



# **ORDINARY MEETING**

## **AGENDA**

**1 OCTOBER 2019**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 1 October 2019 commencing at 9.00am for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

**CHIEF EXECUTIVE OFFICER**  
27 September 2019

Next Meeting Date: 15.10.19

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES.....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA .....	1
6	BUSINESS OUTSTANDING .....	2
	NIL .....	2
7	PUBLIC FORUMS/DEPUTATIONS .....	3
8	PRESENTATION OF PETITIONS.....	4
	NIL .....	4
9	COMMITTEE REPORTS.....	5
9.1	PLANNING AND REGULATORY COMMITTEE MEETING - 24 SEPTEMBER 2019.....	5
9.2	AIRPORT WATER AND WASTE COMMITTEE MEETING 24 SEPTEMBER 2019.....	9
9.3	INFRASTRUCTURE COMMITTEE MEETING 24 SEPTEMBER 2019 .....	17
9.4	COMMUNITY SERVICES COMMITTEE MEETING - 25 SEPTEMBER 2019.....	24
9.5	PARKS, RECREATION AND SPORT COMMITTEE MEETING - 25 SEPTEMBER 2019.....	30
9.6	AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 26 SEPTEMBER 2019.....	37
10	COUNCILLOR/DELEGATE REPORTS .....	52
	NIL .....	52
11	OFFICERS' REPORTS .....	53
11.1	PROPOSED INTERNATIONAL TRAVEL TO CHINA.....	53
11.2	7 ROCKY RIVER RUN .....	55
11.3	2020 ROCKHAMPTON RIVER FESTIVAL DATES .....	61
11.4	CONTINUATION OF THE DINING PLATFORM PROGRAM.....	62
11.5	GATES AND GRIDS POLICY AND LOCAL LAW MAKING PROCESS.....	63
11.6	PLANNING SCHEME MAJOR AMENDMENT AND FINAL STATE INTEREST REVIEW .....	123
12	NOTICES OF MOTION .....	129
	NIL .....	129

---

<b>13</b>	<b>QUESTIONS ON NOTICE .....</b>	<b>130</b>
	NIL .....	130
<b>14</b>	<b>URGENT BUSINESS/QUESTIONS .....</b>	<b>131</b>
<b>15</b>	<b>CLOSED SESSION .....</b>	<b>132</b>
16.1	REGIONAL MOTOR SPORT PRECINCT - PRELIMINARY INVESTIGATION .....	132
16.2	QUAY STREET PAVER RECTIFICATION .....	132
16.3	CHIEF EXECUTIVE OFFICER MONTHLY REPORT .....	132
16.4	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW .....	132
<b>16</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>133</b>
16.1	REGIONAL MOTOR SPORT PRECINCT - PRELIMINARY INVESTIGATION .....	133
16.2	QUAY STREET PAVER RECTIFICATION .....	134
16.3	CHIEF EXECUTIVE OFFICER MONTHLY REPORT .....	135
16.4	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW .....	136
<b>17</b>	<b>CLOSURE OF MEETING.....</b>	<b>137</b>

**1 OPENING**

Opening prayer presented by Pastor Brett Wilson from the Rockhampton Baptist 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

**3 APOLOGIES AND LEAVE OF ABSENCE**

**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 17 September 2019

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil



## **9 COMMITTEE REPORTS**

### **9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 24 SEPTEMBER 2019**

#### **RECOMMENDATION**

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 24 September 2019 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Planning and Regulatory Committee, 24 September 2019****9.1.1 DEER MANAGEMENT**

**File No:** 2557  
**Attachments:** Nil  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Karen Moody - Acting Manager Planning and Regulatory Services

---

**SUMMARY**

*This report outlines current control actions being undertaken in relation to the Feral Rusa Deer population within the Lakes Creek/Nerimbera area of Rockhampton.*

**COMMITTEE RECOMMENDATION**

THAT Council receives this report relating to the current feral rusa deer control program being conducted in accordance with the *Biosecurity Act 2014* and Council's Biosecurity Plan.

