



ORDINARY MEETING

MINUTES

28 MAY 2024

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 28 MAY 2024 COMMENCING AT 9:02 AM**

1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr D Morrison – Manager Workforce and Governance
Mr J Kann – Manager Office of the Mayor
Mr J Webb – Manager Communities and Culture
Mr A Collins – Manager Project Delivery
Ms M Younger – Manager Corporate and Technology
Mr D Toon – Manager Water and Wastewater (via video-link)
Mr M Vycke – Manager Airport (via video-link)
Ms E Dwyer – Manager Community Assets and Facilities
Ms K Roberts – Coordinator Property and Insurance (via video-link)
Mr M Millett - Coordinator Major Venues
Ms A O'Mara – Coordinator Development Assessment
Ms S Muggerridge – Planning Officer
Ms K Walsh – Acting Senior Committee Support Officer
Ms K Menzies – Acting Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence for the meeting was previously granted to Councillor Neil Fisher.

3.1 LEAVE OF ABSENCE - COUNCILLOR GRANT MATHERS - 19 JULY 2024 TO 12 AUGUST 2024

File No: 10072
Attachments: Nil
Authorising Officer: Nicole Semfel - Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Katie-Lea Kellett - Executive Support Officer

SUMMARY

Councillor Grant Mathers is seeking leave of absence from Friday 19 July 2024 up to and including Monday 12 August 2024.

COUNCIL RESOLUTION

THAT Councillor Grant Mathers be granted leave of absence from Friday 19 July 2024 to Monday 12 August 2024 inclusive.

Moved by: Mayor Williams
Seconded by: Councillor Latcham
MOTION CARRIED UNANIMOUSLY

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 14 May 2024 be confirmed.
THAT the minutes of the Special Meeting of 15 May 2024 be confirmed.
THAT the minutes of the Special Meeting of 22 May 2024 be confirmed.

Moved by: Councillor Taylor
Seconded by: Councillor Wickerson
MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

I, Councillor Edward Oram inform the meeting that I have a prescribed conflict of interest in **Item 16.4 Tender 15690 – Management and Operation of Council Aquatic Facilities**. This prescribed conflict of interest arises as my daughter Georgia Oram is an employee at one of the tendering parties as outlined in the report.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

8.1 PETITION - ENHANCEMENT OF FACILITIES AT DUTHIE PARK

File No: 8044

SUMMARY

Council has received a petition from 104 petitioners requesting enhancement of the facilities at Duthie Park.

COUNCIL RESOLUTION

THAT the petition requesting enhancement of the facilities at Duthie Park be received and referred to General Manager Community Services for investigation and response.

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 REQUEST FOR MINOR CHANGE TO DEVELOPMENT PERMIT D/74-2021 FOR MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/74-2021

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

INTRODUCTION

Development Application Number: D/74-2021

Applicant: M D Hickey

Real Property Address: Lot 35 on SP285391

Common Property Address: 229 German Street, Norman Gardens

Area of Site: 4,650 square metres

Planning Scheme: *Rockhampton Region Planning Scheme 2015 (v2.2)*

Planning Scheme Zone: Environmental Management and Conservation Zone

Planning Scheme Overlays: Airport Environs Overlay;
Biodiversity Areas Overlay;
Bushfire Hazard Overlay; and
Steep Land Overlay.

Approval Sought: Amended Decision Notice for Development Permit D/74-2021 for Material Change of Use for a Dwelling House

COUNCIL RESOLUTION

That in relation to the application for a Minor Change to Development Permit D/74-2021 for Material Change of Use for a Dwelling House, made by M D Hickey, located at 229 German Street, Norman Gardens, described as Lot 35 on SP285391, Council resolves to issue an Amended Decision Notice subject to the following conditions:

1.0 ADMINISTRATION

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

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, 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) Access Works;
 - (ii) Water Works; and
 - (iii) Roof and Allotment Drainage
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 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.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan / Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Slope Stability Assessment and Report	Construction Sciences	18 May 2017	2128E.P.531	-
Site Plan - Asset Protection Zone	Rufus Design Group	-	201005-02	-
Assessment of Impacts to MES	Denley Environmental Ecology & Environment	17 May 2021	40942	V1
Bushfire Hazard Assessment & Management Plan	Denley Environmental Ecology & Environment	5 April 2021	40942	1

Amendments to Bushfire Management Plan over Lot 35SP285391	Denley Environment Ecology & Environment	27 September 2023	40942	
Site Plan Overall & 3D Views	Rufus Design Group	21 September 2023	230602-02	
Site Features Plan	Rufus Design Group	21 September 2023	230602-03	
Site Plan – Asset Protection Zone & Landscape Plan	Rufus Design Group	21 September 2023	230602-04	
Floor Plan	Rufus Design Group	21 September 2023	230602-05	
Elevations	Rufus Design Group	21 September 2023	230602-06	

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 ACCESS WORKS

3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.

