services

The Benevolent Society would like to continue delivering early childhood services from this facility as it has become such an asset to the community and particularly as it is free of charge. Benevolent intend to grow their services through partnerships with organisations such as BUSHKids (NDIS Partner in The Community), Specialist Women's Health programs, Child Health Services and Carers Qld. Through these partnerships and their openness to continued partnering with like-minded community organisations, Benevolent can see the Mount Morgan Early Years Place continuing to grow to meet all of the needs of children and families in the community, providing all children the best possible start in life.

The request for lease is for a 12 month period to align with their current funding allocation. Benevolent's ongoing funding is generally reviewed and renewed 6 months prior to the expiry.

Benevolent are requesting to enter into the lease on the same terms as Council has provided to Red Cross Society with the additional concessions applied. The proposal for the lease terms are as follows:

1. Term: 1 year until 31 December 2024
2. Rent: Council's adopted fees & charges for a Council owned multipurpose building (\$2,215 pa in GST)
3. Rates & Water: Council is responsible (The standard for leases to non-profit organisations is that rates & water is charged to the tenant, and the applicable rates concession is applied as per Council policy).
4. Electricity: Benevolent is responsible
5. Mowing & Gardening: Benevolent is responsible
6. Building Maintenance: Council is responsible (2022/2023 CAF spent approximately \$12,000 on building maintenance)

Benevolent has asked that Council approve their request for Council to pay the rates and water charges for this initial 1-year term of the lease. When their next funding renewal is negotiated in around June 2024, they intend to request funding to cover the rates and water charges in anticipation of a further lease renewal from Council.

### **PREVIOUS DECISIONS**

On 1 September 2022, Council resolved to renew the lease to Red Cross Society, which included approval to sublease to the Benevolent Society, until January 2024.

### **BUDGET IMPLICATIONS**

There are no additional budget implications identified.

### **LEGISLATIVE CONTEXT**

Section 236(1)(b)(ii) of the Local Government Regulation 2012 (Qld) allows a Local Government to enter into a lease with a community organisation, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

### **LEGAL IMPLICATIONS**

There are no legal implications.

### **STAFFING IMPLICATIONS**

Resources within Property and Insurance can adequately manage the lease process.

### **RISK ASSESSMENT**

A risk assessment is not necessary in relation to this matter

### **OPERATIONAL PLAN**

2.1.1 We ensure community assets are utilised and appropriate for the needs of the community

### **CONCLUSION**

It is recommended that Council enter into a new lease to The Benevolent Society for an initial term of one year until 31 December 2024, on the terms outlined within this report.

**11.4 FEES AND CHARGES 2023/2024 AMENDMENTS**

<b>File No:</b>	<b>7816</b>
<b>Attachments:</b>	<b>1. Summary of Proposed Changes to 2023-2024 Fees &amp; Charges</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Ross Cheesman - Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Marnie Taylor - Chief Financial Officer</b>

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**SUMMARY**

*The intention of this report is to submit minor amendments to Council's Fees and Charges Schedule for the 2023-2024 financial year.*

**OFFICER'S RECOMMENDATION**

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the amendments to the Fees and Charges Schedule for the 2023-2024 financial year.

**COMMENTARY**

The proposed amendments to the Fees and Charges 2023-2024 are provided below.

**BACKGROUND****Community Services****Development Compliance - Building, Plumbing, Drainage**

The proposed fee for Retaining Walls for one stage of development, is based on the current fee for a retaining wall for one lot plus three additional inspection fees to cover the extra time required for inspecting the whole stage. The time required for assessment will not vary from the time included in the current fee.

Recent legal advice confirms all retaining walls that are assessable development must be assessed against building assessment provisions by a building certifier. Prior to this advice the retaining walls for stages of development were captured in the operational works permit however, the assessment benchmarks for operational works does not include assessment against the Building Code requirements. The retaining walls are constructed at the time the estate is developed and the permit initially pertains to the parent lot owned by one entity, the developer. The permit will be applied to each individual lot once the survey plan is endorsed.

**Corporate Services****Airport**

Following the presentation of the Airport Performance report to Council on 11 July 2023, that detailed the requirement to rename the 'Premium' airport car park as 'Mid Term' Car Park, the associated Fees & Charges have also been updated to reflect the renaming of this car park.

**PREVIOUS DECISIONS**

The 2023/2024 Fees and Charges were adopted by Council on 23 May 2023, with amendments being adopted on 13 June 2023 and 26 September 2023.

**BUDGET IMPLICATIONS**

The effect of the change will have minimal budget impact.

**LEGISLATIVE CONTEXT**

The fees and charges in the schedule can be amended at any time throughout the year in accordance with legislation.

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**CONCLUSION**

These minor amendments are recommended for inclusion in the 2023-2024 Fees and Charges Schedule.

Upon approval by Council, these amendments to the 2023-2024 Fees and Charges Schedule are to upload and presented on the Council website.