**Recommendation of the Planning and Regulatory Committee, 24 September 2019****9.1.2 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - AUGUST 2019**

**File No:** 1464

**Attachments:** 1. **Monthly Operations Report for Planning & Regulatory Services - August 2019**

**Authorising Officer:** **Colleen Worthy - General Manager Community Services**

**Author:** **Karen Moody - Acting Manager Planning and Regulatory Services**

---

**SUMMARY**

*The Monthly Operations Report for Planning & Regulatory Services for August 2019 is presented for Councillors information.*

**COMMITTEE RECOMMENDATION**

THAT the Planning and Regulatory Services Monthly Operations Report for August 2019 be received'.

**Recommendation of the Planning and Regulatory Committee, 24 September 2019****9.1.3 DECISIONS UNDER DELEGATION - AUGUST 2019**

**File No:** 7028  
**Attachments:** Nil  
**Authorising Officer:** Karen Moody - Acting Manager Planning and Regulatory Services  
Colleen Worthy - General Manager Community Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

---

**SUMMARY**

*This report outlines the properly made development applications received in August 2019 and whether they will be decided under delegation or decided by Council.*

**COMMITTEE RECOMMENDATION**

THAT this report into the applications lodged in August 2019 with the exception of D/81-019-ROL (2 into 2 Lots) be received.

**COMMITTEE RECOMMENDATION**

THAT this report into the application lodged in August 2019 D/81-019-ROL (2 into 2 Lots) be received.

**9.2 AIRPORT WATER AND WASTE COMMITTEE MEETING 24 SEPTEMBER 2019**

**RECOMMENDATION**

THAT the Minutes of the Airport, Water and Waste Committee meeting, held on 24 September 2019 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Airport, Water and Waste Committee, 24 September 2019****9.2.1 ROCKHAMPTON AIRPORT MONTHLY OPERATIONS REPORT - AUGUST 2019****File No: 7927****Attachments: 1. Rockhampton Airport Monthly Operational Report - August 2019****Authorising Officer: Tony Cullen - General Manager Advance Rockhampton****Author: Trevor Heard - Manager Rockhampton Airport**

---

**SUMMARY**

*The Monthly Operations and Annual Performance Plan Report for the Rockhampton Airport for August 2019 is presented for Councillors information.*

**COMMITTEE RECOMMENDATION**

THAT the Rockhampton Airport Operations and Annual Performance Plan Report for August 2019 be 'received'.

**Recommendation of the Airport, Water and Waste Committee, 24 September 2019**

**9.2.2 PROJECT DELIVERY MONTHLY REPORT - AUGUST 2019**

**File No:** 7028  
**Attachments:** 1. Project Delivery Monthly Report - August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Manager Project Delivery

---

**SUMMARY**

*Monthly reports on the projects currently managed by Project Delivery.*

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019 be received.

**Recommendation of the Airport, Water and Waste Committee, 24 September 2019****9.2.3 FRW MONTHLY OPERATIONS REPORT - AUGUST 2019**

**File No:** 1466  
**Attachments:** 1. FRW Monthly Operations Report - August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Jason Plumb - Manager Fitzroy River Water

---

**SUMMARY**

*This report details Fitzroy River Water's financial position and other operational matters for the Council's information as at 31 August 2019.*

**COMMITTEE RECOMMENDATION**

THAT the FRW Monthly Operations Report for August 2019 be received.



**Recommendation of the Airport, Water and Waste Committee, 24 September 2019****9.2.4 ROCKHAMPTON REGIONAL WASTE AND RECYCLING MONTHLY OPERATIONS REPORT FOR AUGUST 2019**

**File No:** 7927  
**Attachments:** 1. RRWR Monthly Operations Report August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

---

**SUMMARY**

*The purpose of this report is to provide Council with an overview of Rockhampton Regional Waste and Recycling for the month of August 2019*

**COMMITTEE RECOMMENDATION**

THAT the Rockhampton Regional Waste and Recycling Monthly Operations Report with the exception of Operational Projects – Commercial Waste Containers – Quay Lane for August 2019 be received.

**COMMITTEE RECOMMENDATION**

THAT the Rockhampton Regional Waste and Recycling Monthly Operations Report for August 2019 be received.