3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).

3.3 The access driveway to the proposed fire truck turning area must be designed and constructed in accordance with the approved plans and Bushfire Hazard Assessment & Management Plan (refer to condition 2.1).

3.4 The existing access from German Street to the development must comply with the requirements of the *Capricorn Municipal Development Guidelines*.

3.5 All vehicles must ingress and egress the development in a forward gear.

3.6 Any application for a Development Permit for Operational Works (access works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of an eight (8) tonne fire fighting vehicle.

4.0 WATER WORKS

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

4.2 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (water works).

4.3 The development must be connected to Council's reticulated water network for domestic use.

- 4.4 The development must be connected to Council's reticulated water network for fire fighting purposes with the extension of a 100 millimetre diameter water main and within the access handle to the proposed turnaround area with a fire hydrant located at the end of the line. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.

As an alternative to reticulated water supply for fire fighting purposes, on-site water supply may be provided and will include the provision of water storage tanks in accordance with Council requirements and the recommendations of the approved Bushfire Hazard Assessment & Management Plan (refer to condition 2.1), and must be certified by a hydraulic engineer or other suitably qualified person. Operational Works (water works) will not be required if this alternative option is undertaken.

- 4.5 If connecting to Council's reticulated water supply for fire fighting purposes, then the existing water connection point at German Street must be disconnected and a new water connection point must be provided in the proposed turnaround area. This non-trunk infrastructure is conditioned under section 145 of the *Planning Act 2016*.

Note: If on-site water is to be utilised for fire fighting purposes then the existing water connection point must be retained and upgraded, if necessary, to service the development.

- 4.6 Easements must be provided over all water infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained for the construction of any proposed structures on the development site.

- 5.2 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.

- 5.3 The development must be connected to Council's reticulated sewerage network.

- 5.4 The existing sewerage connection point must be retained, and upgraded if necessary, to service the development.

- 5.5 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.

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.

- 6.4 Any roof and allotment drainage infrastructure contained within the existing drainage easement must outlet within the road reserve of German Street and directed away from the road. Adequate protection must be constructed to protect the verge and German Street and to return the concentrated flows to sheet flow.
- 6.5 All maintenance of the proposed roof and allotment drainage infrastructure located within neighbouring allotment (237 German Street, Norman Gardens, Lot 200 on SP285391), contained within the existing drainage easement (Easement A on SP285391), must be the responsibility of the property owner / developer at no cost to Council.
- 6.6 Any application for a Development Permit for Operational Works (roof and allotment drainage works) must be accompanied by evidence of written consent from the adjoining property (237 German Street, Norman Gardens, Lot 200 on SP285391) for the implementation of proposed roof and allotment drainage strategy.
- 7.0 SITE WORKS
- 7.1 Cut and fill of the subject allotment must be undertaken in accordance with the recommendations of the *Slope Stability Assessment and Report* (refer to condition 2.1).
- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 7.3 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.
- 7.4 All retaining structures above one (1) metre in height requires separate building approval and certification by a Registered Professional Engineer of Queensland.
- 7.5 Retaining structures and their foundations must be wholly contained within Lot 35 on SP285391. Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes to Council's satisfaction, or in accordance with the approved landscaping plan; or
 - (ii) removed for disposal at a location approved by Council, within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 8.0 BUILDING WORKS
- 8.1 A Development Permit for Building Works must be obtained for the proposed construction of any structures on the development site.
- 8.2 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"*
- 8.3 The Dwelling must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Hazard Assessment & Management Plan (refer to condition 2.1).
- 8.4 Finishing's for the proposed dwelling house are to be of natural low contrast colours and of non-reflective materials and textures.
- 9.0 LANDSCAPING WORKS
- 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).
- 9.2 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency.

