



ORDINARY MEETING

MINUTES

24 OCTOBER 2023

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	2
3.1	REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON - 6 -10 NOVEMBER 2023 INCLUSIVE.....	2
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	3
6	BUSINESS OUTSTANDING	4
	NIL	4
7	PUBLIC FORUMS/DEPUTATIONS	4
	NIL	4
8	PRESENTATION OF PETITIONS.....	4
	NIL	4
9	COMMITTEE REPORTS.....	4
	NIL	4
10	COUNCILLOR/DELEGATE REPORTS	5
10.1	COUNCILLOR DISCRETIONARY FUND APPLICATION - BOULDERCOMBE PROGRESS ASSOCIATION	5
11	OFFICERS' REPORTS	6
11.1	D/99-2019 - REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION AND RELOCATABLE HOME PARK.....	6
11.2	FLEET VEHICLE GREENHOUSE GAS EMISSIONS REDUCTION POLICY REVIEW	21
11.3	APPROVAL FOR INTERNATIONAL TRAVEL - REGIONAL SERVICES	22
11.4	SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2023	23
11.5	WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD ENDING 30 SEPTEMBER 2023.....	24
11.6	2023-24 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 1 AND PROPOSED AMENDMENTS TO THE 2023-24 OPERATIONAL PLAN.....	25

12	NOTICES OF MOTION	27
12.1	NOTICE OF MOTION - MAYOR TONY WILLIAMS - FITZROY COMMUNITY HOSPICE.....	27
12.2	NOTICE OF MOTION TO RESCIND - COUNCILLOR SHANE LATCHAM - COUNCILLOR DISCRETIONARY FUND - SCOUT ASSOCIATION OF QUEENSLAND; SEEONEE PARK SCOUT CAMP	29
13	QUESTIONS ON NOTICE	30
	NIL	30
14	URGENT BUSINESS\QUESTIONS	30
15	CLOSED SESSION	31
16.1	LEGAL MATTERS REPORT - 1 JULY 2023 TO 30 SEPTEMBER 2023	
16	CONFIDENTIAL REPORTS.....	32
16.1	LEGAL MATTERS REPORT - 1 JULY 2023 TO 30 SEPTEMBER 2023	32
17	CLOSURE OF MEETING.....	33

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 24 OCTOBER 2023 COMMENCING AT 9:00AM**

1 OPENING

1.1 Acknowledgement of Country

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 (via video-link)

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms A Cutler – General Manager Community Services
Ms M Taylor – Chief Financial Officer
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance
Ms M Younger – Manager Corporate and Technology Services
Mr Z Garven – Tourism and Events Manager (via video-link)
Mr D Scott – Manager Planning and Regulatory Services
Ms A O'Mara – Coordinator Development Assessment
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

3.1 REQUEST FOR LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON - 6-10 NOVEMBER 2023 INCLUSIVE

File No: 10072

SUMMARY

Councillor Drew Wickerson has notified the Chief Executive Officer of his request for leave of absence from Monday 6 November 2023 to Friday 10 November 2023 inclusive.

COUNCIL RESOLUTION

THAT Councillor Drew Wickerson be granted leave of absence from Monday 6 November 2023 to Friday 10 November 2023 inclusive.

Moved by: Mayor Williams
Seconded by: Councillor Fisher
MOTION CARRIED

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 10 October 2023 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson
MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Ellen Smith informed the meeting:

“I have a declarable conflict of interest in **Item 10.1 – Councillor Discretionary Fund Application – Bouldercombe Progress Association** as I have been a member of the Bouldercombe Progress Association for the last 29 years.

I will deal with this conflict by leaving the meeting, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

Councillor Ellen Smith informed the meeting:

“I have a prescribed conflict of interest in **Item 11.5 – Whole of Council Corporate Performance Report for Period Ending 30 September 2023**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Hire who has a contract to cart water from Gracemere to Mount Morgan on behalf of Rockhampton Regional Council. My brother John James McEvoy is employed by MTC Hire to drive the water trucks and also just recently my nephew, Timothy McEvoy is also employed to drive an MTC truck delivering water.

