



ORDINARY MEETING

AGENDA

5 MARCH 2024

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 5 March 2024 commencing at 9:00am for transaction of the enclosed business.

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

ACTING CHIEF EXECUTIVE OFFICER
29 February 2024

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

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 M Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 20 February 2024

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 LIFTING MATTERS FROM THE TABLE

File No: 10097

Attachments: Nil

Authorising Officer: Alicia Cutler - General Manager Community Services

Author: Alicia Cutler - General Manager Community Services

SUMMARY

This report is being presented in order for matters that have been laid on the table at previous meetings to be formally lifted from the table prior to being dealt with at this meeting.

OFFICER'S RECOMMENDATION

THAT the following matter be lifted from the table and dealt with accordingly:

- Zoo Shade Structure Options

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 D/147-2023 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR OUTDOOR SALES

File No:	D/147-2023
Attachments:	<ol style="list-style-type: none"> 1. Locality Plan 2. Site Plan and Elevation Plan
Authorising Officer:	Amanda O'Mara - Coordinator Development Assessment Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Sophie Muggeridge - Planning Officer

SUMMARY

<i>Application Number:</i>	<i>D/147-2023</i>
<i>Applicant:</i>	<i>J, A and C Thomasson</i>
<i>Real Property Address:</i>	<i>Lot 10 on RP904597</i>
<i>Common Property Address:</i>	<i>26-28 Derby Street, Rockhampton City</i>
<i>Area of Site:</i>	<i>810 square metres</i>
<i>Planning Scheme:</i>	<i>Rockhampton Region Planning Scheme 2015 (version 4.4)</i>
<i>Planning Scheme Zone:</i>	<i>Principal Centre Zone – Denison Street Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>Acid Sulfate Soils Overlay;</i> <i>Airport Environs Overlay.</i>
<i>Existing Development:</i>	<i>N/A</i>
<i>Approval Sought:</i>	<i>Development Permit for a Material Change of Use for Outdoor Sales</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>Nil</i>
<i>Referral Agency:</i>	<i>State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sales, made by J, A and C Thomasson, located at 26-28 Derby Street, Rockhampton City, described as Lot 10 on RP904597, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change of Use for Outdoor Sales
Reasons for Decision
a) Assessment of the development against the relevant zone purpose, planning scheme codes

and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and

b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Strategic Framework;
- Principal Centre 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
<p>Strategic Framework</p>	<p>Settlement Pattern:</p> <p>3.3.10 Element – Urban infill and intensification</p> <p>The proposed development presents conflicts with aspects of the Strategic Framework. Specifically, outcomes (1), (3) and (4) relating to the settlement pattern theme for urban infill and intensification identifying existing areas within the region’s urban footprint where increased residential densities are desirable to promote compact neighbourhoods.</p> <p>While the specific outcomes are predominately focused on residential uses, they do not exclude non-residential uses occurring within the urban infill and intensification designation, rather that residential uses prevail. The proposed development seeks to formalise the commercial use for Outdoor Sales that was previously established on the premises and does comply on balance with the remaining Strategic Framework Themes because:</p> <ul style="list-style-type: none"> • The development will not compromise the natural environment as the subject site is not affected by natural hazards, complying with <i>3.4 Natural environment and hazards theme</i>; • The development is for an Outdoor Sales use within the Principal Centre Zone which promotes a range of complementary land uses to support the immediate community, complying with <i>3.5 Community identity and diversity theme</i>; • The development is accessible and located off a Major and Minor Urban Collector Road, connected to the existing transport network and a bus stop 50 metres east of the subject site, complying with <i>3.6 Access and mobility theme</i>; • The development is connected to existing infrastructure and services, complying with <i>3.7 Infrastructure and services theme</i>; and • The development will formalise and expand an existing business which provides employment opportunities, complying with <i>3.8 Natural resources and economic development theme</i>.

	<p>Therefore, the proposed development is taken to comply on balance with the Strategic Framework.</p>
<p>Principal Centre Zone Purpose</p>	<p>The proposed development presents conflicts with aspects of the overall outcomes for the Denison Street Precinct which are additional to the overall outcomes of the Principal Centre Zone and take precedence in the event of a conflict.</p> <p>The Denison Street Precinct is where industrial uses (limited to service industry and low impact industry uses) and large format retail uses that support the Core Precinct are generally located.</p> <p>Despite this, the proposal to formalise a commercial bulky goods use (Outdoor Sales) within this precinct will not compromise the centre hierarchy because:</p> <ul style="list-style-type: none"> • The developments existing and proposed built form and design remains consistent with the existing or desired character outlined in the zone; • The development maintains a co-location of activities to promote choice for users and competition between businesses within the Principal Centre Zone and sub-precincts; • The development is consistent with aspects of the surrounding precinct, which is characterised by a combination of industrial, commercial and residential; and • Is an efficient use of existing infrastructure. <p>Despite conflicts with the Denison Street Precinct, the development is not anticipated to detract from the role and function of the Principal Centre Zone and regard to relevant matters is considered to outweigh these conflicts.</p>
<p>Principal Centre Zone Code</p>	<p>Performance Outcome (PO)15</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 15.3 because car parking is not located onsite, where AO15.3 requires car parking to be located to the side or rear of buildings and not located along the street frontage.</p> <p>The development provides for three (3) informal car parking spaces on-site for staff and customers located to the rear of the site and the remaining shortfall of parking is provided in off-site parking bays along the street frontage for customers.</p> <p>Despite the non-compliance, the proposed development is designed to create a pedestrian oriented street frontage and avoids large expanses of walls because:</p> <ul style="list-style-type: none"> • A pedestrian network has been conditioned to be constructed for the full Derby Street frontage of the development site to connect to the existing network; • The built form of the existing structure (sales office) is oriented towards the Denison Street frontage and the proposed structure, oriented internal to the site has been conditioned to include landscaping along the north-western side (Denison Street) to avoid large expanses of blank walls. <p>Therefore, the proposed development is taken to comply with PO 15.</p> <p>Performance Outcome (PO) 34</p> <p>The proposed development conflicts with PO 34 as landscaping is not provided nor conditioned along the full frontage of the development site and no acceptable outcome is nominated.</p> <p>Given the nature of the use (Outdoor Sales for used cars) and in the context of the proposed development being existing with majority of the site</p>