**Recommendation of the Airport, Water and Waste Committee, 24 September 2019****9.2.5 KERBSIDE WASTE AND RECYCLING EXPANSION OF SERVICES****File No: 169****Attachments:**

1. Maps 1km Kerbside Waste Expansion Areas
2. RRWR Community Engagement Kerbside Waste Collection expansion

**Authorising Officer: Peter Kofod - General Manager Regional Services****Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling**

---

**SUMMARY**

*The purpose of this report is to seek Council's endorsement of the priority order in which a systematic investigation will be undertaken to investigate the viability of rolling out domestic waste collection services to non-serviced areas within the Rockhampton Region.*

**COMMITTEE RECOMMENDATION**

THAT Council resolve to approve the priority order in which a systematic investigation will be undertaken to investigate the viability of rolling out domestic waste collection services to non-serviced waste collection areas of Gogango, Westwood, Stanwell, Kabra, Bouldercombe, Moongan (off Razorback Road), Marmor, Bajool and Limestone Creek.

**Recommendation of the Airport, Water and Waste Committee, 24 September 2019**

**9.2.6 WATER SUPPLY - ALTON DOWNS**

**File No:** 2830

**Responsible Officer:** Evan Pardon – Chief Executive Officer

---

**SUMMARY**

*Councillor Rutherford presented a letter from Chantal Booth in regards to supply of reliable water.*

**COMMITTEE RECOMMENDATION**

THAT the letter be received and a report be presented to Council.

**Recommendation of the Airport, Water and Waste Committee, 24 September 2019**

**9.2.7 REVIEW OF WATER WISE STRATEGY**

**File No:** 1466

**Responsible Officer:** Jason Plumb – Manager FRW

---

**SUMMARY**

*Councillor Fisher requested a review of the current Water Wise Strategy.*

**COMMITTEE RECOMMENDATION**

THAT Council review the Water Wise Strategy and update for implementation.

**9.3 INFRASTRUCTURE COMMITTEE MEETING 24 SEPTEMBER 2019**

**RECOMMENDATION**

THAT the Minutes of the Infrastructure Committee meeting, held on 24 September 2019 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Infrastructure Committee, 24 September 2019****9.3.1 PROJECT DELIVERY MONTHLY REPORT - AUGUST 2019**

**File No:** 7028  
**Attachments:** 1. Project Delivery Monthly Report - August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Manager Project Delivery

---

**SUMMARY**

*Monthly reports on the projects currently managed by Project Delivery.*

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019 with the exception of Project Delivery Monthly Report – August 2019 - A. – CBD Smart Technology - Stage 3E and C. - Fitzroy River – Bank Protection (W4Q) be received.

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019 - Project Delivery Monthly Report – August 2019 - A –CBD Smart Technology - Stage 3E be received.

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019 – Project Delivery Monthly Report – August 2019 – C. Fitzroy River – Bank Protection (W4Q) be received.

**Recommendation of the Infrastructure Committee, 24 September 2019****9.3.2 BOB'S CREEK ROAD AND UPPER ULAM ROAD  
PROPOSED SEALING OFF**

**File No:** 575277  
**Attachments:** 1. Letter to Bajool, Marmor & District Ratepayers Association  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** David Bremert - Manager Civil Operations

---

**SUMMARY**

*The current rural program proposes to seal a section of Bob's Creek Road from the Bruce Highway intersection to Chainage 1.6km from Bruce Highway. The Bajool, Marmor & District Ratepayers Association has written to Council requesting to vary the program with an alternative section be sealed this year.*

**COMMITTEE RECOMMENDATION**

THAT Council endorses the proposed sealing as requested in the submission.

**Recommendation of the Infrastructure Committee, 24 September 2019****9.3.3 GLENROY ROAD - PROPOSED UPGRADE STRATEGY**

**File No:** 6833 & 2830  
**Attachments:** 1. Glenroy Road Sections  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** David Bremert - Manager Civil Operations

---

**SUMMARY**

*At the Infrastructure Committee Meeting on 27 August 2019, the Committee raised concerns relating to the upgrading of Glenroy Road due to the potential traffic increase as a result of the Rookwood Weir development. This report looks at the current strategy for the road.*

**COMMITTEE RECOMMENDATION**

THAT Council note the planned works for Glenroy Road.