- 9.3 Plant species must not include undesirable species identified in Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy.
- 9.4 Vegetation clearing outside the Asset Protection Zone (APZ) is limited, except where required for bushfire mitigation and in accordance with the approved plans (refer to condition 2.1) as recommended by the Bushfire Hazard Assessment & Management Plan.
- 9.5 The landscaped areas must be subject to:
- 9.5.1 a watering and maintenance plan during the establishment moment; and
 - 9.5.2 an ongoing maintenance and replanting programme.
- 10.0 GEOTECHNICAL
- 10.1 All construction works must be designed and completed in accordance with the recommendations in the Slope Stability Assessment and Report (refer to condition 2.1).
- 10.2 Slope stability must be managed as follows:
- 10.2.1 all engineering drawings/specifications and designs must be in accordance with the requirements of relevant *Australian Standards* and must be approved by a Registered Professional Engineer of Queensland;
 - 10.2.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
 - 10.2.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 11.0 ELECTRICITY
- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 TELECOMMUNICATIONS
- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider, unless otherwise stipulated by telecommunications legislation at the time of installation. This includes all necessary pits, pipes and conduits that provide a connection to the telecommunications network.
- Note: The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
- 13.0 ASSET MANAGEMENT
- 13.1 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.
- 13.2 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.
- 13.3 '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)*.

14.0 ENVIRONMENTAL

14.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) fauna management;
- (iv) vegetation management and clearing;
- (v) top soil management;
- (vi) interim drainage plan during construction;
- (vii) construction programme;
- (viii) geotechnical issues;
- (ix) weed control;
- (x) bushfire management;
- (xi) emergency vehicle access;
- (xii) noise and dust suppression; and
- (xiii) waste management.

14.2 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, or landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

14.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Hazard Assessment & Management Plan (refer to condition 2.1).

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 German Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and 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 Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

NOTE 5. Property Note (Slope Stability)

All future structures within the subject allotment must be constructed in accordance with the recommendations of the *Slope Stability Assessment Report* (refer to condition 2.1).

NOTE 6. Property Note (Bushfire Hazard)

All future buildings, structures and the property generally with respect to the bushfire hazard must be done in accordance with: *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and *"Bushfire Hazard Assessment & Management Plan"* (refer to condition 2.1).

NOTE 7. Retention of vegetation

The development site is mapped by the Department of Environment and Heritage Protection as containing Matters of State Environmental Significance. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/management/vegetation>

Moved by: Councillor Wickerson

Seconded by: Councillor Latcham

MOTION CARRIED

11.2 REQUEST FOR A NEGOTIATED DECISION FOR DEVELOPMENT PERMIT D/147-2023 FOR MATERIAL CHANGE OF USE FOR OUTDOOR SALES

File No: D/147-2023
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

Development Application Number: D/147-2023
Applicant: C J Thomasson and J A Thomasson and A L Thomasson
Real Property Address: Lot 10 on RP904597
Common Property Address: 26-28 Derby Street, Rockhampton City
Area of Site: 810 Square Metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 4.4)
Planning Scheme Zone: Principal Centre Zone – Denison Street Precinct
Planning Scheme Overlays: Acid Sulfate Soils Overlay; and Airport Environs Overlay.
Approval Sought: Negotiated Decision Notice for Development Permit D/147-2023 for Material Change of Use for Outdoor Sales
Referral Agency(s): State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

COUNCIL RESOLUTION

That in relation to the change representations to Development Permit D/147-2023 for Material Change of Use for Outdoor Sales, made by C J Thomasson and J A Thomasson and A L Thomasson, Council resolves to issue a Negotiated Decision Notice 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:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Material Change of Use Warehouse building	Capricorn Survey Group CQ	20 March 2024	9130-01-MCU	B

- 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. 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 5. 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.

Moved by: Councillor Wickerson

Seconded by: Councillor Oram

MOTION CARRIED

9:09AM Councillor Mathers attended the meeting

11.3 REGIONAL ARTS DEVELOPMENT FUND 2023/24 ROUND THREE FUNDING

File No: 8944
Authorising Officer: John Webb - Manager Communities and Culture
 Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

Applications received for Round Three of the 2023-24 Regional Arts Development Fund (RADF) have been assessed by the RADF committee and five (5) applications are recommended for funding.

