



ORDINARY MEETING

MINUTES

13 NOVEMBER 2018

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT	1
3	APOLOGIES AND LEAVE OF ABSENCE	1
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	2
6	BUSINESS OUTSTANDING.....	3
	NIL	3
7	PUBLIC FORUMS/DEPUTATIONS	4
	NIL	4
8	PRESENTATION OF PETITIONS.....	5
	NIL	5
9	COMMITTEE REPORTS.....	6
9.1	PLANNING AND REGULATORY COMMITTEE MEETING - 6 NOVEMBER 2018	6
10	COUNCILLOR/DELEGATE REPORTS	18
	NIL	18
11	OFFICERS' REPORTS	19
11.1	ENVIRONMENTAL SUSTAINABILITY STRATEGY: QUARTERLY PROGRESS REPORT FOR Q1 FY2018-19.....	19
11.2	COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER	20
11.3	2018/19 OPERATIONAL PLAN PROGRESS REPORT - QUARTER ONE.....	21
11.4	2019 ROCKHAMPTON AGRICULTURAL SHOW	22
11.5	2019 ROCKHAMPTON AGRICULTURAL SHOW TENDER/ QUOTE CONSIDERATION PLAN.....	23
11.6	SISTER CITY AGREEMENT - ZHENJIANG	24
11.7	LIVELY MORGAN STREET MORGAN STREET CHRISTMAS MAGIC.....	25
11.8	ADVANCE ROCKHAMPTON OPERATIONAL REPORT SEPTEMBER 2018.....	26
11.9	2017-19 WORKS FOR QUEENSLAND PROGRAM	27
12	NOTICES OF MOTION	28
	NIL	28

13	QUESTIONS ON NOTICE	29
	NIL	29
14	URGENT BUSINESS\QUESTIONS	30
14.1	REQUEST FOR FINANCIAL ASSISTANCE FROM COUNCILLOR STEPHEN SCHWARTEN'S COUNCILLOR DISCRETIONARY FUND - ST MATTHEWS COTTAGES	30
14.2	REQUEST FOR FINANCIAL ASSISTANCE FROM MAYOR STRELOW'S COUNCILLOR DISCRETIONARY FUND - ST MATTHEWS COTTAGES.....	30
15	CLOSED SESSION	31
16.1	SOUTH ROCKHAMPTON FLOOD LEVEE PROJECT	31
16.2	CONFIDENTIAL COMMERCIAL MATTER.....	31
16	CONFIDENTIAL REPORTS.....	33
16.1	SOUTH ROCKHAMPTON FLOOD LEVEE PROJECT	33
16.2	CONFIDENTIAL COMMERCIAL MATTER.....	34
15	CLOSED SESSION	35
16.3	CONTRACT LIABILITY MATTERS - UPDATE	35
16	CONFIDENTIAL REPORTS.....	37
16.3	CONTRACT LIABILITY MATTERS - UPDATE	37
17	CLOSURE OF MEETING.....	38

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 13 NOVEMBER 2018 COMMENCING AT 9.00AM**

1 OPENING

The opening prayer presented by Reverend Matthew Hogg from Fitzroy Parish Uniting Church.

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor S J Schwarten
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services
Ms C Worthy – General Manager Community Services
Mr C Ireland – Acting General Manager Advance Rockhampton
Ms T Sweeney – Manager Workforce and Governance
Mr S Gatt – Manager Planning and Regulatory Services
Mr D Stevenson – Manager Corporate and Technology Services
Mr A Collins – Manager Project Delivery
Mr R Truscott – Project Manager
Mr D Morrison – Executive Coordinator to the Mayor
Ms C Bell – Coordinator Environmental Sustainability
Ms K Anderson – Coordinator Property and Insurance
Ms T Fitzgibbon – Coordinator Development Assessment
Mr M Mansfield – Coordinator Media and Engagement
Ms J Horton – Centres Activation Coordinator
Mr T Gardiner – Senior Planning Officer
Mr B Diplock – Planning Officer
Ms E Brodel – Media Officer
Ms C Jaspersen – Project Officer
Ms K West – Administration Officer
Ms K Walsh – Committee Support Officer
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting held on 23 October 2018 be taken as read and adopted as a correct record.