**Recommendation of the Infrastructure Committee, 24 September 2019****9.3.4 MORGAN STREET FOOTPATH MOUNT MORGAN**

<b>File No:</b>	<b>8021 &amp; 1961</b>
<b>Attachments:</b>	<b>1. Handrail Option A 2. Handrail Option B 3. Handrail Option C 4. Current view of steps 5. Proposed location of handrails</b>
<b>Authorising Officer:</b>	<b>Peter Kofod - General Manager Regional Services</b>
<b>Author:</b>	<b>David Bremert - Manager Civil Operations</b>

---

**SUMMARY**

*The upgrade of the footpath along Morgan Street, Mount Morgan is nearing completion. This upgrade involved replacing the existing old asphalt/concrete footpath with a new concrete footpath. A complaint from the community has been received relating to potential trip hazards near the shop entrances.*

**COMMITTEE RECOMMENDATION**

THAT Council endorses the installation of stainless steel handrails either Option A or Option B depending on the location and that designs be prepared for the installation of art work within these rails.

THAT Council progress the artwork and seek funding.

**Recommendation of the Infrastructure Committee, 24 September 2019****9.3.5 INFRASTRUCTURE PLANNING MONTHLY OPERATION REPORT - AUGUST 2019**

**File No:** 7028  
**Attachments:** 1. Infrastructure Planning Monthly Operations Report - August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Martin Crow - Acting General Manager Regional Services

---

**SUMMARY**

*This report outlines Infrastructure Planning Monthly Operations Report for the period to the end of August 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Infrastructure Planning Monthly Operations Report for August 2019 report be received.

**Recommendation of the Infrastructure Committee, 24 September 2019****9.3.6 CIVIL OPERATIONS MONTHLY OPERATIONS REPORT**

<b>File No:</b>	<b>7028</b>
<b>Attachments:</b>	<b>1. Civil Operations Monthly Operations Report - August 2019</b>
<b>Authorising Officer:</b>	<b>Peter Kofod - General Manager Regional Services</b>
<b>Author:</b>	<b>David Bremert - Manager Civil Operations</b>

---

**SUMMARY**

*This report outlines Civil Operations Monthly Operations Report on the activities and services in August 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Civil Operations Monthly Operations Report on the activities and services in August 2019 be received.

**9.4 COMMUNITY SERVICES COMMITTEE MEETING - 25 SEPTEMBER 2019****RECOMMENDATION**

THAT the Minutes of the Community Services Committee meeting, held on 25 September 2019 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Community Services Committee, 25 September 2019****9.4.1 PROJECT DELIVERY MONTHLY REPORT - AUGUST 2019**

**File No:** 7028  
**Attachments:** 1. Project Delivery Monthly Report - August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Manager Project Delivery

---

**SUMMARY**

*Monthly reports on the projects currently managed by Project Delivery.*

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019, with the exception of Item 8.1 – E. Pilbeam Theatre Redevelopment, be received.

THAT a report on all projects be brought to a Councillor workshop for briefing and input.

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019 - E. Pilbeam Theatre be received.

---

**Recommendation of the Community Services Committee, 25 September 2019**
**9.4.2 REGIONAL ARTS DEVELOPMENT FUND**

**File No:** 8944  
**Attachments:** Nil  
**Authorising Officer:** John Webb - Manager Communities and Culture  
 Colleen Worthy - General Manager Community Services  
**Author:** Louise Hales - Programs and Development Officer

---

**SUMMARY**

*An application received out of round for the Regional Arts Development Fund has been assessed by the RADF Committee and is recommended for funding.*

**COMMITTEE RECOMMENDATION**

THAT Council approves the following application for funding from the Regional Arts Development Fund:

Applicant	Purpose of Grant	Grant Recommended
Oliver Skrzypczynski	The grant will be used towards the costs of attending the ATYP Directing Young Performers Workshop.	\$1025
	Total	\$1025

**Recommendation of the Community Services Committee, 25 September 2019****9.4.3 COMMUNITY ASSETS AND FACILITIES MONTHLY OPERATIONAL REPORT - AUGUST 2019**

**File No:** 1464

**Attachments:** 1. **Community Assets and Facilities Monthly Report - August 2019**

**Authorising Officer:** **Richard Dunkley - Manager Community Assets and Facilities**  
**Colleen Worthy - General Manager Community Services**

**Author:** **Sophia Czarkowski - Coordinator Facilities**

---

**SUMMARY**

*This report provides information on the activities of Community Assets and Facilities for the month of August 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Community Assets and Facilities monthly operational report for August 2019 be received.