COUNCIL RESOLUTION

THAT Council endorses the applications listed below for funding from Round 3 of the 2023-24 Regional Arts Development fund:

Applicant	Grant Type and Amount Requested	Details of Grant	Grant amount
Capricorn School of Dance	Development Grant \$5,000	Royal Academy of Dance Ballet Examination Preparation Workshop:	\$5,000
Chelsea Morigan	Project Grant \$9,600	KOTO Innovation Project	\$9,600
Derek Lamb	Project Grant \$7,760	A Joint Exhibition of New Works responding to Benevolent Society and early Rockhampton	\$4,400
Midpoint Theatre	Project Grant \$5,893	To support the collection, script development and public presentation of four local migrant stories, exploring diverse experiences of 'settling in' to a new country, community and culture.	\$5,893
Rockhampton Symphony Orchestra	Development Grant \$5,000	Rockhampton Symphony Orchestra Strategic Planning and Capacity Building	\$5,000

Moved by: Councillor Wickerson

Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

11.4 ROCKHAMPTON MUSEUM OF ART BOARD OF PHILANTHROPY

File No: 1211
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Jonathan McBurnie - Museum of Art Director

SUMMARY

The Rockhampton Museum of Art Board of Philanthropy runs concurrently with the local government term. The Board term concludes at the end of each Council term with the members requiring endorsement or re-endorsement at the commencement of each Council Term.

COUNCIL RESOLUTION

THAT Rockhampton Regional Council -

1. Supports the reconstitution of the Rockhampton Museum of Art Philanthropy Board and endorse the following members that have nominated for re-endorsement-
 - Dr Leonie Grey, Chair of previous term most recently appointed 9 Feb 2021
 - Ms Maria Harms, most recently appointed 9 Feb 2021
 - Mr Robert Rooney, previously appointed 9 Mar 2021
 - Ms Debbie Clayton, previously appointed 9 Mar 2021
 - Mr Rick Palmer, previously appointed 28 Feb 2023
2. Recognises and thanks the following Philanthropy Board members that have elected not to seek re-endorsement for the new term –
 - Mr Zac Garven
 - Ms Shelia Houston
 - Mr Brent Giles

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.5 MOUNT MORGAN AQUATIC CENTRE REDEVELOPMENT GRANT FUNDING REVIEW

File No: 12534
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

Council has a funding agreement with the Queensland Government under Resources Community Infrastructure Funding Program. Mt Morgan Pool Project has been completed under budget with a small cost saving. Consultation with the funding body has confirmed there is an opportunity to request a variation of scope to include additional items.

COUNCIL RESOLUTION

THAT Council:

1. Support the submission of a variation for additional scope; and
2. Endorse the proposed additional elements as detailed in the report.

Moved by: Councillor Rutherford

Seconded by: Councillor Oram

MOTION CARRIED UNANIMOUSLY

11.6 SOLE SUPPLIER

File No: 1466
Authorising Officer: Dan Toon - Manager Water and Wastewater
Peter Kofod - General Manager Regional Services
Author: Annette Thomson - Personal Assistant to Manager
Water and Wastewater

SUMMARY

This report details a number of items of equipment and services that are important to Fitzroy River Water's water and sewerage operations. Council approval is sought for these items to be provided by the listed sole suppliers in accordance with s235(b) of the Local Government Regulation (2012).

COUNCIL RESOLUTION

THAT pursuant to s235(b) of the *Local Government Regulation 2012*, Council approves the use of the following nominated suppliers without the need to seek additional quotes or tenders:

1. Miri Technologies for the supply of Programmable Logic Controllers (PLC's), Radios, Repeaters, Duplexers and Antennas; and
2. Rotork Australia Pty Ltd for the supply, servicing and repairs of Valve Actuators and Gearboxes.

Moved by: Councillor Oram
Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

**11.7 DISPOSAL OF COUNCIL OWNED LAND TO CONVERT TO ROAD RESERVE -
344, 347 AND 349 EAST LANE, DEPOT HILL**

File No: 1680, 3974
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Michelle George - Property and Resumptions Officer
Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Coordinator Property & Insurance reporting on converting Council owned freehold land located at 344, 347 and 349 East Lane, Depot Hill to road reserve. The properties are currently being used as road and the most appropriate tenure for this land is road reserve.