I will deal with this conflict by leaving the meeting, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

Councillor Shane Latcham informed the meeting:

“I have a declarable conflict of interest in **12.2 – Notice of Motion to Rescind – Councillor Shane Latcham Councillor Discretionary Fund – Scout Association of Queensland; Seonee Park Scout Camp** as my daughter Jenna Latcham is a member of the Mount Archer Scouts Association, and this organisation is a member of Scouts Queensland.

I will deal with this conflict by leaving the meeting, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

10.1 COUNCILLOR DISCRETIONARY FUND APPLICATION - BOULDERCOMBE PROGRESS ASSOCIATION

9:03AM

Councillor Ellen Smith, having earlier informed the meeting of a declarable conflict of interest and her decision to not participate in Item 10.1 – Councillor Discretionary Fund Application – Bouldercombe Progress Association, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

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

SUMMARY

Councillor Ellen Smith is seeking approval from Council to donate \$500.00 from her Councillor Discretionary Fund to the Bouldercombe Progress Association towards costs for hosting their Bouldercombe Christmas Fair.

COUNCIL RESOLUTION

THAT Council approve the donation of \$500.00 from Councillor Ellen Smith's Councillor Discretionary Fund to the Bouldercombe Progress Association, Bouldercombe Christmas Fair.

Moved by: Councillor Fisher
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Kirkland, Latcham voted in the affirmative.

Councillor Smith was not in the meeting room and did not participate in the vote.

9:04AM Councillor Smith returned to the meeting room

11 OFFICERS' REPORTS

11.1 D/99-2019 - REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR SHORT TERM ACCOMMODATION AND RELOCATABLE HOME PARK

File No: D/99-2019

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

Development Application Number: D/99-2019

Applicant: Gabriele & Marisa Demedio

Real Property Address: Lot 3 on SP316476

Common Property Address: 1014-1016 Yaamba Road, Parkhurst

Area of Site: 8.46 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.1)

Planning Scheme Zone: Low Density Residential Zone

Existing Development: Short Term Accommodation

Approval Sought: Amended Decision Notice for a Development Permit for Material Change of Use for Short Term Accommodation and Relocatable Home Park

Affected Entity: Ergon Energy

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Minor Change to D/99-2019 for Material Change of Use for Short Term Accommodation and Relocatable Home Park, made by Gabriele & Marisa Demedio, located at 1014-1016 Yaamba Road, Parkhurst, described as Lot 3 on SP316476, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use for Short Term Accommodation and a Relocatable Home Park
Reasons for Decision	<p>a) The proposed Relocatable Home Park provides alternative housing to meet changing demographic needs for the region;</p> <p>b) The proposed Short Term Accommodation is merely an extension to the existing use on site and reflects a built form consistent with the Zone;</p> <p>c) The density of the entire development is less than that of a traditional residential subdivision;</p>

	<p>d) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>e) 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;</p> <p>f) The proposed development does not compromise the relevant State Planning Policy; and</p> <p>g) 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.</p>							
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Low Density Residential Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; • Flood Hazard Overlay Code; and • Steep Land Overlay Code. 							
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.</p> <table border="1" data-bbox="549 1350 1422 2085"> <thead> <tr> <th data-bbox="549 1350 876 1435">Assessment Benchmark</th> <th data-bbox="876 1350 1422 1435">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="549 1435 876 1935">Low Density Residential Zone Code</td> <td data-bbox="876 1435 1422 1935"> <p>AO18.1</p> <p>Whilst the proposed development is not currently located within 200 metres of a centre, the proposal remains highly accessible. The proposal is aimed at a specific demographic which are likely to rely on the use of motor vehicles and is not of a density that would warrant proximity of a centre as it reflects a density similar to that of a residential subdivision. In addition, the site has direct access to a State controlled road, therefore will not impact on the local amenity and local street network.</p> </td> </tr> <tr> <td data-bbox="549 1935 876 2085"></td> <td data-bbox="876 1935 1422 2085"> <p>The proposal provides an overall density of approximately one (1) dwelling per 805 square metres, being far less than the maximum permitted for</p> </td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	Low Density Residential Zone Code	<p>AO18.1</p> <p>Whilst the proposed development is not currently located within 200 metres of a centre, the proposal remains highly accessible. The proposal is aimed at a specific demographic which are likely to rely on the use of motor vehicles and is not of a density that would warrant proximity of a centre as it reflects a density similar to that of a residential subdivision. In addition, the site has direct access to a State controlled road, therefore will not impact on the local amenity and local street network.</p>		<p>The proposal provides an overall density of approximately one (1) dwelling per 805 square metres, being far less than the maximum permitted for</p>
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Low Density Residential Zone Code	<p>AO18.1</p> <p>Whilst the proposed development is not currently located within 200 metres of a centre, the proposal remains highly accessible. The proposal is aimed at a specific demographic which are likely to rely on the use of motor vehicles and is not of a density that would warrant proximity of a centre as it reflects a density similar to that of a residential subdivision. In addition, the site has direct access to a State controlled road, therefore will not impact on the local amenity and local street network.</p>							
	<p>The proposal provides an overall density of approximately one (1) dwelling per 805 square metres, being far less than the maximum permitted for</p>							