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

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9:03AM

Councillor Drew Wickerson informed the meeting of an interest in Item 16.3 – Contract Liability Matters – Update and declared the following:

“I declare that I have a conflict of interest in this matter as I have received a gift from Geoff and Noreen Murphy; and the value of the gift received by Team McMillan, of which I was a member, is \$5,000.00; and I received the gift on 14/12/2015; and the nature of Geoff and Noreen Murphy’s interest in the matter is that they were involved with a company that is the subject of this report and I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.”

9:04AM

Councillor Stephen Schwarten informed the meeting of an interest in Item 16.3 – Contract Liability Matters – Update and declared the following:

“I declare that I have a conflict of interest in this matter as I have received a gift from Geoff and Noreen Murphy; and the value of the gift received by Team McMillan, of which I was a member, is \$5,000.00; and I received the gift on 14/12/2015; and the nature of Geoff and Noreen Murphy’s interest in the matter is that they were involved with a company that is the subject of this report and I will be dealing with this declared conflict of interest by leaving the meeting while this matter is discussed and voted on.”

9:05AM

Councillor Cherie Rutherford informed the meeting of an interest in Item 11.9 – 2017-19 Works for Queensland Program and declared the following:

“I declare that I have a material personal interest in this matter due to the Stapleton Park flood valves project detailed in the report as I am on staff at the PCYC and I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 6 NOVEMBER 2018

COUNCIL RESOLUTION

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 6 November 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Councillor Smith
Seconded by: Councillor Rutherford

MOTION CARRIED

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

Recommendation of the Planning and Regulatory Committee, 6 November 2018**9.1.1 UPDATE ON DEVELOPMENT, BUILDING AND PLUMBING COMPLIANCE MATTERS**

File No: 4842
Attachments: 1. Summary of Matters
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Philip Harrison - Coordinator Building Plumbing and Compliance

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

The purpose of this report is to apprise Councillors of the Development Control issues subject to investigation at Building, Plumbing & Compliance.

COMMITTEE RECOMMENDATION

THAT the information regarding the Development Control issues be 'received'.

Recommendation of the Planning and Regulatory Committee, 6 November 2018**9.1.2 D/79-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY, MEDIUM IMPACT INDUSTRY AND A WAREHOUSE**

File No: D/79-2017

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D/79-2017

Applicant: Hopeman Pty Ltd

Real Property Address: Lot 2 on RP888747, Parish of Plews

Common Property Address: 59793 Bruce Highway, Midgee

Area of Site: 85.15 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Acid Sulfate Soils – Above 5m and below 20m AHD
Biodiversity Areas Overlay (MLES and MSES)
Biodiversity Waterways Overlay
Bushfire Hazard Overlay (Medium, High and Very High Hazard)
Steep Land Overlay

Existing Development: Quarry

Existing Approvals: D/1802-2009 – Material Change of Use for Extractive Industry (expansion of quarry) and clearing

Approval Sought: Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry, Warehouse and Environmentally Relevant Activity 16 (Extractive and Screening Activities)

Level of Assessment: Impact Assessable

Submissions: Nil

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry and a Warehouse made by Hopeman Pty Ltd, located at 59793 Bruce Highway, Midgee, described as Lot 2 on RP888747, Parish of Plews, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The proposal does not detract from the scenic features of the surrounding rural land.
- b) The proposal is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation.
- c) The proposal ensures that rural land is maintained in large land holdings to protect the agricultural production capacity.
- d) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- 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; and
- f) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry and a Warehouse made by Hopeman Pty Ltd, located at 59793 Bruce Highway, Midgee, described as Lot 2 on RP888747, Parish of Plews, Council resolves to Approve the application 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) Site Works.

- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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>Plan/Document Reference</u>	<u>Dated</u>
Current Google Image	GG-003 SP-001 Rev 2	29 June 2017
Site Plan	GG-003 SP-002 Rev 2	29 June 2017
Technical Memorandum	Project No: 123-16-17	16 June 2017
Hopeman Pty Ltd – Midgee Quarry Material Change of Use Environmental Report	Steer Environmental Consulting	27 May 2017
Ecological Assessment Report Proposed material Change of Use	Document Set ID: 8404932 Version 1	3 July 2017
Detailed Stormwater & Contaminated Water Management Plan	File No: K3626-0006	3 July 2017
Technical Memorandum Re: Midgee Quarry Expansion – 59793 Bruce Highway, Midgee – Storage Pad	File No: K3626-0008	7 September 2017
Permanent - Sediment and Erosion Control Plan	K3626-SE003 Issue A	29 September 2017
Permanent – Sediment and Erosion Control Details	K3626-SE004 Issue A	29 September 2017