	<p>already impervious, the non-compliance is considered a low-level conflict.</p> <p>Despite this, all existing landscaping will be retained, and additional landscaping has been conditioned along the north-western boundary for the full length of the proposed structure to maintain the amenity of the Principal Centre Zone.</p> <p>Performance Outcome (PO) 39</p> <p>The proposed development conflicts with PO 39 because the establishment of a commercial bulky goods use is not contemplated within the Denison Street Precinct.</p> <p>A response to the relevant provisions for the purpose of the Principal Centre Zone relating to this conflict is provided above.</p> <p>Despite conflicts with the Denison Street Precinct, the development is not anticipated to detract from the role and function of the Principal Centre Zone and regard to relevant matters is considered to outweigh these conflicts.</p>
<p>Access, Parking and Transport Code</p>	<p>Performance Outcome (PO) 5</p> <p>The proposed development conflicts with Acceptable Outcome (AO) 5.1 because no formalised vehicle parking spaces are proposed onsite, with all customer parking located off-site, where AO5.1.1 requires eight (8) onsite parking spaces.</p> <p>Despite the non compliance, it has been conditioned that three (3) vehicle parking spaces are provided on site for staff and customers to utilise. The shortfall of parking is considered reasonable due to the small scale nature of the development with sufficient off street parking provided along Derby Street to meet the demand generated by the development.</p> <p>Therefore, the proposed development is taken to comply with PO5.</p>
<p>Relevant Matters</p>	
<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> - There is an established mixed land use pattern in proximity to the site with a combination of industrial, commercial and residential uses. - The use (Outdoor Sales for used cars) is small scale in comparison with other approved car sales yards also located within the Denison Street Precinct (i.e. DC Motors and Ian Weigh Toyota). - The proposal is to formalise an existing use on the subject site that has been operating since 2017. The subject site borders the Principal Centre Settlement Pattern of the Strategic Framework and is consistent with the specific outcomes of this element. Although established unlawfully, the use since has not impacted the Principal Centre or Precincts. - The Rockhampton Region Commercial Centres Study published in 2021 confirms that the Principal Centre is Rockhampton's central business district with the highest concentration of commercial, office, lifestyle, retail and entertainment and that current uses should be retained to avoid unnecessary vacancy rates. 	
<p>Matters raised in submissions</p>	
<p>The proposal was the subject of public notification between 11 December 2023 and 19 January 2024, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.</p>	
<p>Matters prescribed by regulation</p>	
<ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 4.4); and • Central Queensland Regional Plan 2013; • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Outdoor Sales, made by J, A and C Thomasson, located at 26-28 Derby Street, Rockhampton City described as Lot 10 on RP904597, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

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:

Plan/Document	Prepared by	Date	Reference No.	Version/Issue
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Name					
Material Change of Use Warehouse building	Capricorn Survey Group CQ	16 October 2023		9130-01-MCU	A

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

3.0 ROAD WORKS

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

3.2 A concrete pedestrian pathway, with a minimum width of 1.5 metres, must be constructed for the full Derby Street frontage of the development site.

3.3 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.0 PARKING WORKS

4.1 A minimum of three (3) carparks are to be provided on-site for staff and customers.

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

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

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

5.3 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

5.4 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.

5.5 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

5.6 The existing combined line must be re-aligned to achieve adequate setback from the proposed industrial shed. The section of redundant combined line infrastructure must be removed from the site.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

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

7.0 SITE WORKS

- 7.1 All earthworks (if any) must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 7.2 Site works (if any) 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.

8.0 BUILDING WORKS

- 8.1 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.
- 8.2 All building works for Class 2 to Class 9 buildings must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 8.3 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 8.4 Any building plant must be screened from view of the street by one or more of the following:
- 8.4.1 a solid screen fence, or
 - 8.4.2 a roof design feature; or
 - 8.4.3 a wall; or
 - 8.4.4 dense vegetation; or
 - 8.4.5 be located within, underneath or central to the building so as to not be visible from the street.
- 8.5 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:
- 8.5.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.5.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
 - 8.5.3 of a sufficient size to accommodate bins plus clearances around the bins for manoeuvring and cleaning;
 - 8.5.4 setback a minimum of two (2) metres from any road frontage; and
 - 8.5.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

9.0 LANDSCAPING

- 9.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1), except as

varied by these conditions.

- 9.2 Existing landscaping within the site must be retained.
- 9.3 Landscaping must be provided with a minimum planting area of one (1) metre in width along the north-western side (Denison Street) for the full length of the proposed shed and prior to the commencement of the use.
- 9.4 Planting types used within the landscaping areas must include either trees, shrubs or groundcovers, or any combination of these planting types. These plantings must be established and maintained generally at the following density rates:
- 9.4.1 trees at five (5) metre intervals;
- 9.4.2 shrubs at two (2) metre intervals; and
- 9.4.3 groundcovers at one (1) metre intervals.
- 9.5 At least fifty (50) per cent of all new plantings within the landscaping areas must be locally native species with low water dependency and must comply with the following requirements:
- 9.5.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 9.5.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 9.6 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 9.7 The landscaped areas must be subject to:
- 9.7.1 a watering and maintenance plan during the establishment moment; and
- 9.7.2 an ongoing maintenance and replanting programme.

10.0 ELECTRICITY

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

11.0 TELECOMMUNICATIONS

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

12.0 ASSET MANAGEMENT

- 12.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 12.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

13.0 ENVIRONMENTAL

- 13.1 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (Certified Professional in Erosion and Sediment Control or a Registered Professional Engineer of Queensland) in accordance with the *State Planning Policy 2017* and *Capricorn Municipal Design Guidelines requirements*, must be:

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

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

14.0 ENVIRONMENTAL HEALTH

14.1 Noise emitted from the activity must not cause an environmental nuisance.

14.2 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.

15.0 OPERATING PROCEDURES

15.1 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 Denison Street, or Derby Street.

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

15.3 When Council receives dust complaints, Council will conduct nuisance monitoring, to investigate any genuine complaint of nuisance caused by dust. If the complaints are genuine, the entire car sales area including parking spaces and vehicle manoeuvring areas must be concrete paved or sealed to Council's satisfaction for prevention of dust generation.

15.4 All waste storage areas must be:

15.4.1 kept in a clean and tidy condition; and

15.4.2 maintained in accordance with *Environmental Protection Regulation 2019*.

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges

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 5. Rating Category

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

NOTE 6. Advertising Devices

A Development application for Operational Works (Advertising device) is required to be submitted for approval by Council for any existing or proposed signage; other than those that are exempt or accepted development under Council's Planning Scheme.

BACKGROUND**SITE AND LOCALITY**

The site is located at 26 – 28 Derby Street, Rockhampton City, formally described as Lot 10 on RP904597, is a rectangular shaped corner allotment and has a total site area of 810m² (see **attachment 1**). The site is improved by the existing second-hand sales yard, including hard stand areas for vehicle storage and an existing demountable building.

The subject site is immediately bound by:

- North – Warehouse/Industrial shop front (Principal Centre Zone – Denison Street Precinct)
- East – Dwelling House (Principal Centre Zone – Denison Street Precinct)
- South – Electricity Sub Station (Special Purpose Zone)
- West – Second hand car dealership (Principal Centre Zone – Denison Street Precinct)

The wider area is characterised by surrounding principal centre zoning to the north and east (Denison Street Precinct & Core Precinct), low impact industrial areas to the south and low medium density residential zoning to the west of the site.

PROPOSAL**Overview**

The Applicant seeks a Development Permit for a Material Change of Use for Outdoor Sales over the subject.

Specifically, the proposal is to formalise the existing second-hand car dealership and sales yard over the site. Notable components of the proposal include:

- Formalise the existing demountable office and amenities building;
- An additional four (4) bay industrial shed is proposed for the purposes of storage and includes:
 - Three (3) bays to be enclosed with mezzanine floor over one (1) of the bays; and
 - One (1) covered open bay.
- Retention of existing hardstand display area.

Refer to **attachment 2** for development site plan.

Site Layout & Built Form

The proposal involves the use of the existing 6.3m x 3.0m demountable office and amenities building located centrally along the eastern property boundary and has a building height of less than three (3) metres above ground level. No change to the location of the demountable building is proposed.

The new industrial shed (13.5m x 8m) is proposed to be located in the northwestern corner of the site, is set back 1m from both property boundaries. The proposed shed has a height of 4.706m to the apex of the roof and is intended for storage, with three enclosed bays and one open sided bay. Existing landscaping is located along the entrance of the office and amenities building.

The proposed development has a total gross floor area of 127m² with a site coverage of 16 per cent. The remainder of the site is used as a hardstand parking area for vehicles intended for sale with bollards located along both road frontages of the site. Due to the nature of the development, informal staff parking spaces are located on site with all visitor parking located off site. Existing flag advertising is located throughout the site, however, has not been assessed as part of this application.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

TOWN PLANNING COMMENTS**State Planning Policy 2017**

Section 2.1 of *Rockhampton Region Planning Scheme 2015* noted the *State Planning Policy 2017* is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the *Rockhampton Region Planning Scheme 2015*.