**Recommendation of the Community Services Committee, 25 September 2019**

**9.4.4 COMMUNITIES & CULTURE OPERATIONAL REPORT AUGUST 2019**

**File No:** 1464

**Attachments:** 1. **Communities & Culture Operational Report August 2019**

**Authorising Officer:** **Colleen Worthy - General Manager Community Services**

**Author:** **John Webb - Manager Communities and Culture**

---

**SUMMARY**

*The report provides information on the programs and activities of the Communities and Culture Section for August 2019*

**COMMITTEE RECOMMENDATION**

THAT the Communities and Culture Operational Report for August 2019 be 'received'



**Recommendation of the Community Services Committee, 25 September 2019****9.4.5 COMMUNITY ASSISTANCE PROGRAM - MULTI-YEAR FUNDING**

**File No:** 12535  
**Attachments:** 1. Proposed Multi-Year Funding - Community Events (Confidential)  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Kerri Dorman - Administration Supervisor

---

**SUMMARY**

*General Manager Community Services seeking Council approval to enter into multi-year funding agreements for recurrent iconic or significant events.*

**COMMITTEE RECOMMENDATION**

THAT the report lay on the table pending a workshop.

**9.5 PARKS, RECREATION AND SPORT COMMITTEE MEETING - 25 SEPTEMBER 2019**

**RECOMMENDATION**

THAT the Minutes of the Parks, Recreation and Sport Committee meeting, held on 25 September 2019 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Parks, Recreation and Sport Committee, 25 September 2019**

**9.5.1 PROJECT DELIVERY MONTHLY REPORT - AUGUST 2019**

**File No:** 7028  
**Attachments:** 1. Project Delivery Monthly Report - August 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Andrew Collins - Manager Project Delivery

---

**SUMMARY**

*Monthly reports on the projects currently managed by Project Delivery.*

**COMMITTEE RECOMMENDATION**

THAT the Project Delivery Monthly Report for August 2019 be received.

**Recommendation of the Parks, Recreation and Sport Committee, 25 September 2019****9.5.2 NAMING OF PEDESTRIAN BRIDGE AT TOUCH OF PARADISE LAGOON, GRACEMERE**

**File No:** 1313  
**Attachments:** Nil  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Aaron Pont - Manager Parks

---

**SUMMARY**

Council endorsement is sought for naming of the recently constructed pedestrian bridge at Touch of Paradise Lagoons, Gracemere.

**COMMITTEE RECOMMENDATION**

THAT Council call for community nominations to name the bridge at Touch of Paradise Lagoons Gracemere.

**Recommendation of the Parks, Recreation and Sport Committee, 25 September 2019****9.5.3 MONTHLY OPERATIONAL REPORT - AUGUST 2019**

**File No:** 1464  
**Attachments:** 1. Monthly Operational Report - August 2019  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Aaron Pont - Manager Parks

---

**SUMMARY**

*This report provides information on the activities and services of the Parks section for August 2019.*

**COMMITTEE RECOMMENDATION**

THAT the report on the activities and services of the Parks section for August 2019 be received.

**Recommendation of the Parks, Recreation and Sport Committee, 25 September 2019****9.5.4 ROCKHAMPTON GRAMMAR SCHOOL'S DRAFT DEVELOPMENT PLAN FOR RUGBY PARK**

<b>File No:</b>	<b>12501</b>
<b>Attachments:</b>	<b>1. Draft Development Plan Summary 2. Draft Development Site Plans and Flood Mapping</b>
<b>Authorising Officer:</b>	<b>Aaron Pont - Manager Parks Colleen Worthy - General Manager Community Services</b>
<b>Author:</b>	<b>Jacinta James - Supervisor Sports and Administration</b>

---

**SUMMARY**

*In 2016, the Rockhampton Grammar School entered into a Trustee Lease with Council over Rugby Park, L379 Blackall Street, The Range (being Lot 522 SP120476). As per Special Condition 4 of the agreement, the School have supplied a draft development plan for the facility.*

**COMMITTEE RECOMMENDATION**

THAT Council receives the Rockhampton Grammar School's Draft Development Plan and notes the desirability of flood mitigation.