- 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 SITE WORKS

- 3.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 3.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 3.2.1 the location of cut and/or fill;
 - 3.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 3.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 3.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

- 3.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 3.3 Slope stability must be managed as follows:
- 3.3.1 all engineering drawings/specifications and designs must comply with the requirements of the relevant *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and must be approved by a Registered Professional Engineer of Queensland;
- 3.3.2 site inspections must be undertaken by a Registered Professional Engineer of Queensland to confirm the design; and
- 3.3.3 full engineering certification must be undertaken by a Registered Professional Engineer of Queensland.
- 3.4 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 3.5 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 adjoining properties or infrastructure.
- 3.6 The area downstream of the spillway overflow of the sediment basin for the storage pad must be monitored so that scouring of the downstream watercourse is prevented. If the design width of 5.0m for the spillway concentrates flows into the watercourse causing scouring, the spillway must be widened as required to control any downstream scouring.
- 4.0 ASSET MANAGEMENT
- 4.1 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.
- 4.2 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.
- 5.0 ENVIRONMENTAL
- 5.1 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 implemented, monitored and maintained for the duration of the development site operating under this approval, and until rehabilitation of the site is completed including restoring to a safe, stable landform, functionally resembling the surrounding area. The plan must be available on-site for inspection by Council Officers whilst site is operating as an extractive industry.
- 6.0 OPERATING PROCEDURES
- 6.1 The hours of operations for the development site must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Friday, and
- (ii) 0600 hours to 1800 hours on Saturday,
- with no operations on Sundays or Public Holidays.
- 6.2 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.

- 6.3 Cleaning of plant equipment and vehicles must be carried out in an area where wastewater can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 7.0 ENVIRONMENTAL HEALTH
- 7.1 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"*.
- 7.2 Noise emitted from the activity must not cause an environmental nuisance.
- 7.3 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, odour or dust.

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. 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. 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, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for Extractive Industry, Medium Impact Industry and a Warehouse made by Hopeman Pty Ltd, located at 59793 Bruce Highway, Midgee, described as Lot 2 on RP888747, Parish of Plews, Council resolves not to issue an Infrastructure Charges Notice.

Recommendation of the Planning and Regulatory Committee, 6 November 2018
9.1.3 D/85-2018 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (ROOF SIGN)

File No: D/85-2018

Attachments:

1. Locality Plan
2. Site Plan
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/85-2018

Applicant: Apex Digital Billboards C/- Ethos Urban

Real Property Address: Lot 1 on RP604875, Parish of Rockhampton

Common Property Address: 190 Bolsover Street, Rockhampton City

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Principal Centre Zone (Core Precinct)

Planning Scheme Overlays: Not Applicable

Existing Development: Commercial

Existing Approvals: Not Applicable

Approval Sought: Development Permit for Operational Works for an Advertising Device (Roof Sign)

Level of Assessment: Code Assessable

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	6 August 2018
<i>Request for Further Information sent:</i>	13 August 2018
<i>Request for Further Information responded to:</i>	16 August 2018
<i>Last receipt of information from applicant:</i>	11 October 2018
<i>Statutory due determination date:</i>	15 November 2018

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (Roof Sign), made by Apex Digital Billboards C/- Ethos Urban, on land located at 190 Bolsover Street, Rockhampton City, described as Lot 1 on RP604875, Parish of Rockhampton, Council resolves to Approve the application 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 of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Building Works.
- 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan	DW-01, Rev B	4 October 2018
Proposed Plan/ Elevation	DW-02, Rev B	4 October 2018
Traffic Engineering Assessment		2 August 2018

- 2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
- 2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.
- ## 3.0 DIGITAL SCREEN DISPLAY FEATURES
- 3.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
- 3.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.
- 3.3 The Advertising Device display screen must provide for onsite control, operation, configuration and diagnosis of the screen display.
- 3.4 Messages must remain static for a minimum dwell time of ten (10) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.

3.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

4.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

4.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.

4.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.

4.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.

4.4 Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.

4.5 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

4.6 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.