		the zone. In addition, the built form, design and the provision of communal spaces on site will ensure the character and amenity of the Low Density Residential Zone is maintained.
Matters raised in submissions	Issue	How matter was dealt with
	Electromagnetic Fields (EMF) impacts have not been considered.	An EMF Report was undertaken and prepared by a suitably qualified professional. The EMF levels taken along the boundary of the property, and the development were very low and well within the recommended max exposure levels set by the Australian Protection and Nuclear Safety Agency (ARPANSA). For future growth in surrounding areas, the current flow through these lines will increase, therefore, cause the electromagnetic field levels to increase. However, they will never increase so much that they'll reach the limit set by ARPANSA.
	No landscape buffer to address visual amenity impacts from the power line traversing the site.	The use of landscaping to screen the infrastructure would be ineffective given the height and alignment of this infrastructure across the site. The scale of planting that would be required to screen this infrastructure would be significant and could potentially present maintenance issues or hazards to this infrastructure. In addition, the power line is no more intrusive than standard overhead power lines within residential areas and with single storey dwellings proposed will not be in direct line of sight of the residents.
	Energy Queensland's access along the easement has not been maintained.	Conditions of the approval have been proposed to ensure Energy Queensland's access is maintained. Gates will be installed within the Energy Queensland easement at the northern and southern property boundaries to allow Energy Queensland unimpeded access along the easement. In addition, the car parking within the easement will be trafficable to ensure Energy Queensland's heavy vehicles can traverse the easement corridor.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>; 	

- | | |
|--|--|
| | <ul style="list-style-type: none"> • Surrounding use of adjacent premises in terms of commensurate and consistent development form; and • <i>The common material, being the material submitted with the application.</i> |
|--|--|

RECOMMENDATION B

THAT in relation to the application for a Minor Change to D/99-2019 for Material Change of Use for Short Term Accommodation and Relocatable Home Park, made by Gabriele & Marisa Demedio, located at 1014-1016 Yaamba Road, Parkhurst, described as Lot 3 on SP316476, Council resolves to issue an Amended Decision Notice subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his 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, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Parking Works;
 - (ii) Stormwater Works;
 - (iii) Roof and Allotment Drainage;
 - (iv) Site Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of

Queensland.

1.9 This development approval is for a development to be undertaken in four (4) discrete stages, namely:

1.9.1 Short Term Accommodation (20 units) - Stage 4;

1.9.2 Short Term Accommodation (24 units) - Stage 5;

1.9.3 Relocatable Home Park (6 sites and Community Building) - Stage 6; and

1.9.4 Relocatable Home Park (37 sites) - Stage 7,

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

The stages are required to be undertaken in chronological order.

