



ORDINARY MEETING

MINUTES

14 FEBRUARY 2023

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 14 FEBRUARY 2023 COMMENCING AT 9:01AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Pastor Jonathan Maxwell, Peace Christian Church

2 PRESENT

Members Present:

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

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 G Bowden – Executive Manager Advance Rockhampton
Mr J Kann – Manager Office of the Mayor
Mr J Webb – Manager Communities and Culture
Ms M Ryan – Economic Development Manager
Mr J Buckenham – Coordinator Local Laws
Ms S Jennings – Acting Coordinator Legal and Governance
Mr J Wallace – Chief Audit Executive
Ms K Ramm – Senior Risk and Assurance Advisor
Ms L Leeder – Senior Committee Support Officer

9:02AM Councillor Fisher left the meeting room

9:02AM Chief Executive Officer attended the meeting

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Ellen Smith tendered her apology and was not in attendance

9:03AM Councillor Fisher returned to the meeting room

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 24 January 2023 be confirmed.

Moved by: Councillor Kirkland

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Donna Kirkland informed the meeting:

“I declare a prescribed conflict of interest in **Item 16.1 Application for Concession – Undetected Leak Rebate Policy: Residential** as my daughter Alex Price and son-in-law Nathan Price live in close proximity to the subject of the report and potentially have a related concern.

I will deal with the conflict by leaving the meeting 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

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS**10.1 LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON - 6 MARCH 2023 TO 17 MARCH 2023**

File No: 10072
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Drew Wickerson is seeking leave of absence from Monday 6 March 2023 to Friday 17 March 2023 inclusive.

COUNCIL RESOLUTION

THAT Councillor Drew Wickerson be granted leave of absence from Monday 6 March 2023 to Friday 17 March 2023 inclusive.

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

11 OFFICERS' REPORTS

11.1 ELECTRONIC SCOOTERS - END OF 12 MONTH TRIAL PERIOD

File No: 1291
Authorising Officer: Greg Bowden - Executive Manager Advance Rockhampton
Author: Mary Ryan - Economic Development Manager

SUMMARY

The purpose of this report is to provide feedback on the twelve-month trial permit issued to the E-Scooter provider, Neuron.

COUNCIL RESOLUTION

THAT Council resolves to:

1. Receive the results of the trial as set out in this report;
2. Support permitting and continued use of commercial E-Scooters in the Rockhampton Region; and
3. Support the continued expansion of E-Scooters throughout the entire Rockhampton Region as a short distance transport option by waiving the occupation fee for up to 100 additional scooters, above the current permitted amount, for a period to 30 June 2023, if Neuron expands the current area of use of E-Scooters and utilises these E-Scooters in the suburbs of Parkhurst and/or Gracemere.

Moved by: Councillor Latcham
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.2 SOLE PROVIDER PROVISION FOR ROCKHAMPTON MUSEUM OF ART

File No: 3147
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Jonathan McBurnie - Museum of Art Director

SUMMARY

Council presents an annual program of exhibitions and performances. This report details a number of specialised and sole suppliers required to supply exhibition content and physical productions. Council approval is sought to deem the nominated suppliers as specialised or sole suppliers in accordance with s235(a) and (b) of the Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT Council approves the use of nominated suppliers as specialised or sole suppliers to supply productions, exhibitions and services detailed below:

Date	Exhibition	Production / Exhibition	Supplier
2023	<i>Pattern and Print: Easton Pearson Archive</i>	Touring exhibition fee	Museums and Galleries Queensland (MAGSQ)
2023	<i>From a Burdekin Studio: Works by Cutler Footway</i>	Artist fee	Bruce James
2023	<i>I, Object</i>	Touring exhibition fee	Queensland Art Gallery/Gallery of Modern Art (QAGOMA)
2023	<i>Piinpi: Contemporary Australian Indigenous Fashion</i>	Touring exhibition fee	Bendigo Art Gallery
2023	<i>Piinpi: Contemporary Australian Indigenous Fashion</i>	Exhibition freight fee	Segue Art Fine Art Transport
2023	<i>Jessica Loughlin: Of Light</i>	Touring exhibition fee	Jam Factory
2023	<i>Collection Focus: William Yaxley</i>	Artist fee	William Yaxley
2023-24	<i>Lawrence English: Lullaby of Industry</i>	Artist fee	Lawrence English
2023-24	<i>Julie Fragar: Biograph</i>	Touring exhibition fee	Townsville City Council
2023	<i>The 2023 Bayton Award</i>	Prize money for winning artists	Winning entrants
2023	<i>Easton Dunne (title TBC)</i>	Artist fee	Easton Dunne*
2023	<i>Man of Letters: Derek Lamb and The Officina Athelstane</i>	Artist fee	Derek Lamb