# **FEES AND CHARGES 2023/2024 AMENDMENTS**

## **Summary of Proposed Changes to 2023-2024 Fees & Charges**

**Meeting Date: 10 October 2023**

**Attachment No: 1**

## SUMMARY OF PROPOSED CHANGES 2023-2024

### Community Services

#### Development Compliance - Building, Plumbing, Drainage

The proposed fee for Retaining Walls for one stage of development, is based on the current fee for a retaining wall for one lot plus three additional inspection fees to cover the extra time required for inspecting the whole stage. The time required for assessment will not vary from the time included in the current fee.

Recent legal advice confirms all retaining walls that are assessable development must be assessed against building assessment provisions by a building certifier. Prior to this advice the retaining walls for stages of development were captured in the operational works permit however, the assessment benchmarks for operational works does not include assessment against the Building Code requirements. The retaining walls are constructed at the time the estate is developed and the permit initially pertains to the parent lot owned by one entity, the developer. The permit will be applied to each individual lot once the survey plan is endorsed.

### Current Fees

SECTION:		Development Compliance - Building Plumbing Drainage				
Fee number	Item name	Fee Type	GST Autho	2023/2024 Current Fee (incl GST)	Legislative Authority	Governing Specific Legislation
78	<b>Class 10b Approvals</b> A structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like (includes new, relocated and change of classification)					
79	Retaining or free standing walls	Commercial	GST Applies	\$866.00	Local Government Act 2009	Part 6 S262 (3) (c)
80	All other 10b structures	Commercial	GST Applies	\$548.00	Local Government Act 2009	Part 6 S262 (3) (c)

### Proposed Fees

SECTION:		Development Compliance - Building Plumbing Drainage						
Fee number	Item name	Fee Type	GST Autho	2023/2024 Current Fee (incl GST)	Legislative Authority	Governing Specific Legislation	Account Number	Proposed New Job Number
78	<b>Class 10b Approvals</b> A structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like (includes new, relocated and change of classification)							
81	Retaining Walls for one stage of development	Commercial	GST Applies	\$1,505.00	Local Government Act 2009	Part 6 S262 (3) (c)	JJ334000.364.1106	

### Corporate Services

#### Airport

Following the presentation of the Airport Performance report to Council on 11 July 2023, that detailed the requirement to rename the 'Premium' airport car park as 'Mid Term' Car Park the associated Fees & Charges have also been updated to reflect the renaming of this car park.

### Current Fees

SECTION:		Airport							
Fee number	Item name	Fee Type	GST Authority	2023/2024 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority	Governing Specific Legislation	Account Number	Proposed New Job Number
55	<b>Car Parking Fees</b>								
74	<b>Premium</b>								
75	1 Day	Commercial	GST Applies	\$25.00	per day	Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
76	2 Days	Commercial	GST Applies	\$51.00		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
77	3 Days	Commercial	GST Applies	\$74.50		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
78	4 Days	Commercial	GST Applies	\$101.00		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
79	5 Days	Commercial	GST Applies	\$125.00		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
80	6 Days	Commercial	GST Applies	\$146.50		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
81	7 Days	Commercial	GST Applies	\$166.50		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
82	8 Days	Commercial	GST Applies	\$188.00		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
83	9 Days	Commercial	GST Applies	\$201.50		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
84	10 Days	Commercial	GST Applies	\$212.00		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	
85	Over 10 Days	Commercial	GST Applies	\$212.00 + \$18.00 per day thereafter		Local Government Act 2009	IGA Part 6 S262 (3) (c)	JJ6500008501101	

# Proposed Fees

SECTION:		Airport							
Fee number	Item name	Fee Type	GST Authority	2023/2024 Current Fee (incl GST)	Charge basis per unit (Optional)	Legislative Authority	Governing Specific Legislation	Account Number	Proposed New Job Number
55	<b>Car Parking Fees</b>								
74	<b>Mid Term</b>								
75	1 Day	Commercial	GST Applies	\$25.50	per day	Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
76	2 Days	Commercial	GST Applies	\$51.00		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
77	3 Days	Commercial	GST Applies	\$74.50		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
78	4 Days	Commercial	GST Applies	\$101.00		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
79	5 Days	Commercial	GST Applies	\$125.50		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
80	6 Days	Commercial	GST Applies	\$146.50		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
81	7 Days	Commercial	GST Applies	\$166.50		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
82	8 Days	Commercial	GST Applies	\$188.00		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
83	9 Days	Commercial	GST Applies	\$201.50		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
84	10 Days	Commercial	GST Applies	\$212.00		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	
85	Over 10 Days	Commercial	GST Applies	\$212.00 + \$18.00 per day thereafter		Local Government Act 2009	LGA Part 6 S262 (3) (c)	JJ6500008501101	

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS/QUESTIONS**

*Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.*

**15 CLOSURE OF MEETING**