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

1.11 The currency period for all stages is eight (8) years from the date this approval takes effect.

2.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Overall Site Plan	Rufus	13 October 2023	230614 – 01	D
Section L and Site and Services Plan	Rufus	21 August 2023	230614 – 02	B
Site Setout Plan for Building 29 Only	Rufus	4 September 2023	230614 – 03	C
Floor Plan	Rufus	4 September 2023	230614 – 04	C
Elevations	Rufus	25 July 2023	230614 – 05	A
Engineering Infrastructure Report	Calibre	10 October 2019	18-002864	A
Stormwater Layout Plan	Calibre	9 October 2019	18-002864 – SK004	2
Services Layout	Calibre	9 October 2019	18-002864 – SK006	2
Vehicle Swept Paths	Calibre	25 November 2019	18-002864 – SK007	3
Vehicle Swept Paths	Calibre	25 November 2019	18-002864 – SK008	3
Floor Plan and Elevations	Rufus	4 October 2019	181015 – 02	01
Floor Plan and Elevations	Rufus	4 October 2019	181015 – 03	01
Floor Plan and Elevations	Rufus	4 October 2019	181015 – 04	01
Floor Plan	Rufus	4 October 2019	181015 – 05	01
Floor Plan	Rufus	4 October 2019	181015 – 06	01
Elevations	Rufus	4 October 2019	181015 – 07	01
Landscape Master Plan	AT Landscape	19 September 2019	008554	A
Stormwater Quality (Section 5)	Calibre	-	18-002864-CSMP01B	B
Cabins Setout Plan	Rufus	20 May 2020	181015-03	07

Concept Stormwater Management Plan & Flood Impact Assessment Report” dated 26 November 2019, Revision B has not been approved. An updated report accompanied with appropriate modelling is to be provided at Operational Works stage.

- 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.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- 3.0 PARKING WORKS
- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any parking works on the development site.
- 3.2 All parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 “Parking facilities”* and the provisions of a Development Permit for Operational Works (parking works).
- 3.3 All car parking, internal access and vehicle manoeuvring area must be concrete paved or asphalt sealed.
- 3.4 All vehicles must ingress and egress the development in a forward gear.
- 3.5 A minimum of 48 parking spaces must be provided on-site for the Short Term Accommodation. This includes 44 covered car parking spaces and four (4) visitor parking spaces.
- 3.6 A minimum of 65 parking spaces must be provided on-site for the Relocatable Home Park. This includes 43 covered car parking spaces and 22 visitor parking spaces.
- 3.7 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 “Parking facilities - Off-street parking for people with disabilities”*.
- 3.8 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with *Australian Standard AS2890 “Parking facilities”* and the provisions of a Development Permit for Operational Works (parking works).
- 3.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 “Manual of uniform traffic control devices”* and *Australian Standard AS2890.1 “Parking facilities – Off-street car parking”*.
- 3.10 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 “Manual of uniform traffic control devices”*.
- 3.11 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 “Lighting for roads and public spaces”*.
- 3.12 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 “Design for access and mobility”*.
- 3.13 The car parking proposed within the Energy Queensland easement must be trafficable to ensure Energy Queensland’s heavy vehicles can traverse the easement corridor.
- 4.0 PLUMBING AND DRAINAGE WORKS
- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 4.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 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.
- 4.6 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.7 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 4.8 All internal plumbing and sanitary drainage works must be completely independent for each unit / tenancy.
- 4.9 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.
- 4.10 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 4.11 All sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.
- 4.12 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.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns that has the potential to cause damage to other infrastructure.

Note: The peak water surface elevation (PWSE), extent, depth and velocity for the pre and post development scenarios along with comparison maps demonstrating no external impacts are to be provided.