2023	<i>Jenna Lee (title TBC)</i>	Artist fee	Jenna Lee
2023	<i>Red Rag Press: Women's Work</i>	Artist fee	Sheree Kinlyside
2023	<i>D Harding Composition on Darumbal</i>	Consultation fee	Darumbal Enterprises
2023	<i>Artist in Residence</i>	Artist fee	Awarded artist
2023	<i>First Nations Reference Group Chair</i>	Arts Worker Consultation	Nathan Sentance
2023	<i>Artist Educator</i>	Artist Fee	Jacky Chan*
2022	<i>Artist Educator</i>	Artist Fee	Sharon Kirk
2023	<i>Artist Educator</i>	Artist Fee	Brendon Tohill*
2023	<i>Artist Educator</i>	Artist Fee	Alana Read*
2023	<i>Artist Educator</i>	Artist Fee	Amelia Ogg
2022	<i>Artist Educator</i>	Artist Fee	Benjamin Scott
2022	<i>Artist Educator</i>	Artist Fee	Julia Higgs
2023	<i>Artist Educator</i>	Artist Fee	Teagan Sinnott
2023	<i>Consultation including recruitment First Nations Arts Assistants and First Nations Reference Group</i>	Consultation fee	Darumbal Enterprises
2023	<i>Easton Dunne – winner 2019 Bayton Award (title TBC)</i>	Already endorsed 10/08/2021	
2023	<i>Richard Bell – winner 2018 Gold Award (title TBC)</i>	Already endorsed 10/08/2021	
2023	<i>Bill Yaxley (title TBC)</i>	Already endorsed 10/08/2021	

*These individuals are employees of Council in roles separate to their engagement in this context.

Moved by: Councillor Wickerson

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.3 QUOTE CONSIDERATION PLAN - RETAIL STORE STOCKISTS ROCKHAMPTON MUSEUM OF ART

File No: 6537
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Jonathan McBurnie - Museum of Art Director

SUMMARY

The purpose of this report is to seek approval under section 230 of the Local Government Regulation 2012 (Qld), for the ongoing purchase of stock for the operations of the retail store at the Rockhampton Museum of Art.

COUNCIL RESOLUTION

THAT Council receives this report for the preparation and adoption of the Quote Consideration Plan for the purchase of unique goods from various vendors to be sold at the Rockhampton Museum of Art retail store.

Moved by: Councillor Wickerson
Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.4 ENTERPRISE RISK MANAGEMENT POLICY AND FRAMEWORK

File No: 7660
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Submission of reviewed Enterprise Risk Management Framework, and Enterprise Risk Management Policy for adoption.

COUNCIL RESOLUTION

THAT Council adopts the reviewed Enterprise Risk Management Framework and Enterprise Risk Management Policy as per attachments 3 and 6 of the report.

Moved by: Councillor Latcham

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.5 2022-23 OPERATIONAL PLAN QUARTERLY REPORT - QUARTER 2 AND PROPOSED AMENDMENTS TO THE 2022-2023 OPERATIONAL PLAN

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

SUMMARY

The 2022-23 Operational Plan Quarterly Report for quarter two as at 31 December 2022, pursuant to section 174(3) Local Government Regulation 2012 is presented for Council endorsement together with proposed amendments to the 2022-23 Operational Plan for Council's adoption.

COUNCIL RESOLUTION

THAT Council:

- (a) Receive the 2022-23 Operational Plan Quarterly Report for quarter two as at 31 December 2022; and
- (b) Adopt the proposed amendments to the 2022-23 Operational Plan detailed within this report and outlined in Attachment 2 of the report.

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

11.6 INTERNAL ELECTORAL BOUNDARY REVIEW

File No: 5827
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Pursuant to the Local Government Act (2009), each Local Government that has divisional boundaries must review each division to ensure each division remains in quota. This report undertakes that review.