Central Queensland Regional Plan 2013

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the *Central Queensland Regional Plan 2013*.

Rockhampton Region Planning Scheme 2015**Strategic framework**

The subject site is situated within the Urban Infill and Intensification designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

- Settlement Pattern
- Natural Environment and Hazards
- Community Identity diversity
- Access and Mobility
- Infrastructure and Services
- Natural Resources and Economic Development

An assessment of the proposal identifies that the development presents conflicts with elements of the Strategic Framework. An assessment against the Strategic Framework is contained in the Statement of Reasons in **Recommendation A** of this report.

Principal Centre Zone – Denison Street Precinct

The subject site is situated within the Principal Centre Zone (Denison Street Precinct) under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Principal Centre Zone identifies that: -

The purpose of the principal centre zone code is to:

- (a) facilitate the development of the principal centre which:*
 - i. is the primary business centre for the wider region with the highest concentration of commercial, retail, entertainment and cultural uses;*
 - ii. is developed with high density residential development (above ground floor level or behind ground story retail, commercial or community related activities), tourist and short-term accommodation (except within the Denison Street precinct);*
 - iii. includes on and off-street parking, continuous commercial facades, shaded footpaths, street trees and other pedestrian facilities;*
 - iv. is the primary destination and interchange hub for all modes of road and local area public transport;*
 - v. is well designed, safe and highly accessible;*
 - vi. is well served with all urban infrastructure; and*
 - vii. retains important character and heritage values.*

The purpose of the zone will be achieved through the following overall outcomes:

- (a) the height and scale of buildings reinforce the principal role of the centre with the tallest buildings being in the core precinct;*
- (b) building layout and form is suitable to accommodate a range of compatible uses;*
- (c) development is designed for the local climate, and includes sustainable practices for maximising energy efficiency and water conservation;*
- (d) development facilitates safe and efficient public/active transport use and pedestrian movement;*
- (e) development activates the street at ground level through the location of active uses (including shops and food and drink outlets) and by design (including continuous shop facades, continuous awnings, narrow shop fronts, doorways, large display windows, street trees, street furniture and varied external wall treatments);*
- (f) development creates a pedestrian rather than car oriented street frontage. Car parking areas do not dominate the street frontage and are predominantly located behind buildings;*
- (g) development must address key corners, be responsive to the regions climate and create a pedestrian friendly environment;*
- (h) development maintains or enhances view corridors, especially to Mount Archer and the Berserker Range;*
- (i) development maintains the structured grid pattern layout of lanes and wide streets;*
- (j) development that traverses a laneway and extends from one street through to another, provides linkages for pedestrians;*
- (k) buildings that have heritage and character features reflecting the area's history are protected and reused where possible;*
- (l) development is landscaped to assist with the greening of the city and the creation of shady, safe and well connected public places;*
- (m) the provision of infrastructure services, car parking and access is adequate for the type and scale of development;*
- (n) development is generally undertaken in accordance with concept plans; and*

- (o) *the establishment of four (4) precincts within the zone, where particular requirements are identified:*
- i. Business services precinct;*
 - ii. Core precinct;*
 - iii. Denison Street precinct; and*
 - iv. Quay Street precinct.*

Denison Street precinct

- (1) The following overall outcomes of the Denison Street precinct are additional to the overall outcomes of the principal centre zone and take precedence in the event of a conflict:**
- (a) the following development is located in the precinct:**
- i. industrial uses are limited to service industry and low impact industry; and*
 - ii. large format retail uses supporting the core precinct, including office supplies and commercial services;*
- (b) residential uses (except for caretaker's accommodation) are not located in this precinct;**
- (c) large-scale commercial, administrative, government offices, community, cultural, and entertainment uses are not located in this precinct — (these are located in the core precinct);**
- (d) development is low-medium rise and street trees are protected and augmented to create amenity and enhance the pedestrian environment; and**
- (e) servicing and parking occurs off laneways where possible so that a continuity of built form along streets is developed.**

This application is not consistent with the Denison Street Precinct however the development is not anticipated to detract from the role and function of the Principal Centre Zone and regard to relevant matters is considered to outweigh these conflicts.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Principal Centre Zone Code;
- Access, Parking And Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 for **commercial (bulk goods)** applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$19,481.80 for Gross Floor Area being 127 square metres (demountable and industrial shed);
- (b) A charge of \$8,869.50 for Impervious Area being 810 square metres (roof area, hardstand areas, access, and parking areas); and

(c) An Infrastructure Credit of \$30,677.65 for the existing allotment.

In accordance with section 3.1 of *Charges Resolution (No.1) of 2022*, the base charge will be automatically increased using the Producer Price Index (PPI), adjusted according to the three (3) yearly PPI average quarterly percentage change between financial quarters.

The calculations are reflected in the below table:

Column 1 Use Schedule	Column 1A Use	Column 2 Adopted Infrastructure Charge for non-residential development (\$)		Column 3 Calculated Charge
		(a) per m ² of Gross Floor Area (GFA)	(b) per m ² Impervious to Stormwater	
Commercial (bulk goods)	Outdoor Sales	153.40		\$19,481.80
			10.95	\$8,869.50
Total Base Charge				\$28,351.30
Charge (including PPI)				\$30,679.00
Total Base Credit				\$30,677.65
Credit (including PPI)				\$33,196.35
TOTAL CHARGE				Nil

Therefore, no infrastructure charges are payable and an Infrastructure Charges Notice is not required for the development.

CONSULTATION

The proposal was the subject of public notification between 11 December 2023 and 19 January 2024, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.

REFERRALS

The application was referred to the State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department) as a Concurrence Agency. The Department assessed the application and provided a referral agency response with conditions on 18 December 2023.

CONCLUSION

THAT the proposed development is not anticipated to compromise the Strategic Framework of *Rockhampton Region Planning Scheme 2015*. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/147-2023 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR OUTDOOR
SALES**