- 5.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual Exceedance Probability defined flood / storm event, for the post-development conditions.
- 5.5 Easements must be provided over all land assessed to be within a one percent (1%) Annual Exceedance Probability defined flood / storm event, inundation area that convey the upstream external runoff / flood.
- 5.6 The installation of bio-retention basin and detention basin must be in accordance with relevant *Australian Standards* and Section 5 of the Stormwater Quality Report (refer to Condition 2.1). All maintenance of the proposed bio-retention basin must be the responsibility of the property owner.
- 5.7 Sediment Forebay must be provided upstream of all proposed bio-retention basin. Sediment Forebay must be designed to:
 - 5.7.1 remove particles that are one (1) millimetre or greater in diameter from the three (3) month average recurrence interval (ARI) storm event; and
 - 5.7.2 provide appropriate storage for coarse sediment to ensure desilting is required once every year.
 - 5.7.3 Alternatively, a proprietary product may be approved, if it is demonstrated that similar result will be achieved.
- 5.8 All nominated major overland flow paths (i.e. channels conveying one percent (1%) Annual Exceedance Probability defined flood / storm event), must be able to contain all batters necessary to accommodate the one percent (1%) Annual Exceedance Probability defined flood / storm event flows. Consideration must be given to incorporating a minimum blockage factor plus relevant channel freeboard and access provisions in accordance with the *Queensland Urban Drainage Manual*.
- 5.9 The proposed volume of storage (storage channel and within main channel) must be sufficient to attenuate the peak discharge from the development site to ensure non-worsening for a range of design storm events up to and including a one per cent (1%) Annual exceedance probability storm event plus the relevant storage freeboard and access provisions in accordance with the *Queensland Urban Drainage Manual*.
- 5.10 All proposed internal channel must be constructed as two-stage vegetated channel and floodway, where the main channel capacity must be within the range of Sixty-three percent (63%) to ten percent (10%) Annual Exceedance Probability storm flow and floodway capacity must be a one percent (1%) Annual Exceedance Probability storm flow in accordance with the *Queensland Urban Drainage Manual* requirements. Alternatively, any other drainage channel configuration will be approved, if it demonstrates a good hydraulic efficiency for a selected range of flood / storm events up to and including a one percent (1%) Annual Exceedance Probability defined flood / storm.
- 5.11 The proposed cross drainage structure across internal channel must be designed and constructed considering appropriate blockage factor and must have immunity (and appropriate freeboard) during a one percent (1%) Annual Exceedance Probability defined storm / flood event. Alternatively, overtopping of the culvert is acceptable if it complies with condition 5.12.
- 5.12 The proposed cross drainage structure across the internal channel must be designed and constructed considering appropriate blockage factor and allowable depth velocity product(s) to ensure public / patrons safety in accordance with *Queensland Urban Drainage Manual* requirements.
- 5.13 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Concept Stormwater Management Plan and Flood Impact Assessment Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:

- 5.13.1 that the submitted flood models must be updated with a sensitivity analysis by removing surface storage / hydraulic choking within the upstream catchment(s) and fully developed upstream catchment(s);
 - 5.13.2 the developed scenario probable maximum flood (PMF) model and the consequences due to the PMF;
 - 5.13.3 severe storm impact statements which include how the proposed drainage system will address the performance objectives listed in *Queensland Urban Drainage Manual* section 7.2.4;
 - 5.13.4 detailed engineering plans with a one percent (1%) Annual Exceedance Probability defined flood level and freeboard within the internal, external and storage channel;
 - 5.13.5 how the flow from upstream northern catchment will be accommodated within the development site;
 - 5.13.6 detailed design of the internal and external channel with velocity, channel lining, size, slopes etc. The design of the channels (internal and external) to be in accordance with *Queensland Urban Drainage Manual* and must ensure that no adverse flood impacts are caused on downstream properties, in particular, the 'True Blue Motel' (Lot 5 on SP307745) and the property to the south (Lot 4 on SP316476).

Note: If the existing drainage easement width is not suitable to accommodate proposed required channel, then the width of the easement must be increased.
 - 5.13.7 storage details including high / low flow outlets details with pre and post development flow from the development;
 - 5.13.8 cross section details of internal, external and storage channels at appropriate location;
 - 5.13.9 identification and detailed design of all new drainage systems and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 5.13.10 the detailed design at the open channel transitions which as minimum should avoid excessive energy losses and surface waves or other turbulence;
 - 5.13.11 full calculations with tufLOW modelling files (both electronic model files and results files) and all details of the modelling assumptions to support the stormwater quantity and flood management strategy.

Note: Electronic copy of the model (containing five folders) / result / check files is to be provided. The data needs to be provided in the Rockhampton Regional Council format. A tufLOW log (read me) file should be included for a reviewer to understand how and which files within the folders have been modified. Rockhampton Regional Council has provided the similar log file which needs to be updated. Please refer to section 2.3 and 1.1.2 of the document provided by Council for Naming Convention and example hydraulic model log.
- 5.14 All maintenance of the bio-retention systems, sediment basin / forebay, channels and other elements of the approved stormwater strategy must be the responsibility of the property owner / developer at no cost to Council.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 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*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 6.3 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 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 7.2.1 the location of cut and/or fill;
 - 7.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 7.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 7.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 7.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 7.6 Retaining structures close to or crossing sewerage infrastructure must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* The structure must be self-supporting and no additional load must be applied to Council's sewerage infrastructure.
- 7.7 All site works must be undertaken to ensure that there is:
- 7.7.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
 - 7.7.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 7.7.3 a lawful point of discharge to which the approved works drain during construction phase.