COUNCIL RESOLUTION

THAT the Electoral Commissioner and the Deputy Premier as Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure be given notice that Council has undertaken a review of the number of electors in each division and that each division has a reasonable number of electors and remains in quota as per the requirements of the *Local Government Act (2009)*.

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

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR DONNA KIRKLAND - TRAVEL TO LGAQ QUEENSLAND CLIMATE RESILIENT COUNCILS SYMPOSIUM

File No: 10072

Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Donna Kirkland has indicated her intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Tuesday 14 February 2023 regarding attendance at the Queensland Climate Resilient Councils Symposium to be held in Brisbane on Thursday 2 March 2023.

COUNCIL RESOLUTION

THAT Council approve Councillor Donna Kirkland's attendance at the Queensland Climate Resilient Councils Symposium to be held in Brisbane on Thursday 2 March 2023.

Moved by: Mayor Williams

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

12.2 NOTICE OF MOTION - COUNCILLOR DREW WICKERSON - TRAVEL TO AVALON INTERNATIONAL AIR SHOW AND AEROSPACE DEFENCE EXPOSITION 2023**File No: 10072****Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer**

SUMMARY

Councillor Drew Wickerson has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Tuesday 14 February 2023 regarding attendance at Avalon International Air Show and Aerospace Defence Exposition 2023.

COUNCIL RESOLUTION

THAT Council approve Councillor Drew Wickerson's travel to the Avalon International Air Show and Aerospace Defence Exposition 2023 from 28 February to 3 March 2023 inclusive.

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

12.3 NOTICE OF MOTION - COUNCILLOR NEIL FISHER - TRAVEL TO BOWEN BASIN MINING CLUB LUNCHEON**File No: 10072****Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer**

SUMMARY

Deputy Mayor, Councillor Neil Fisher has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Tuesday 14 February 2023 regarding his attendance at the Bowen Basin Mining Club's February Luncheon.

COUNCIL RESOLUTION

THAT Deputy Mayor, Councillor Neil Fisher be granted retrospective approval to attend the Bowen Basin Mining Club Luncheon in Mackay on Thursday 9 February 2023.

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

12.4 NOTICE OF MOTION - COUNCILLOR CHERIE RUTHERFORD REQUESTING AN ESTIMATE TO UPGRADE NINE MILE-FERNVALE ROAD TO A SAFE ALL WEATHER ROAD STANDARD**File No: 12884****Responsible Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer**

SUMMARY

Councillor Cherie Rutherford has indicated her intention to move a Notice of Motion at the Ordinary Council Meeting on Tuesday 14 February 2023 requesting the upgrade of Nine Mile-Fernvale Road to a safe all weather road standard.

COUNCIL RESOLUTION

THAT Council request an estimate to upgrade Nine Mile-Fernvale Road to a safe all weather road standard and consider this during budget deliberations.

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

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.

10:45AM

Councillor Kirkland, having earlier informed the meeting of a prescribed conflict of interest and her decision to not participate in Item 16.1 – Application for Concession – Undetected Leak Rebate Policy: Residential, 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.

16.1 Application for Concession - Undetected Leak Rebate Policy: Residential

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: Councillor Fisher

Seconded by: Councillor Mathers

MOTION CARRIED

COUNCIL RESOLUTION

10:46AM

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

Moved by: Councillor Wickerson

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

10:52AM Councillor Wickerson left the meeting room

10:55AM Councillor Wickerson returned to the meeting room

COUNCIL RESOLUTION

10:56AM

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

Moved by: Councillor Latcham

Seconded by: Councillor Fisher

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 APPLICATION FOR CONCESSION - UNDETECTED LEAK REBATE POLICY: RESIDENTIAL

File No: 9524

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Damon Morrison - Manager Workforce 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

An exemption for a rebate that does not meet the relevant application criteria set out in Council's Undetected Leak Rebate Policy-Residential is presented for its consideration.

COUNCIL RESOLUTION

THAT Council adopt the recommendation as detailed in the report.

Moved by: Councillor Fisher

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford and Latcham voted in favour of the motion.

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

10:57AM Councillor Kirkland returned to the meeting room

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:57am.

SIGNATURE

CHAIRPERSON

DATE