4.7 A blank black, white, or any coloured screen must not be displayed between advertisements.

4.8 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

4.9 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

5.0 ILLUMINANCE AND LUMINANCE

5.1 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

5.2 Luminance levels of the Advertising Device must not exceed the applicable levels listed in *Table 1* below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)

Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square meter (cd/m²). It is often used to describe the perceived brightness of a light source.

6.0 ASSET MANAGEMENT

6.1 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 at full cost to the Developer.

7.0 OPERATING PROCEDURES

7.1 When requested by Council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to Council.

7.2 The lighting investigation must be carried out generally in accordance with the relevant test methods contained in section 5 of 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and Appendix A of 'Australian Standard AS4852.2:2009: Variable Message Signs - Portable Signs' as applicable to determine whether or not the illuminance and luminance levels listed within this Permit have been exceeded.

8.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

8.1 Council reserves the right for uninterrupted access to the site at all times during construction.

8.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulations 2008* must be observed at all times.

8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

8.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.

8.5 The Advertising Device (Digital Roof Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.

8.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.

8.7 All electrical services and systems must comply with 'Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations'.

- 8.8 The Advertising Device, including its display screen and supporting structure, must meet applicable wind loading requirements as specified in 'Australian Standard AS 1170.2: 2011 - Structural Design Actions Part 2 - Wind Actions'.
- 8.9 Upon removal of the Advertising Device, the wall surface must be restored to its original condition.
- 8.10 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.
- 8.11 The Advertising Device (Digital Roof Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

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 Multicultural Affairs website www.datsima.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.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 ENVIRONMENTAL SUSTAINABILITY STRATEGY: QUARTERLY PROGRESS REPORT FOR Q1 FY2018-19

File No: 1174
Attachments: 1. Action plan update for Q1 FY2018-19
Authorising Officer: Alicia Cutler - Chief Financial Officer
Ross Cheesman - Deputy Chief Executive Officer
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

As part of Council's internal sustainability governance framework, the Sustainability Strategy Executive Group is responsible for providing strategic direction on the long term development and implementation of Council's Environmental Sustainability Strategy. The Group meets quarterly to monitor and review progress against a rolling annual action plan and to identify further opportunities for sustainability improvement across Council. This report tables the quarterly progress report for Quarter 1 FY2018-19.

COUNCIL RESOLUTION

That Council receives the Environmental Sustainability Strategy quarterly progress report for Quarter 1 FY2018-19.

Moved by: Councillor Wickerson

Seconded by: Councillor Smith

MOTION CARRIED

11.2 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No: 12660
Attachments: 1. Instrument of Delegation - Local Government Act 2009
Authorising Officer: Tracy Sweeney - Manager Workforce and Governance
Author: Allysya Brennan - Coordinator Legal and Governance

SUMMARY

To make the grant application process more efficient this report seeks Council's approval for delegation to the position of Chief Executive Officer for the power to apply for grants on behalf of Rockhampton Regional Council to the amount of not more than \$150,000.00.

9:13AM Councillor Fisher attended the meeting

COUNCIL RESOLUTION

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer the power to apply for grants to the amount of not more than \$150,000.00; and
2. These powers must be exercised subject to any limitations contained in Schedule 1 of the Instrument of Delegation attached to the report.

Moved by: Mayor Strelow
Seconded by: Councillor Swadling
MOTION CARRIED

11.3 2018/19 OPERATIONAL PLAN PROGRESS REPORT - QUARTER ONE**File No:** 8320**Attachments:**

1. 2018/19 Operational Plan
2. 2018/19 Operational Plan Progress Report - Quarter One
3. 2018/19 Operational Plan Progress Report Summary - Quarter One

Authorising Officer: Tracy Sweeney - Manager Workforce and Governance**Author:** Allysa Brennan - Coordinator Legal and Governance

SUMMARY

Presenting the amended Rockhampton Regional Council's Operational Plan for the financial year 2018/19 for adoption pursuant to s174(4) Local Government Regulation 2012. Also presenting the 2018/19 Operational Plan progress report for Quarter 1 as at 30 September 2018, pursuant to s174(3) Local Government Regulation 2012.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Operational Plan for financial year 2018/19 be adopted and the 2018/19 Operational Plan progress report for quarter 1 as at 30 September 2018 be received.

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

11.4 2019 ROCKHAMPTON AGRICULTURAL SHOW

File No: 6097
Attachments: 1. Proposed Fees and Charges - Rockhampton Agricultural Show 2019
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Chris Ireland - Acting General Manager Advance Rockhampton

SUMMARY

This report seeks amendments to the Rockhampton Show Fees and Charges Schedule for the 2019 Rockhampton Agricultural Show event.