Easements will be required over any other land to accommodate the flows.

8.0 BUILDING WORKS

- 8.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the development site.
- 8.2 The existing dwelling at the rear of the subject land must be demolished and a Development Permit for Building Works (demolition) must be obtained prior to the commencement of demolition works on the development site.
- 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 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:
- 8.4.1 designed and located so as not to cause a nuisance to neighbouring properties;
 - 8.4.2 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;
 - 8.4.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;

Note: Waste collection must be on the site. Kerb side collection is not approved.
 - 8.4.4 setback a minimum of two (2) metres from any road frontage;
 - 8.4.5 provided with a suitable hosecock and hoses at the washdown bay and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

Note: Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 8.5 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood / storm inundation level. This level should be demonstrated for each proposed unit / dwelling at the Operational Works application stage.
- 8.6 Approval from Council must be required for any works proposed within the sewerage easement area.
- 8.7 Gates must be installed within the Energy Queensland easement at the northern and southern property boundaries to allow Energy Queensland unimpeded access along the easement. The gates must be six (6) metres wide comprising of two (2) three (3) metre gates that swing open.

9.0 LANDSCAPING WORKS

All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.

- 9.1 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.
- 9.2 The landscaped areas must be subject to:
- 9.2.1 a watering and maintenance plan during the establishment moment; and
- 9.2.2 an ongoing maintenance and replanting programme.
- 10.0 ELECTRICITY
- 10.1 Underground 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.
- 12.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.
- 13.0 ENVIRONMENTAL
- 13.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:
- 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 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 14.2 Air conditioning units must be located so as not to cause a noise nuisance and maintained in proper working order at all times.
- 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 Yaamba Road.
- 15.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:

- 15.2.1 the area is kept in a clean and tidy condition;
 - 15.2.2 fences and screens are maintained;
 - 15.2.3 no waste material is stored external to the waste storage area/s;
 - 15.2.4 all wash down of refuse containers takes place in the proposed wash-down facility; and
 - 15.2.5 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 15.3 A Medium Rigid Vehicle (8.80 metres) or smaller must be used to supply and remove goods or services to / from the development site.

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 Aboriginal and Torres Strait Islander and Partnerships website: www.datsip.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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation. Approval for such activities is required before 'fit out' and operation.

NOTE 5. 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 6. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Minor Change to D/99-2019 for Material Change of Use for Short Term Accommodation and Relocatable Home Park, made by Gabriele & Marisa Demedio, located at 1014-1016 Yaamba Road, Parkhurst, described as Lot 3 on SP316476, Council resolves to issue an Amended Infrastructure Charges Notice for the amount of \$1,117,000.00.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.2 FLEET VEHICLE GREENHOUSE GAS EMISSIONS REDUCTION POLICY REVIEW

File No: 5471
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

The revised Fleet Vehicle Greenhouse Gas Emissions Reduction Policy is presented to Council for consideration and adoption.

COUNCIL RESOLUTION

THAT Council adopts the revised Fleet Acquisition Policy (previously Fleet Vehicle Greenhouse Gas Emissions Reduction Policy) and approves a review date of the Fleet Acquisition Policy of October 2025.

Moved by: Councillor Wickerson
Seconded by: Mayor Williams

MOTION CARRIED

Councillor Fisher and Councillor Smith recorded their vote against the motion.

11.3 APPROVAL FOR INTERNATIONAL TRAVEL - REGIONAL SERVICES

File No: 3559
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Damon Morrison - Manager Workforce and Governance

SUMMARY

A request for retrospective approval for international travel for a preferred candidate to fly from New Zealand to Rockhampton for a recruitment interview with Regional Services is presented to Council for its consideration.