COUNCIL RESOLUTION

THAT pursuant to section 236(1)(b)(i) of the *Local Government Regulation 2012*, Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to dispose of 4(four) parcels of land known as 344, 347 and 349 East Lane, Depot Hill described as Lot 5 on RP601207, Lot 5 on RP600803, Lot 11 on RP600379, Lot 20 on RP600379 to be dedicated as road.

Moved by: Councillor Taylor
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.8 PROPOSED FEES AND CHARGES 2024-2025

File No: 7816
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Fees and Charges Schedule for the 2024/2025 Financial Year is submitted for adoption.

COUNCIL RESOLUTION

THAT in accordance with the requirements of the *Local Government Act 2009*, Council adopts the Fees and Charges schedule for the 2024/2025 financial year.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

**11.9 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
30 APRIL 2024**

File No: 8148
Authorising Officer: Ross Cheesman - Deputy 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 April 2024.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 30 April 2024 be received.

Moved by: Mayor Williams
Seconded by: Councillor Mathers

MOTION CARRIED

11.10 QUEENSLAND BEEF CORRIDOR STEERING COMMITTEE

File No: 14880
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

This report seeks approval for appointment of representatives on Queensland Beef Corridor Steering Committee.

COUNCIL RESOLUTION

THAT:

- (1) Mayor Tony Williams and Chief Executive Officer Evan Pardon be appointed as Council's representatives on the Queensland Beef Corridor Steering Committee;
- (2) In the absence of Mayor Tony Williams, Councillor Marika Taylor be appointed as Proxy on the Queensland Beef Corridor Steering Committee; and
- (3) In the absence of the Chief Executive Officer, the Manager Infrastructure Planning, Martin Crow be appointed as Proxy on the Queensland Beef Corridor Steering Committee.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.11 ADDITIONAL APPOINTMENTS OF REPRESENTATIVES OF COUNCIL TO EXTERNAL ORGANISATIONS

File No: 10072
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

The Deputy Chief Executive Officer is seeking additional nominations to represent Rockhampton Regional Council on external organisations.

COUNCIL RESOLUTION

THAT Council additionally appoints members to represent Rockhampton Regional Council on organisations, associations or bodies as below:

Organisation	Council Representative
Capricornia Domestic & Family Violence Steering Committee	Councillor Taylor Councillor Latcham
Reef Guardian Council Program	Councillor Oram
Beef Corridors Program	Mayor Williams Councillor Taylor
Rockhampton Regional Roads and Transport Group	Councillor Taylor Mayor Williams (proxy)

Moved by: Councillor Oram
Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

11.12 AMENDMENT TO EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY

File No: 11979
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

A minor alteration is proposed to the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy.

COUNCIL RESOLUTION

THAT the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy as presented to this report be adopted.

Moved by: Councillor Rutherford
Seconded by: Councillor Taylor

MOTION CARRIED UNANIMOUSLY

11.13 REVIEWED COUNCIL POLICIES AND PROCEDURES

File No: 10072
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

This report presents the following amended policies and procedures as listed for Council's consideration.

COUNCIL RESOLUTION

THAT the matter lay on the table pending a Briefing Session.

Moved by: Mayor Williams
Seconded by: Councillor Latcham
MOTION CARRIED UNANIMOUSLY

**11.14 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING APRIL 2024**

File No: 1392
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 30 April 2024 for Councillors' information.

COUNCIL RESOLUTION

THAT the Whole of Council Corporate Performance Report for period ending 30 April 2024 be "received".

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

Nil

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 Tender 15595 - Supply of Asphalt Mixture

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

16.2 Primary Industries (Qld) Pty Ltd Lease Land Extension

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

16.3 Chief Executive Officer - Performance Review

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

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

COUNCIL RESOLUTION

9:55AM

THAT the meeting be adjourned for a 15 minute recess, to resume at 10:10AM

Moved by: Councillor Oram
Seconded by: Councillor Latcham
MOTION CARRIED

COUNCIL RESOLUTION

10:10AM

THAT the meeting be resumed.