Locality Plan

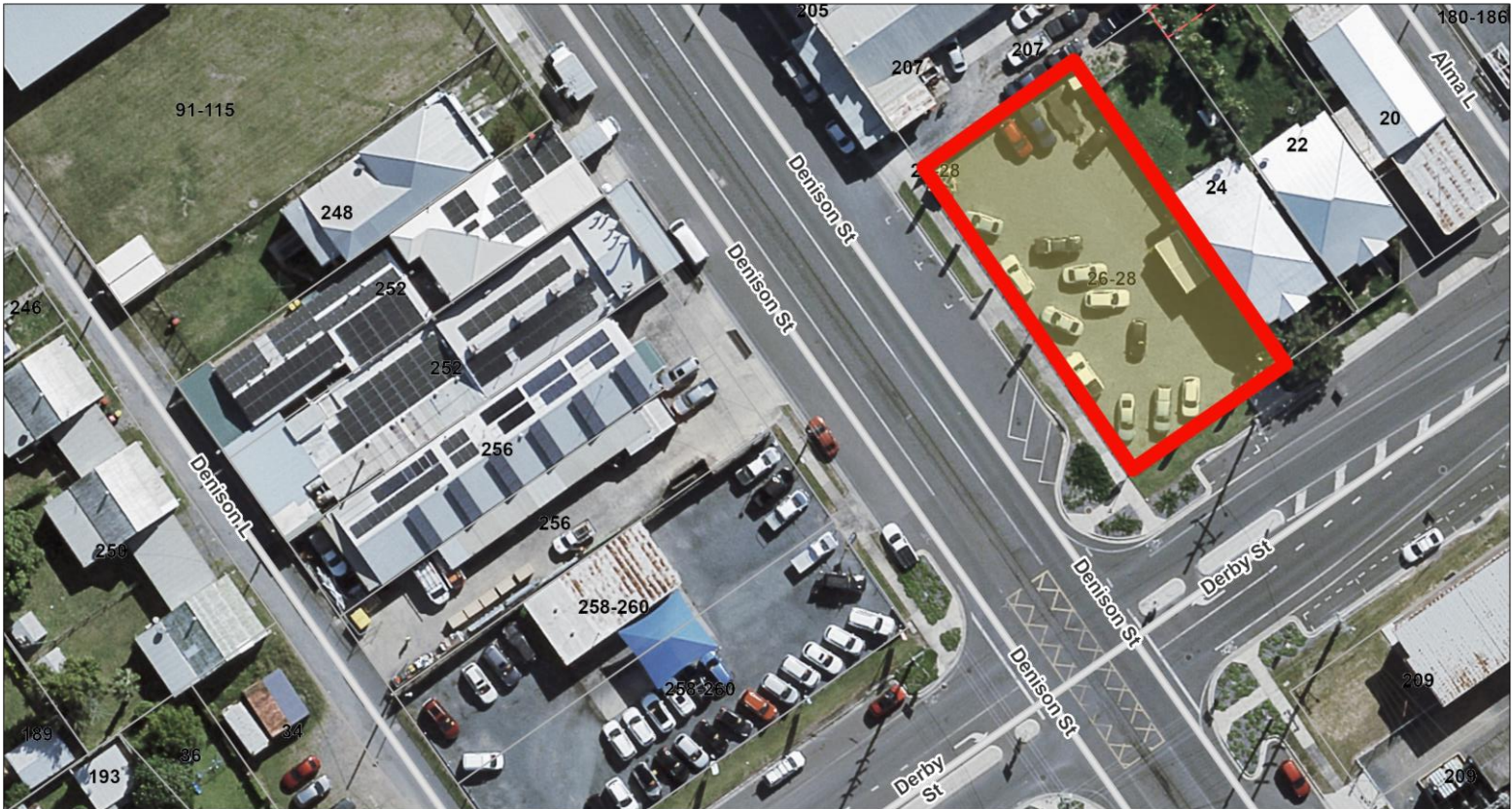
Meeting Date: 5 March 2024

Attachment No: 1

D/147-2023 - Locality Plan



A4 Page scale at 1: 605.80
Printed from GeoCortex on 22/02/2024



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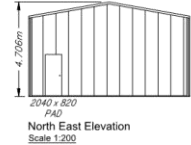
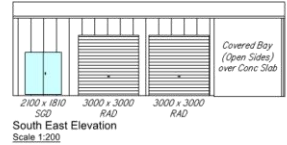


**D/147-2023 - DEVELOPMENT
APPLICATION FOR A MATERIAL
CHANGE OF USE FOR OUTDOOR
SALES**

Site Plan and Elevation Plan

Meeting Date: 5 March 2024

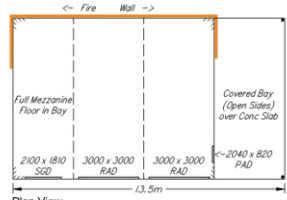
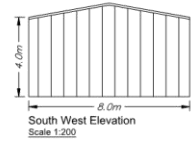
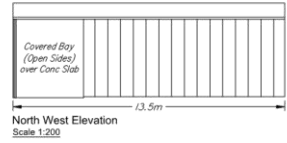
Attachment No: 2



SITE STATISTICS

Site Area	: 810m ²
Building Area (New)	: 108m ² (Under Roof)
Building Area (Existing)	: 19m ²
Site Coverage	: 15.6% (New + Ex Bldgs)
Storeys	: 1
Max Building Height	: 4.706m + 2.6m (Approx)

Note: Site Access is directly from Denison Street and Derby Street over existing conc driveway crossover.



IMPORTANT NOTE
This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.
The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.
In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.
This note is an integral part of this plan.
client

J. Thomasson



project
**26-28 Derby Street,
Rockhampton City**

plan of
Material Change of Use
Warehouse Building
(With Nearmap Underlay)



site
Lot 10 on RP904597

lga
Rockhampton Regional Council



issue	date	details	authorised
1	16-10-2024	initial issue	J.T



scale
1:250 @ A3

sheet no.
1 of 1

plan no.
9130-01-MCU-A

issue
9130-01-MCU A

11.2 DELEGATION OF DECISION MAKING FOR RADF 2023/24 ROUND 2 TO CHIEF EXECUTIVE OFFICER

File No:	2837
Attachments:	Nil
Authorising Officer:	John Webb - Manager Communities and Culture Emma-Jane Dwyer - Acting General Manager Community Services
Author:	Mark Millett - Coordinator Major Venues

SUMMARY

Regional Arts Development Fund (RADF) 2023/24 Round 2 funding falls within the Caretaker period prior to Council elections. This report requests that decision making and awarding of grants for RADF 23/24 Round 2 be delegated to the CEO.

OFFICER'S RECOMMENDATION

THAT Council resolves as per section 257 of the Local Government Act 2009 to delegate to the Chief Executive Officer the power to decide and award grants under Regional Arts Development Fund 2023/24 Round 2.

COMMENTARY

RADF 23/24 Round 2 closed for assessment on Thursday 1 February 2024. The RADF Committee meet and assess applications against RADF guidelines and Council priorities for Regional Arts Development Fund.

Some of the applications may commence prior to the prospective return of the new Council.

The decision for Council to approve will fall within the Council caretaker period at a time close to the election.

Councillor Drew Wickerson typically Chairs the meeting but has excused himself and will not participate in the assessment during the caretaker period.

BACKGROUND

The Regional Arts Development Fund (RADF) is a joint funding program of the Queensland Government (administered by Arts Queensland) and the Rockhampton Regional Council that focuses on the development of quality art and arts practice in our Region.

PREVIOUS DECISIONS

Council resolved the RADF Round 1 2023-2024 funding and awarded \$6447.50 for funding on 11 December 2023.

BUDGET IMPLICATIONS

N/A

LEGISLATIVE CONTEXT

N/A

LEGAL IMPLICATIONS

N/A

STAFFING IMPLICATIONS

N/A

RISK ASSESSMENT

N/A

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2022-2027:

Our Community Goal 2.2

- We provide opportunities for people to contribute to their communities.
- We support our people and community groups through our programs and resources.
- Our services, activities and community assets provide opportunities to celebrate our culture and creative arts and preserve the Region's heritage.

CONCLUSION

It is recommended that RADF 23/24 Round 2 decision making be delegated to the CEO.

11.3 ZOO SHADE STRUCTURE OPTIONS

File No:	8044
Attachments:	1. Perentie Fact Sheet ↓
Authorising Officer:	Alicia Cutler - General Manager Community Services
Author:	Aaron Pont - Manager Parks Liz Bellward - Curator Rockhampton Zoo Emma-Jane Dwyer - Manager Community Assets and Facilities
Previous Items:	11.4 - Zoo shade structure options - Ordinary Council - 20 Feb 2024 9:00 AM

SUMMARY

This matter was laid on the table at the Ordinary Council meeting on 20 February 2024 with an onsite meeting and inspection taking place on Monday 26 February 2024.