COUNCIL RESOLUTION

THAT Council retrospectively approve international travel from New Zealand to Rockhampton and the incurring of associated travel and associated expenses for the preferred candidate for the role identified in the report to undertake a recruitment interview in accordance with Council's Travel and Event Attendance Policy.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

**11.4 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
30 SEPTEMBER 2023**

File No: 8148
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 September 2023.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 September 2023 be received.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.5 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD ENDING 30 SEPTEMBER 2023

9:29AM

Councillor Ellen Smith, having earlier informed the meeting of a declarable conflict of interest and her decision to not participate in Item 11.5 – Whole of Council Corporate Performance Report for Period Ending 30 September 2023, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: 1392
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 30 September 2023 for Councillors' information.

COUNCIL RESOLUTION

THAT Whole of Council Corporate Performance Report for period ending 30 September 2023 be "received".

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

Councillor Williams, Fisher, Mathers, Wickerson, Rutherford, Kirkland, Latcham voted in the affirmative.

Councillor Smith was not in the meeting room and did not participate in the vote.

9:30AM Councillor Smith returned to the meeting room

11.6 2023-24 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 1 AND PROPOSED AMENDMENTS TO THE 2023-24 OPERATIONAL PLAN

Councillor Ellen Smith informed the meeting:

“I have a prescribed conflict of interest in **Item 11.6 – 2023-24 Operational Plan Quarterly Report – Quarter 1 and Proposed Amendments to the 2023-24 Operational Plan**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Hire who has a contract to cart water from Gracemere to Mount Morgan on behalf of Rockhampton Regional Council. My brother John James McEvoy is employed by MTC Hire to drive the water trucks and also just recently my nephew, Timothy McEvoy is also employed to drive an MTC truck delivering water.

I will deal with this conflict by leaving the meeting, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

9:32AM Councillor Smith left the meeting room

File No: 8320
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Acting Chief Executive Officer
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

The 2023-24 Operational Plan Quarterly Report for quarter one as at 30 September 2023, pursuant to section 174(3) Local Government Regulation 2012 is presented for Council endorsement together with proposed amendments to the 2023-24 Operational Plan for Council's adoption.

COUNCIL RESOLUTION

THAT Council:

- (a) Receive the 2023-24 Operational Plan Quarterly Report for Quarter One as at 30 September 2023; and
- (b) Adopt the proposed amendment to the 2023-24 Operational Plan detailed within this report and outlined in Attachment 2 of the report.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Kirkland, Latcham voted in the affirmative.

Councillor Smith was not in the meeting room and did not participate in the vote.

10:08AM Councillor Smith returned to the meeting room

Meeting Adjourned**COUNCIL RESOLUTION**

10:08AM

That the meeting be adjourned for a 30 minute recess.

Moved by: Mayor Williams**Seconded by: Councillor Fisher****MOTION CARRIED UNANIMOUSLY*****Meeting Resumed*****COUNCIL RESOLUTION**

10:38AM

That the meeting be resumed.

Moved by: Mayor Williams**Seconded by: Councillor Fisher****MOTION CARRIED**

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 (via video-link)

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms A Cutler – General Manager Community Services
Ms M Taylor – Chief Financial Officer (via video-link)
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance
Mr Z Garven – Tourism and Events Manager (via video-link)
Ms L Leeder – Senior Committee Support Officer

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - MAYOR TONY WILLIAMS - FITZROY COMMUNITY HOSPICE

File No: 6237

Responsible Officer: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Mayor Tony Williams has indicated his intention to move a Notice of Motion at the Council Meeting on 24 October 2023 regarding waiving of infrastructure charges for Fitzroy Community Hospice.

Councillor Donna Kirkland informed the meeting:

"I have a declarable conflict of interest in **Item 12.1 – Notice of Motion – Mayor Tony Williams – Fitzroy Community Hospice** as I participated in a fundraiser for the Community Hospice as a "Hoist Your Boss" participant recently.

As a result of the declarable conflict of interest, I will leave the meeting, including any area set aside for the public and stay away while the eligible councillors discuss and vote on the matter."

10:42AM Councillor Kirkland left the meeting room

Meeting Adjourned

COUNCIL RESOLUTION

10:47AM
That the meeting be adjourned for a 5 minute recess.