9:26AM Councillor Rutherford left the meeting
9:26AM Councillor Rutherford returned to the meeting

COUNCIL RESOLUTION

THAT Council adopts the amendments to the Fees and Charges schedule for the 2019 Rockhampton Agricultural Show event, as outlined in the report.

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

**11.5 2019 ROCKHAMPTON AGRICULTURAL SHOW TENDER/ QUOTE
CONSIDERATION PLAN**

File No: 6097
Attachments: Nil
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Chris Ireland - Acting General Manager Advance Rockhampton

SUMMARY

This report provides an outline of the proposed Tender and Quoting processes that will be utilised for the coordination of the Rockhampton Agricultural Show 2019.

COUNCIL RESOLUTION

THAT the report be received and Council adopt the Tender/Quote Consideration Plan under s230 of the *Local Government Regulation*.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

11.6 SISTER CITY AGREEMENT - ZHENJIANG

File No: 8026
Attachments: 1. Sister City Agreement
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Chris Ireland - Acting General Manager Advance Rockhampton

SUMMARY

This report seeks Council approval for the Sister City Agreement with Zhenjiang.

9:40AM Councillor Schwarten left the meeting

COUNCIL RESOLUTION

THAT Council approves the Sister City Agreement with Zhenjiang.

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

11.7 LIVELY MORGAN STREET | MORGAN STREET CHRISTMAS MAGIC

File No: 12534
Attachments: Nil
Authorising Officer: Chris Ireland - Acting General Manager Advance Rockhampton
Author: Joanna Horton - Centres Activation Coordinator

SUMMARY

This report seeks approval to support the Morgan Street Christmas Magic Event by issuing a grant under the Lively Morgan Street Programme.

COUNCIL RESOLUTION

THAT Council approve a grant of up to \$5,000 cash and \$3,000 in-kind support to Mount Morgan Promotion and Development Inc in support of the Morgan Street Christmas Magic Event.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson

MOTION CARRIED

11.8 ADVANCE ROCKHAMPTON OPERATIONAL REPORT SEPTEMBER 2018

File No: 12614
Attachments: 1. Monthly Report - September 2018
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Chris Ireland - Acting General Manager Advance Rockhampton

SUMMARY

The monthly operations report for the Advance Rockhampton Unit over the month of September 2018 is presented for Councillors' information.

9:44AM Councillor Schwarten returned to the meeting

COUNCIL RESOLUTION

THAT the Advance Rockhampton Operational Report for September 2018 be received and Council commend the entire unit for their work across a diverse range of areas.

Moved by: Mayor Strelow
Seconded by: Councillor Swadling

MOTION CARRIED

11.9 2017-19 WORKS FOR QUEENSLAND PROGRAM

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

SUMMARY

This report provides an update on the 2017-19 Works For Queensland Program, including the status of each project and capital budget phasing.

9:52AM Councillor Rutherford left the meeting having earlier declared a material personal interest in this matter

COUNCIL RESOLUTION

THAT the 2017-19 Works for Queensland Program report be received.

Moved by: Mayor Strelow
Seconded by: Councillor Fisher

MOTION CARRIED

9:59AM Councillor Rutherford returned to the meeting

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS QUESTIONS

14.1 REQUEST FOR FINANCIAL ASSISTANCE FROM COUNCILLOR STEPHEN SCHWARTEN'S COUNCILLOR DISCRETIONARY FUND - ST MATTHEWS COTTAGES

File No: 8295

Responsible Officer: Damon Morrison – Executive Coordinator to the Mayor

SUMMARY

Councillor Stephen Swarten tabled a letter from St Matthews Cottages seeking financial assistance towards painting repair work for several of the cottages.

COUNCIL RESOLUTION

THAT approval be granted to donate \$5,000.00 from Councillor Swarten's Councillor Discretionary Fund to St Matthews Cottages.

Moved by: Councillor Swarten

Seconded by: Councillor Fisher

MOTION CARRIED

14.2 REQUEST FOR FINANCIAL ASSISTANCE FROM MAYOR STRELOW'S COUNCILLOR DISCRETIONARY FUND - ST MATTHEWS COTTAGES

File No: 8295

Responsible Officer: Damon Morrison – Executive Coordinator to the Mayor

SUMMARY

Mayor Strelow seeking to provide financial assistance to St Matthews Cottages for painting repair work for several of the cottages.