The report details the background and design development of the proposed Meerkat & Perentie shade structures. Both shades will improve the comfort of visitors and animals.

OFFICER'S RECOMMENDATION

THAT Council adopt option 1 contained within the report.

COMMENTARY

The redevelopment for the Rockhampton Botanic Gardens & Zoo was established to reinvigorate the site as a memorable destination of regional prominence by providing new, exciting and unique experiences in the heart of Central Queensland.

The vision for the redevelopment is to revitalise, develop and integrate the facilities, infrastructure and operations across the Botanic Gardens and Zoo to support its future growth, while focusing on the preservation of its history.

This shade project for the Meerkat and Perentie enclosures directly aligns with the redevelopment plan objectives and seeks to enhance visitor comfort and extend length of stay, as well as improve animal welfare.

The revised budget that was adopted by Council in December 2023, increased the total allocation for the shade from \$157,634 to \$307,634. That is, \$150,000 increase. Money spent to date in designs and investigation amounts to \$23,000 (which does not include project officer's time).

The project originated in early 2021 when shade was identified as being required for the meerkats and a notional budget allocation of \$50,000 was made. The Perentie Shade was first adopted in the 21-22 Adopted budget at a price of \$55,000. Since that time, there has been substantial investigations and designs that have arrived at a project that meets a number of operational requirements and complexities.

At the time of increasing the budget allocation, Council discussions sought additional information around the projects, which is now detailed in this report. Council direction is sought to move forward.

Meerkats

The Meerkat enclosure was built in 2020 and houses 5 meerkats. Visitor experiences have been immensely popular with a total of 813 encounters conducted since April 2021 at a value of \$221,869. The existing enclosure seeks to provide an environment similar to the natural meerkat habitat of the deserts and grasslands of southwestern Africa. A key difference to the wild is the mesh flooring to prevent meerkats from escaping – in the wild they will burrow and tunnel to escape the heat of the day. Unfortunately, this cannot be replicated due to our need to contain the animals via a sub-floor mesh system. Additionally,

their natural climate is one with typically cooler summer nights and lower humidity than Rockhampton.

Perenties

The Perentie enclosure was also constructed in 2020 and was an upgrade on a previous enclosure. The Perentie is Australia's largest monitor and in the wild has a natural habitat in arid to semi-arid regions. Although mainly terrestrial, the Perentie can climb trees and therefore our enclosure cannot contain significant trees or climbable structures due to risk of escape. Perenties will not typically display signs of heat stress and in extreme circumstances will simply overheat and die without displaying symptoms.

Site characteristics and challenges

The Zoo presents some construction challenges not experienced with other shade projects such as playgrounds.

- Meerkat enclosure is a sloping site with substantial gradient.
- Meerkat enclosure has underground mesh.
- Short construction timeframes– animals cannot be locked away indefinitely.
- Accessibility challenges – large components need to be craned in a considerable distance by specialist operators and equipment.
- Design around enclosure flexibility. Both enclosures have been constructed so that they may be split into the future, should the need arise.

The design requirements provided are:

- Structure compliance with building code
- Shade for animals and public.
- Shade to accommodate different times of the day and seasons.
- Shade to not take-away from photos for the meerkat encounters.
- Limited impact to viewing experience (post locations)
- No trip hazards (no large bases on the posts)
- Design to minimise escape risk for animals who may climb out.
- Shade to be consistent in quality and appearance with the site redevelopment design and objectives.
- No shade sails.

Pre-engineered Designs

Pre-engineered 'off the shelf' designs were investigated but could not meet the design brief of providing shade to the size of shade required as well as engineering limitations. There may be a mixture of pre-engineered shades for people and designed shades for animals that meets requirements, however a mixed solution is most likely to be more expensive overall and add additional risks, as there are different suppliers and set-up costs.

For cost comparison, the new playground shade at Marmor, which is approximately 200m², standard rectangular design cost \$147,000 to install.

Natural Shade

Some trees have been planted adjacent to enclosures and officers will consider additional large plantings to complement hard shade. Any plantings will take considerable time to mature and provide the desired effect and do not meet our immediate needs. Caution must be taken to ensure correct species and locations with constraints including root protection zones of existing trees, risk of damage to enclosure sub floor protection, fall risk from branches, risk to services and not providing a climbing structure for the animals.

Shade Options

Following discussions at a briefing session, a number of options are presented which are primarily focused around finding cost savings.

The limitations of the site in terms of gradient as well as access restrictions mean that costs cannot be compared with other sites that do not have these restrictions. The current design and tendered price compare well against the price of other structures at the Zoo. That being said, options are presented (but not recommended) to give Council alternate ways to move forward.

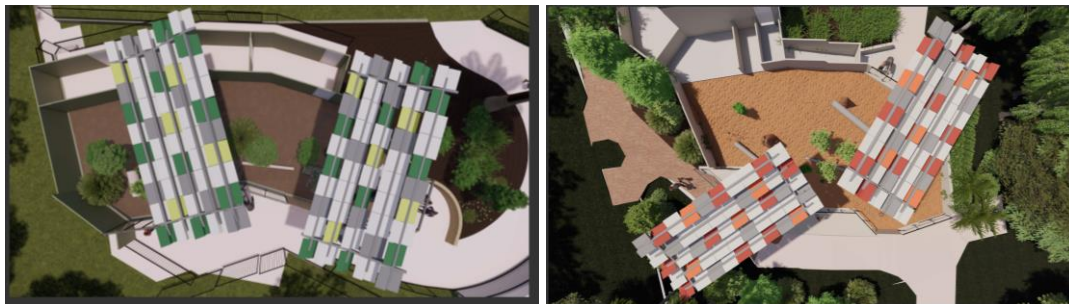
Option 1 – Hard shade as per design

Option 1 provides 2 shades per enclosure (4 total) which have been designed to match the existing environment and in line with the zoo redevelopment. This was the option that was provided for in the December Budget amendment.

The shades provide approximately 60m² of shade per enclosure with engineering requirements accounted for. Post locations have been carefully selected within the enclosure designs to eliminate the risk of animals climbing them.

The design of the shade is such that depending on where the sun is, there will be both sun and shade for the animals.

Heritage approval has been achieved for these designs. It should be noted that the colours can be changed if not aesthetically pleasing. In regard to maintenance, they are designed to not accumulate leaf litter which is a primarily problem of structures in this location.



Option 2 – Hard shade with reduced size (75% of option 1)

Option 1 shade design provides two individual shades per enclosure. Design scope could be reduced by 25% by removing one shade from the perentie enclosure. This would reduce available shade to visitors and the animals by 25% accordingly.

A site inspection at around 11 o'clock showed that one-side of the enclosure with a little more tree shade for the perentie than the other, allowing this side to be sacrificed. That being said, it was this shade that was also extending over the closed off areas.

Option 3 – Hard shade with reduced size (50% of option 1)

Option 1 shade design provides two individual shades per enclosure. Design scope could be reduced by 50% by removing one shade from each enclosure. This would reduce available shade to visitors and the animals by 50% accordingly providing approximately 30m² of shade per enclosure.

Option 4 – Existing Solution / Use Umbrella Shade

Shading is currently provided to visitors at the Meerkat encounter by utilizing large umbrellas. Large umbrellas can continue to be used. This option does not address the lack of shade concerns and may result in Meerkat encounters needing to be rescheduled if surface temperatures are too hot.

Under this option Meerkats are currently observed by zoo staff to be struggling. Perenties are using the ponds more regularly to cool off but do not show signs of distress, they overheat before dying.