Moved by: Mayor Williams
Seconded by: Councillor Smith
MOTION CARRIED

Meeting Resumed

COUNCIL RESOLUTION

11:01AM
That the meeting be resumed.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson
MOTION CARRIED

COUNCIL RESOLUTION

THAT Council express support for the Fitzroy Community Hospice's Agnes Street project, and request a report be presented to the next available Council meeting for Council to consider 100% waiver of the infrastructure charges and the remaining balance of the new water connection fee.

Moved by: Mayor Williams

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

Councillor Williams, Fisher, Mathers, Wickerson, Rutherford, Smith, Latcham voted in the affirmative.

Councillor Kirkland was not in the meeting room and did not participate in the vote.

11:02AM Councillor Kirkland returned to the meeting room

12.2 NOTICE OF MOTION TO RESCIND - COUNCILLOR SHANE LATCHAM - COUNCILLOR DISCRETIONARY FUND - SCOUT ASSOCIATION OF QUEENSLAND; SEEONEE PARK SCOUT CAMP

11:02AM

Councillor Shane Latcham, having earlier informed the meeting of a declarable conflict of interest and his decision to not participate in **Item 12.2 – Notice of Motion to Rescind – Councillor Shane Latcham – Councillor Discretionary Fund – Scout Association of Queensland: Seeonee Park Scout Camp**, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

File No: 8295**Responsible Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Ross Cheesman - Acting Chief Executive Officer****Previous Items: 10.1 - Councillor Discretionary Fund - Scout Association of Queensland Seeonee Park Scout Campsite - Ordinary Council - 10 Oct 2023 9:00am****SUMMARY**

Councillor Shane Latcham has provided correspondence indicating his intention to move a Notice of Motion to Rescind a resolution following Council's Meeting of 10 October 2023 relating to Item 10.1 Councillor Discretionary Fund Application for the Scout Association of Queensland, Seeonee Park Scout Campsite.

COUNCIL RESOLUTION

THAT Council resolves as per Section 262 of the *Local Government Regulation 2012* to rescind the resolution arising from Item 10.1 of the 10 October 2023 Ordinary Meeting of Council.

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

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Smith, Kirkland voted in the affirmative.

Councillor Latcham was not in the meeting room and did not participate in the vote.

COUNCIL RESOLUTION

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.

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

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Smith, Kirkland voted in the affirmative.

Councillor Latcham was not in the meeting room and did not participate in the vote.

11:04AM Councillor Latcham returned to the meeting room

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

15 CLOSED SESSION

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

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

16.1 Legal Matters Report - 1 July 2023 to 30 September 2023

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

Moved by: Mayor Williams
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

11:21AM

THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED

COUNCIL RESOLUTION

11:23AM

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

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 LEGAL MATTERS REPORT - 1 JULY 2023 TO 30 SEPTEMBER 2023

File No: 1830

Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Acting Chief Executive Officer

Author: Allysa Brennan - Coordinator Legal and Governance

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

SUMMARY

Presenting an update of current legal matters that Council is involved in as at 30 September 2023.

COUNCIL RESOLUTION

THAT the legal matters report containing updates on legal matters for Rockhampton Regional Council as at 30 September 2023 be received.

Moved by: Councillor Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:24am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

24 OCTOBER 2023

ANNEXURE A

Documents presented to Councillors for their reference during the Council meeting when dealing with:

**Item 11.1 D/99-2019 – Request for Minor Change to Development Permit for
Material Change of Use for Short Term Accommodation and
Relocatable Home Park**

Minor Change to Development Permit (D/99-2019)

Material Change of Use for Short Term Accommodation and Relocatable Home Park

1014-1016 Yaamba Road, Parkhurst

Council meeting – 24 October 2023

Locality

1014-1016 Yaamba Road, Parkhurst



Assessment Summary

- The development will continue to operate as intended and the overall density of dwellings per square metre will change from one (1) dwelling per 905 square metres to one (1) dwelling per 805 square metres. This remains far less than the maximum permitted for the zone which is one (1) dwelling per 400 square metres.
- Therefore, the minor change application is recommended for approval subject to the conditions outlined in the report.