COUNCIL RESOLUTION

THAT approval be granted to donate \$2,000.00 from Mayor Strelow's Councillor Discretionary Fund to St Matthews Cottages.

Moved by: Mayor Strelow

Seconded by: Councillor Swadling

MOTION CARRIED

15 CLOSED SESSION

In accordance with the provisions of section 275 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 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 South Rockhampton Flood Levee Project

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved by: Councillor Smith
Seconded by: Councillor Fisher

MOTION CARRIED

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.2 Confidential Commercial Matter

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

Moved by: Councillor Swadling
Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

10:04AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Rutherford
Seconded by: Councillor Fisher

MOTION CARRIED

10:05AM Councillor Schwarten left the meeting and did not return

Councillor Swadling identified that she and her family have interest in property in Depot Hill and chose to leave the meeting while the South Rockhampton Flood Levee Project was discussed.

10:08AM Councillor Swadling left the meeting

10:50AM Councillor Swadling returned to the meeting

COUNCIL RESOLUTION

10:52AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Wickerson

Seconded by: Councillor Fisher

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 SOUTH ROCKHAMPTON FLOOD LEVEE PROJECT

File No: 1743

Attachments:

1. Levee Alignment
2. Jellicoe St Alignment
3. Wharf St Alignment
4. Resumption Plans

Authorising Officer: Peter Kofod - General Manager Regional Services

Author: Andrew Collins - Manager Program Delivery

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

This report provides Council with an update on the South Rockhampton Flood Levee Project.

10:52AM Councillor Swadling left the meeting

COUNCIL RESOLUTION

THAT:

1. Council receives this update report on the South Rockhampton Flood Levee project;
2. Council endorses the adjusted levee alignment which provides better community and project outcomes, and that Council be kept informed as the alignment is refined;
3. Council commence negotiations with Hastings Deering to secure the levee corridor through their land and
4. Council resolves to call for Public Expressions of Interests for the Construction of the South Rockhampton Flood Levee as provided for in section 228(5) of the *Local Government Regulations 2012*.

Moved by: Mayor Strelow

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

10:52AM Councillor Swadling returned to the meeting

16.2 CONFIDENTIAL COMMERCIAL MATTER

File No: 12062
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

Deputy CEO reporting on a confidential commercial matter.

COUNCIL RESOLUTION

THAT Council adopt the recommended action as outlined in the body of the report.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

Councillor Williams recorded his vote against the motion

15 CLOSED SESSION

In accordance with the provisions of section 275 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.

10:54AM

Councillor Wickerson left the meeting having earlier declared a conflict of interest in Item 16.3 – Contract Liability Matters – Update.

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

16.3 Contract Liability Matters - Update

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

COUNCIL RESOLUTION

10:54AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Fisher

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

11:12AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Smith

Seconded by: Councillor Swadling

MOTION CARRIED

11:12AM

Mayor Strelow informed the meeting of an interest in Item 16.3 – Contract Liability Matters – Update and declared the following:

“I declare that I have a material personal interest in this matter as a subcontractor mentioned in the report is a client of my husband Darryl Strelow and I will be dealing with this declared material personal interest by leaving the meeting while this matter is discussed and voted on.”

11:13AM

Mayor Strelow left the meeting and Deputy Mayor Councillor Rutherford assumed the Chair.

COUNCIL RESOLUTION

11:13AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

11:36AM Chief Executive Officer left the meeting

11:39AM Chief Executive Officer returned to the meeting

COUNCIL RESOLUTION

11:46AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Swadling

Seconded by: Councillor Smith

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.3 CONTRACT LIABILITY MATTERS - UPDATE

File No: 1114

Attachments: Nil

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Drew Stevenson - Manager Corporate & Technology

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

This report provides an update on actions taken and further details relating to contract liabilities and associated matters regarding the JM Kelly Group voluntary administration and liquidation.

COUNCIL RESOLUTION

THAT Council 'receives' this report and that Council retain monies and security to rectify defects.

Moved by: Councillor Swadling

Seconded by: Councillor Fisher

MOTION CARRIED

Councillor Smith recorded her vote against the motion

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:49am.

SIGNATURE

CHAIRPERSON

DATE