If no increase in shading is provided, it will be recommended to install air conditioning into the Meerkat night house and keep the night house open for them to retreat during the day should be considered. This will maintain the welfare of the Meerkats but would significantly reduce visitor viewing experience. Encounters would reduce resulting in lost income.

Option 5 – Re-design a more-affordable solution

Given the commentary that the designed solution is too costly, there is always the option of not proceeding with the tender. To move forward, the design brief could be changed to include soft shade and other options if Council opts to.

Soft shade was originally excluded from the custom design specification due to the following reasons:

- The ability for the shades to capture leaf matter and build in bacteria which can be transferred to the animals. This may also lead to a poor visitor impression of the zoo appearance.
- Longevity of shade cloth and high likelihood of damage / failure in the event of a storm
 - Full replacement required.
 - Post event the shade could provide a climbing mechanism for the animals to escape from their enclosure.
 - The shade could become loose in the wind, move around and injure the animals.
- Due to the unpredictable nature and timing of weather events, planning the removal and reinstatement of the shade is not realistic or covered under the operational budget.

BACKGROUND

The enclosures were originally constructed in 2020 and shade structures were not originally able to be delivered due to budget constraints.

In late 2021 request for quotes were issued to 3 companies listed on the local buy register.

- One quote for soft shade was received which not meet the design requirements. This supplier declined to proceed with the quote process after discussing zoo parameters with Council Officers.
- Two companies declined to quote due to being unable to meet the design requirements.

At this point, it was determined to move forward and complete a custom design for the sites.

The design requirements are:

- Structure compliance with building code
- Shade for animals and public.
- Shade to accommodate different times of the day and seasons.
- Shade to accommodate photos for the meerkat encounters.
- Limited impact to viewing experience (post locations)
- No trip hazards (no large bases on the posts)
- Design to minimise escape risk for animals who may climb out.
- Shade to be consistent in quality and appearance with the site redevelopment design and objectives.
- No shade sails.

Based on the feedback received from the quote process, review of the design requirements for necessity and the testing results a decision was made that the scope was appropriate and to undertake a custom design process.

Over the course of 2022 and 2023 concepts and sun studies were undertaken in consultation with the Zoo and Community Assets and Facilities staff before reaching a final design.

The budget was revised in subsequent budget revisions to account for the additional engineering and custom design to meet the requirements of the project.

Costs to date on design and investigations amount to \$23,000.

The Botanic Gardens and Zoo Redevelopment Program.

Council adopted the Rockhampton Botanic Gardens & Zoo redevelopment program in August 2021 with a goal to reinvigorate the site as a memorable destination of regional prominence by providing new, exciting and unique experiences in the heart of Central Queensland. The vision for the redevelopment is to revitalise, develop and integrate the facilities, infrastructure and operations across the Botanic Gardens and Zoo to support its future growth, while focusing on the preservation of its history.

Through delivering the redevelopment, the Zoo will shine as a leader in animal exhibitions, conservation and welfare, and will provide exceptional visitor experiences and new animal attractions for locals and non-local visitors to enjoy. The welfare and safety of the Zoo's animals is paramount. A key factor for any zoo is the creation of enclosures that provide suitable environments for animals to live and thrive, as well as being safe for staff and visitors.

Key benefits of the redevelopment program include:

- Supporting a resilient local tourism industry.
- Enhancing the identity of Rockhampton.
- Increasing business activity through tourism expenditure.
- Ensuring long-term viability of heritage landmarks for future generations.
- Increasing liveability and social amenity of the region.
- Providing new and unique experiences.
- Increasing visitation and length of stay in the region.

Strategic Issues

The discussion to date around the design of the shade has identified the need for a Botanic Gardens & Zoo design guideline document to inform future developments at the site. This will be a body of work to be recommended for the 24/25 Operational Plan. This work will most likely be outsourced at a cost to the budget. The shades could be deferred further to undertake this body of work; however this is not recommended.

Council currently does not have a shade policy. It will be proposed in the Operational Plan for 24/25 that a review of the whole of life costs of types of shade be presented as part of a shade policy to be developed.

PREVIOUS DECISIONS

\$50,000 was adopted in the 21/22 Capital budget to install shade over the Meerkat and Perentie enclosures.

Additional budget was allocated in the 23/24 budget revision to cover the quoted price after the tender had been released.

This report was presented at the Ordinary Council meeting on 20 February 2024 and resolved as follows:

“THAT the matter lay on the table pending an onsite workshop.”

BUDGET IMPLICATIONS

All options are covered within the revised Capital budget for 23/24.

Option	Cost	Comments
1 – Proceed as planned with 4 shade structures in total over Meerkat & Perentie	\$273,000 (based upon tendered price)	Operational costs are low. Slatted roof panels mean leaves will fall through the roof. Minimal cleaning is required (final produce will differ in colour)
2 – Reduce Hard Shade by 75%, that is – 2 shades for Meerkats and 1 shade for Perentie	\$240,000 (same equipment required to be hired and mobilization costs would remain similar)	Operational costs consistent with option 1 – minimal leaves and cleaning required. Reliant on tree shade for remaining area of Perentie.
3 Reduce Hard Shade by 50% - Only proceed with Shade for Meerkats.	\$200,000	Operational costs are lower than options 1 and 2. Potential animal welfare impacts into the future.
4 No increase in Shade – continue with Umbrella solution. Installation of Airconditioning into Nighthouse	\$20,000	Note the \$23,000 expended to date to arrive at a solution. Will avoid encounters on very hot days due to impact upon staff and public.
5. Re-design a lesser cost solution	Unknown - Officers have estimated that this could still be in the vicinity of \$200,000 due to the site limitations.	Operational costs are significant as the soft shades will require routine removal of leaves. Should a cyclone approach the region, other tasks may take greater priority over the lowering of the shade and full replacement is likely.

LEGISLATIVE CONTEXT

Council has obligations under the following:

- Animal Care and Protection Regulation 2012
- Biosecurity Act 2014
- Biosecurity Regulation 2016
- Building Act 1975
- Building Regulation 2021
- Exhibited Animals Act 2015
- Exhibited Animals Regulation 2016
- The Queensland Animal Care and Protection Act 2001
- Queensland Heritage Act 1992
- Queensland Heritage Regulation 2015
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2011
- Australian Animal Welfare Standards and Guidelines for Exhibited Animals 2019
- National Construction Code 2022
- Shade Creation at Public Facilities - Policy and Guidelines for Local Government (Second Edition)

Price Comparison to other Enclosures at the zoo.

The following table compares cost per square metre of other recent structures built. This allows for some assessment of value for money.

Structure	Actual Cost per Square Metre	Indexed Cost per Square Metre (6% pe year)	Year of Construction
Option 1 – Perentie & Meerkat - \$273,000	\$2,275/m2	\$2,275	N/A
Shelter at Eagle Enclosure Shade – Total cost \$53,620	\$2,978/m2	\$3,157	2023
Crocodile Shade Structure– Total Cost \$107,000	\$1,983/m2	\$2,812	2018

LEGAL IMPLICATIONS

All options have been designed to meet all the legislative requirements.

STAFFING IMPLICATIONS

There are adequate resources within the Community Assets and Facilities and Zoo team to manage the shade construction project.

RISK ASSESSMENT

A risk assessment was conducted with a cross section of Council officers from Community Assets and Facilities, Safety unit and the Zoo with a high residual risk if no shade is provided to both the animals and zoo visitors.