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

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr D Morrison – Manager Workforce and Governance
Mr J Kann – Manager Office of the Mayor
Ms M Younger – Manager Corporate and Technology
Ms K Delaney – Coordinator Procurement and Logistics
Mr M Vycke – Manager Airport
Mr D Toon – Manager Water and Wastewater (via video-link)
Ms E Dwyer – Manager Community Assets and Facilities
Mr A Collins – Manager Project Delivery (via video-link)
Ms K Roberts – Coordinator Property and Insurance
Ms K Menzies – Acting Committee Support Officer
Ms K Walsh – Acting Senior Committee Support Officer

COUNCIL RESOLUTION**10:10AM**

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 Rutherford

MOTION CARRIED**COUNCIL RESOLUTION****11:03AM**

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 Wickerson

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 TENDER 15595 - SUPPLY OF ASPHALT MIXTURE

File No: 15595
Authorising Officer: John Gwydir - Manager Civil Operations
Peter Kofod - General Manager Regional Services
Author: Cornelius Claassen - Civil Works Manager

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

The purpose of this report is to seek Council's endorsement to award Tender 15595 – Supply of Asphalt Mixture.

COUNCIL RESOLUTION

THAT Council:

1. Resolves to accept the tender received from Boral Resources (Qld) Pty Ltd, for Supply of Asphalt Mixture for a period of 5 years, with option to extend the contract term for a further 5 years; and
2. Authorises the Chief Executive Officer to execute the contract.

Moved by: Councillor Taylor
Seconded by: Councillor Mathers
MOTION CARRIED UNANIMOUSLY

16.2 PRIMARY INDUSTRIES (QLD) PTY LTD LEASE LAND EXTENSION

File No: 5138
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marcus Vycke - Manager Airport

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

The Rockhampton Regional Council has a long standing relationship with Primary Industries (QLD) Pty Ltd ("PIQ") via land lease at the Rockhampton Airport. Recent correspondence received from PIQ has requested they wish to expand their lease footprint and enter a new lease.

COUNCIL RESOLUTION

THAT:

1. Pursuant to s236(1)(c)(vii) of the *Local Government Regulation 2012 (Qld)* Council approve the granting of a Freehold Lease over part of Lot 6 on CP906611 described as Lease Site AM on SP133752 and Site BV on SP 343636 Primary Industries (QLD) Pty Ltd (ACN 053 546 115); and
2. Council authorises the Chief Executive Officer (Manager Airport) to negotiate the Lease as outlined in the report, in preparation for execution by the delegated officer.

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

16.3 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW

File No: 6947
Authorising Officer: Megan Younger - Acting General Manager Corporate Services
Author: Damon Morrison - Manager Workforce and Governance

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

SUMMARY

This report is presented for Councillors to consider the annual performance review process for the Chief Executive Officer.

COUNCIL RESOLUTION

THAT Council undertake the CEO Performance Review as a whole in line with legislative and contractual arrangements

Moved by: Mayor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

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.

11:05AM

Councillor Edward Oram, having earlier informed the meeting of a prescribed conflict of interest and his decision to not participate in **Item 16.4 – Tender 15690 – Management and Operation of Council Aquatic Facilities** 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.

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.

16.4 Tender 15690 - Management and Operation of Council Aquatic Facilities

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillors Rutherford, Wickerson, Williams, Taylor, Mathers and Latcham voted in the affirmative.

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

COUNCIL RESOLUTION

11:06AM

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

Moved by: Councillor Mathers

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

Councillors Mathers, Rutherford, Williams, Wickerson, Taylor and Latcham voted in the affirmative.

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

COUNCIL RESOLUTION**11:14AM**

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 Mathers

MOTION CARRIED

Councillors Williams, Mathers, Wickerson, Rutherford, Taylor and Latcham voted in the affirmative.

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

16 CONFIDENTIAL REPORTS

16.4 TENDER 15690 - MANAGEMENT AND OPERATION OF COUNCIL AQUATIC FACILITIES

File No: 15690
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Emma-Jane Dwyer - Manager Community Assets and Facilities

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

The purpose of this report is to seek Council's endorsement to award Tender 15690 - Management and Operation of Council Aquatic Facilities.

COUNCIL RESOLUTION

THAT Council authorises the Chief Executive Officer (Manager Community Assets & Facilities) to proceed in the manner as outlined in the report.

Moved by: Councillor Rutherford

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

Councillors Rutherford, Mathers, Williams, Taylor, Wickerson and Latcham voted in the affirmative.