Risks include:

- Loss of income and reputational risks from rescheduling Meerkat encounters at short notice to cooler times.
- Reputational risks from visitors viewing the animals (Meerkats) visually in distress from hot surfaces.
- Reputational and Animal welfare risks whereby animals overheat and become ill from lack of shade.
- WHS risks of the meerkat enclosure would continue to be managed with existing controls – no lowering of risk to staff.
- Financial risks from engaging design consultants to design works that are not awarded.

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

It is recommended that Council endorse Option 1 as detailed in this report to construct and install the shades as per the original design. This is on the basis that there has been substantial time and effort spent on this solution and that it meets all the design criteria. It will complement the redevelopment works and be an asset for many years to come. It also represents value for money when compared to other shade structures built within the zoo. This is one of Rockhampton's key tourist venues.

Option 2 and 3 also meets our legislative requirements and reduces overall risk but is not overall value for money.

Options 4 meets our legislative requirements but introduce additional operational costs and impact visitor experiences.

If Option 5 is the preferred way forward an alternative resolution might be:

That Council resolves to re-design a lesser-cost shade solution which will include a briefing session to arrive at an agreed scope of works.

ZOO SHADE STRUCTURE OPTIONS

Perentie Fact Sheet

Meeting Date: 5 March 2024

Attachment No: 1



PERENTIE

Varanus giganteus



FACTS AT A GLANCE

TYPE OF ANIMAL

Varanidae

OTHER NAMES

Monitor Lizard
Goanna

FOUND WHERE

South Australia
Western Australia
Queensland & Northern Territory

LENGTH

2.5m

WEIGHT

Up to 15kg

CONSERVATION STATUS

Least concern

LIFE SPAN

Around 40 years in the wild
Up to 30 years in captivity

The Perentie is the largest monitor in Australia and found in arid to semi-arid regions with hard-packed soil, loose stones, rocky outcrops and gorges.

Although mainly terrestrial, they can climb trees, especially if feeling threatened.

DIET

Being carnivorous, perenties eat eggs, carrion, birds, mammals and other reptiles. They have also been known to eat other smaller perenties. Even though they have sharp teeth, they swallow their food whole. Recent research suggests that monitors have the evolutionary remains of a venom gland, which may explain why wounds from the bites of these animals take a long time to heal.



Source: <https://www.wareptilepark.com.au/perentie.htm/>

REPRODUCTION

As territorial animals, perenties fight over access to females. Once the fight is won, the male will approach the female and nuzzle her to show he is interested. Using a termite nest, the female perentie will lay from 6 to 12 eggs per year. These take around 220 days to hatch.

FUN FACTS

Perenties can run up to 40km/h.

Perenties have rear-facing teeth which are used to grip onto their food rather than chew it!

Perenties will often display a "tripodding" behaviour, where they stand up on their hind feet and stand tall, looking for threats.

**11.4 FINAL MANAGEMENT LETTER FOR ROCKHAMPTON REGIONAL COUNCIL
2022/2023**

File No: 8151
Attachments: 1. 2023 Final Management Letter [↓](#)
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Following the certification of the Financial Statements for the period ended 30 June 2023, the Final Management Letter was received from the Queensland Audit Office (signed by Thomas Noble & Russell as delegate).

OFFICER'S RECOMMENDATION

THAT the Final Management Report for the 2022/2023 financial audit of Rockhampton Regional Council be received.

COMMENTARY

The Audit and Business Improvement Committee Meeting was held on Thursday 26 October 2023, where the draft statements and matters that are disclosed in this Final Management Report were discussed. Since then, the Report has been finalised and is now attached for review.

BACKGROUND

The report identified the following new Internal Control Deficiencies Issues which all have an action date scheduled by the close of the 2023/2024 financial year:

- 23CR-1 Assets not previously recognized
- 23CR-2 Information Technology Policies and Procedures Framework
- 23CR-3 Domain Admin Access

The report also identified a Financial Reporting Issue – Medium Risk which is due to be actioned by 31 October 2024, as follows:

- 23CR-4 Property, plant and equipment note disclosure

The following remaining previously reported matters still require attention with an action date scheduled by the close of the 2023/2024 financial year:

- 20-CR-1 Capitalisation of capital works in progress
- 20-OM-1 General data security

Progress on the resolution of these outstanding matters will be monitored through the year.

BUDGET IMPLICATIONS

The audit fee of \$196,500 excluding GST and disbursements was higher than the \$182,500 estimated in the external audit plan for 2022/2023. The uplift in the fee was due to increased work that was required to audit the capital work in progress balances and the prior period error reporting in the financial statements.

LEGISLATIVE CONTEXT

In accordance with Section 213 of the Local Government Regulation 2012, this report must be presented to the next ordinary meeting of Council following the receipt of the Final Management Report.

LEGAL IMPLICATIONS

There are no legal implications associated with receiving the Final Management Report.

STAFFING IMPLICATIONS

There are no staffing implications associated with receiving the Final Management Report.

RISK ASSESSMENT

There are no foreseen risks associated with receiving the Final Management Report.

CORPORATE/OPERATIONAL PLAN

This report aligns with the Corporate Plan Outcome that Council is fiscally responsible and also meets the Operational Plan action of fiscal responsibility and financial sustainability.

CONCLUSION

It is recommended that Council receive the Queensland Audit Office Final Management Report for 2023.

**FINAL MANAGEMENT LETTER FOR
ROCKHAMPTON REGIONAL COUNCIL
2022/2023**

2023 Final Management Letter

Meeting Date: 5 March 2024

Attachment No: 1



2023 FINAL MANAGEMENT LETTER

Rockhampton Regional Council

20 February 2024



20 February 2024

Cr Tony Williams
Mayor
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Cr Williams

Final management report for Rockhampton Regional Council

We have completed our 2023 financial audit for Rockhampton Regional Council. The Auditor-General has issued an unmodified audit opinion on your financial statements.

The purpose of this letter is to update you on any matters that have arisen since we presented our closing report to the Audit and Business Improvement Committee on 26 October 2023.

Reporting on issues identified after the closing report

I can confirm that we have not identified significant issues since the presentation of our closing report. The issues and other matters we have formally reported to management and an update on management's actions taken to resolve these issues is included as Appendix A.

Please note that under section 213 of the Local Government Regulation 2012, you must present a copy of this report at your council's next ordinary meeting.

Report to parliament

Each year we report the results of all financial audits and significant issues to parliament.

We intend to include the results of our audit of Rockhampton Regional Council in our Local Government report to parliament. We will comment on the results of our audit of your financial report, any significant internal control issues we identified, and the overall results of the sector, including major transactions and events. We will discuss the proposed content of our report with your chief financial officer and continue to consult as we draft our report. Formally, you will have an opportunity to comment on our report, and for these comments to be included in the final version tabled in parliament.

Audit fee

The final audit fee for this year is \$196,500 exclusive of GST (2022: \$178,375). This fee is higher than the \$182,500 estimated in our external audit plan. We have discussed the key factors contributing to the fee variation with your chief financial officer. In summary the fee variation was required to audit capital work in progress balances and the prior period error reported in the financial statements.

We would like to thank you and your staff for their engagement in the audit this year.

If you have any questions about this letter or would like to discuss any matters regarding our services and engagement, please do not hesitate to contact me on 07 5593 1601.

Yours sincerely

Richard Watkinson
Engagement Leader

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Web www.gao.qld.gov.au
 Queensland Audit Office (QAO)

2023 Final management letter

Appendix A1 – Status of issues

This section provides an update on the control deficiencies and other matters we have identified. It includes a response from those charged with governance.

Our risk ratings are as follows. For more information and detail on our rating definitions, please see the webpage here: www.qao.qld.gov.au/information-internal-controls or scan the QR code.