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

11:15AM Councillor Oram returned to the meeting room

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:15am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

28 MAY 2024

ANNEXURE A

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

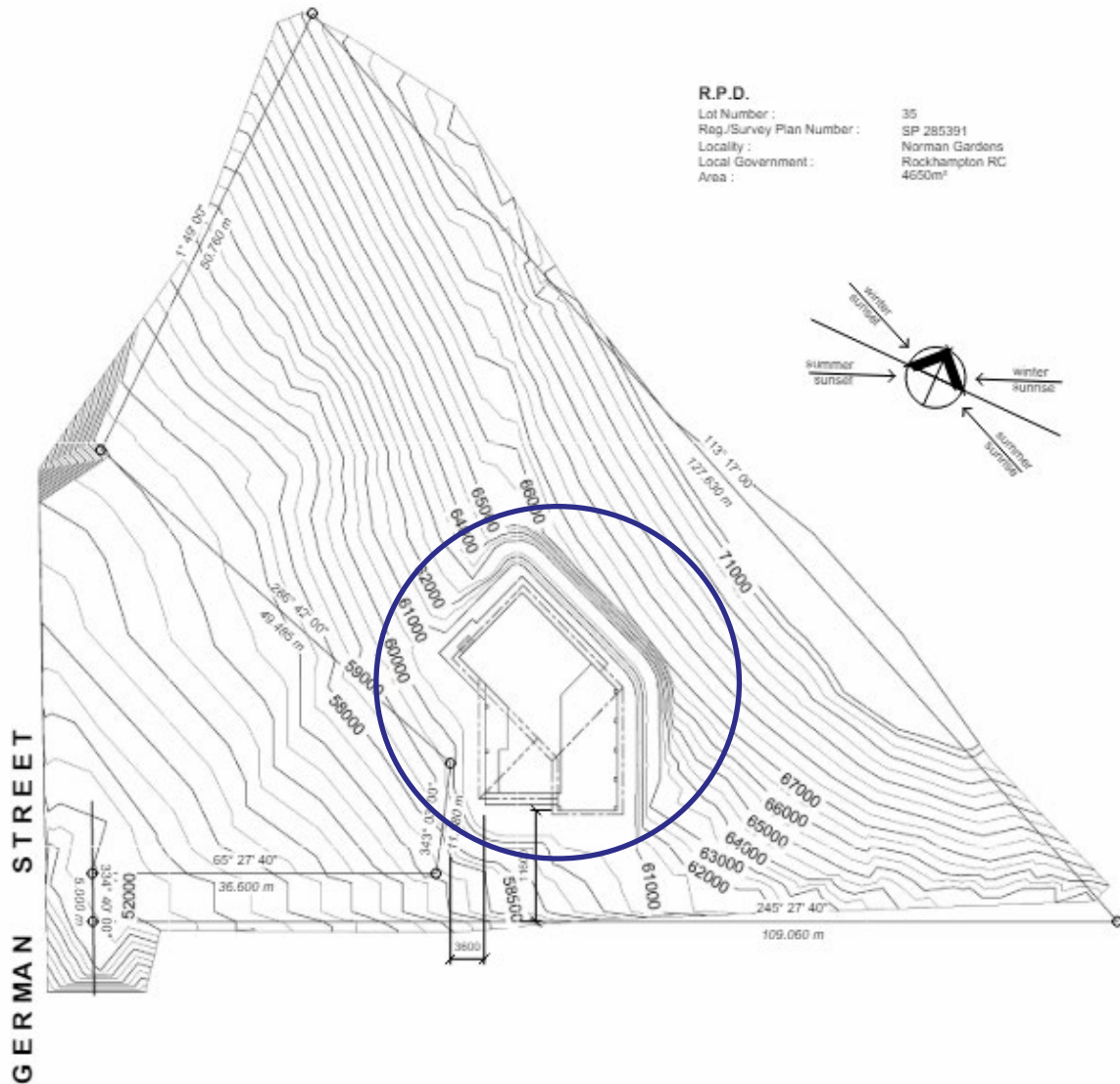
- Item 11.1 Request for Minor Change to Development Permit D/74-2021 for Material Change of Use for a Dwelling House**

- Item 11.2 Request for a Negotiated Decision for Development Permit D/147-2023 for Material Change of Use for Outdoor Sales**

Locality Plan



Proposed Site Plan



R.P.D.

Lot Number : 35
Reg./Survey Plan Number : SP 285391
Locality : Norman Gardens
Local Government : Rockhampton RC
Area : 4650m²

Locality Plan



Existing Site Plan



Proposed Site Plan