Deficiency

23CR-1 Assets not previously recognised

Observation

As part of Council's processes for continual improvement of data integrity and completeness relating to asset information, \$1.2 million in errors have been identified in opening asset balances. These relate to assets not previously recognised, and other adjustments arising from data cleansing activities and matching of asset data to other available asset information.

Implication

Although in FY23, these balances were not considered material to be a prior period error and did not require retrospective adjustment to the financial statements, these transactions have not been recorded in the appropriate financial year resulting in misstatement of property, plant and equipment balances.

QAO recommendation

Management should investigate the processes in place to capture accurate asset information and seek any improvements that can provide information in a more timely manner to enable asset transactions to occur in the appropriate financial year.

Management response

Council will continue to focus efforts on the timely recognition of assets, to continually identify any potential issues and improve internal processes. Council will continue to utilise geospatial systems and other sources of information to undertake an orderly data cleansing process and to implement changes to processes if appropriate.

Responsible Officer: Coordinator Accounting Services

Status: Work in progress

Action Date: 30 June 2024

23CR-2 Information Technology Policies and Procedure Framework

Observation

A number of Council's policies, procedures and other documents forming part of the overall IT Governance Framework have not been reviewed or updated for a significant period of time. Some examples include:

- Privileged Accounts Guideline – last approved August 2019
- Acceptable Use Policy – last approved February 2015
- Backup and Recovery Guideline – last approved August 2019
- Data Storage Areas Guideline – last approved September 2016

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- Internet and Email Access and Use Guideline – last approved November 2017
- Data breach Response Policy and Procedures – last approved July 2020
- Information Systems Steering Committee Terms of Reference – last approved July 2019

In addition, Council do not have procedures or guidelines in place on user access reviews including the requirements for review, the frequency of review and the systems involved. However, we understand tasks are set up within Council's helpdesk system to review access at the Network and Application level periodically.

Implication

Outdated policies increase the risk of inconsistent application across Council and may not reflect current best practice.

QAO recommendation

Management should review, and update as required, its Information Technology policies, procedures and guidelines to ensure they reflect current requirements or best practice. If significant changes are made, these should be communicated to all staff. The Council should also set target dates for periodic review of policies going forward.

Management response

Council has been progressively reviewing the policies, procedures and guidelines (documents) within the IT Governance Framework, having reviewed 16 of the 24 documents within the last 12 months. The remaining 8 documents within the IT Governance Framework will be reviewed in the 23/24 Financial Year. Documentation will also be prepared to address the requirements for user access reviews.

Responsible officer: Coordinator Information Systems

Status: Work in progress

Action date: 30 June 2024

23CR-3 Domain Admin Access**Observation**

As part of our review of IT General Controls we identified that there was high number of service accounts at the domain administrator level within Council's network.

Implication

The risk to Council is that these accounts can alter network settings that could affect the operational running of the information technology network and also modify visibility or access to Council systems and Data.

QAO recommendation

Management should review the service accounts at the domain administrator level to ensure access is kept to minimum levels required for operational tasks. In addition to this, management should periodically review activity logs for all domain administrator accounts to assess whether activities are within expectations.

Management response

Council is aware of these service accounts with Domain Administrator access. Council will continue to review and follow up vendors for more explicit access requirements so access can be reduced. Documentation will also be prepared to address the requirements for Domain Administrator access reviews.

Responsible officer: Coordinator Information Systems

Status: Work in progress

Action date: 30 June 2024

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Financial Reporting Issue – Medium Risk

23CR-4 Property, plant and equipment note disclosure

Observation

The property, plant and equipment note disclosure included a number of unusual items including:

- Adjustments to opening values of \$1.2 million. Refer also to deficiency 23CR-1 above for additional information
- Transfers between asset classes and work in progress have been impacted by reversal of estimated capitalisations from prior years and has resulted in negative additions in certain asset classes.
- Significant prior year write offs.

Implication

The property, plant and equipment note includes some unusual items and further disclosures may be required to provide clarification to users of the financial statements.

QAO recommendation

We recommend in future years that management review the note disclosure for unusual transactions or movements and ensure that the disclosures appropriately reflect the nature and substance of asset transactions.

Management response

The second and third dot points listed above are an outcome of the catch up of processing completed Work in Progress to either Non-Current Assets or Operational Expenses.

Council has made significant progress in reducing Work in Progress eligible for capitalisation to approximately \$11 million and therefore manual adjustments were not processed in the current financial year.

Given the reduction in the backlog of Work in Progress, Council is now in an improved position to regularly review (the nature and substance of asset transactions) and monitor Work in Progress within the financial year to potentially identify items that may be more appropriately treated as operational expenditure.

Management will review the note disclosure for unusual transactions or movements and ensure that the disclosures appropriately reflect the nature and substance of asset transactions.

Responsible Officer: Coordinator Accounting Services

Status: Work in Progress

Action Date: 31 October 2024

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Appendix A2 – Matters previously reported

The following table summarises all control deficiencies, financial reporting issues and other matters that have previously been raised but are not yet resolved. The listing includes issues from our interim report this year and those issues raised in prior years.


Internal control issues			Financial reporting issues		
					
Significant deficiency	Deficiency	Other matter	High	Medium	Low

Internal control issues

Ref.	Rating	Issue	Status
20-CR-1		<p>Capitalisation of capital works in progress</p> <p>There have been significant balances of completed projects in work-in-progress (WIP) identified during the 30 June 2021 and 30 June 2022 financial reporting periods not transferred to Infrastructure, Property, Plant and Equipment asset classes. Manual adjustments were processed at each reporting date so that the financial statements were not materially misstated.</p>	<p>Work in progress</p> <p>Estimated completed work in progress eligible for capitalisation has reduced to approximately \$11m which is significantly improved on last year (\$68m).</p> <p>Responsible officer: Chief Financial Officer / Coordinator Accounting Services</p> <p>Original action date: 30 June 2021</p> <p>Revised action date: 30 June 2024</p>
20-OM1		<p>General data security</p> <p>This observation included various general observations to further strengthen the general data security environment</p>	<p>Work in progress</p> <p>Configuration and implementation was halted due to key staff on leave. USB encryption is technically ready to roll out. Change management / communication to staff to be finalised prior to implementing.</p> <p>Responsible officer: Coordinator Information Systems</p> <p>Original action date: 31 December 2023</p> <p>Revised action date: 30 June 2024</p>
22-CR1		<p>Recognition of contributed assets</p> <p>As part of Council's continuous improvement process, management identified a number of assets with a value of \$2.23 million that should have been recognised as contributed assets or asset additions in the previous financial year.</p>	<p>Resolved</p>
23-IR1		<p>Timely update of Corporate Delegations</p> <p>Identified instance of inappropriate timesheet approval where delegations register was not updated to align for change in employee position.</p>	<p>Resolved</p> <p>The Delegations Register has been updated to ensure that any officers responsible for signing timesheets have the appropriate Corporate Band.</p> <p>Responsible officer: Coordinator Legal and Governance</p> <p>Action date: 30 September 2023</p>

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Ref.	Rating	Issue	Status
23-IR2		<p>Lack of documented procedure surrounding disposal of Information and Communications Technology (ICT) equipment</p> <p>There is currently no documented procedures or guidance around the minimum accepted requirements for disposal of information and communications technology (ICT) equipment.</p>	<p>Resolved</p> <p>ITS now have a Work Instruction included in the Service Desk Master Procedures files.</p> <p>Responsible officer: Coordinator Information Systems</p> <p>Action date: 30 June 2023</p>

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qao.qld.gov.au/reports-resources/reports-parliament



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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