**Recommendation of the Parks, Recreation and Sport Committee, 25 September 2019****9.5.5 REQUEST TO ENTER INTO A FREEHOLD LICENCE WITH NORTHS CHARGERS SENIOR RUGBY LEAGUE CLUB AT MCLEOD PARK**

**File No:** 8044  
**Attachments:** Nil  
**Authorising Officer:** Aaron Pont - Manager Parks  
Colleen Worthy - General Manager Community Services  
**Author:** Jacinta James - Supervisor Sports and Administration

---

**SUMMARY**

*Norths Chargers Senior Rugby League Club have outgrown their existing facility at the Gummy Grounds, 2 Goodsall Street, Berserker (being Lot 182 LN1332) and require additional land in order to meet the needs of the Club.*

**COMMITTEE RECOMMENDATION**

THAT Council not enter into a non-exclusive Freehold Licence with Norths Chargers Senior Rugby League Club at McLeod Park.

**Recommendation of the Parks, Recreation and Sport Committee, 25 September 2019****9.5.6 COMMERCIAL RECREATIONAL USE OF COUNCIL-OWNED LAND**

**File No:** 8044  
**Attachments:** 1. Proposed Land at Kele Park  
**Authorising Officer:** Aaron Pont - Manager Parks  
Colleen Worthy - General Manager Community Services  
**Author:** Jacinta James - Supervisor Sports and Administration

---

**SUMMARY**

*An entity has approached Council seeking tenure on Council owned parkland for the purpose of commercial recreational use.*

**COMMITTEE RECOMMENDATION**

THAT Council denies the request for commercial recreational use of Council owned land (being part of Kele Park) and further options be considered with the Entity.



**9.6 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 26  
SEPTEMBER 2019**

**RECOMMENDATION**

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 26 September 2019 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.1 ANNUAL AUDIT PLAN PROGRESS 2018-2019 (LAST FY)**

**File No:** 5207  
**Attachments:** 1. Audit Plan Progress 2018-2019 (Last FY)  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*The final disposition of the Annual Audit Plan for last FY is presented to the committee.*

**COMMITTEE RECOMMENDATION**

THAT the Annual Audit Plan Progress Report be received showing the work achieved to 30 June 2019.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.2 ANNUAL AUDIT PLAN PROGRESS 2019-2020 (CURRENT FY)**

**File No:** 5207  
**Attachments:** 1. AUDIT PLAN PROGRESS (CURRENT FY)  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*The current year progress report is attached showing work completed against the approved alternate Annual Audit Plan.*

**COMMITTEE RECOMMENDATION**

THAT the Annual Audit Plan Progress 2019-2020 report be received and progress noted.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

### 9.6.3 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT

**File No:** 5207  
**Attachments:** 1. Legal Matters Report as at 30 June 2019  
**Authorising Officer:** Tracy Sweeney - Manager Workforce and Governance  
**Author:** Travis Pegrem - Coordinator Workforce Relations and Ethics

---

#### **SUMMARY**

*Coordinator Workforce Relations and Ethics presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.*

#### **COMMITTEE RECOMMENDATION**

THAT the update of investigative and legal matters for Rockhampton Regional Council be received.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.4 LOSS / THEFT ITEMS - JUNE TO AUGUST 2019**

**File No:** 3911  
**Attachments:** 1. Loss/Theft Report - 1 June to 31 August 2019  
**Authorising Officer:** Drew Stevenson - Acting General Manager Corporate Services  
**Author:** Kellie Anderson - Coordinator Property and Insurance

---

**SUMMARY**

*Presenting details of the Loss / Theft register for the period 1 June to 31 August 2019*

**COMMITTEE RECOMMENDATION**

THAT the Committee 'receives' the Loss/Theft Report for the period 1 June to 31 August 2019.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.5 COMMITTEE CHAIR UPDATE [STANDING PLACEHOLDER]**

**File No:** 5207  
**Attachments:** Nil  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*This is a standing placeholder for the Chair to address and update the Committee.*

**COMMITTEE RECOMMENDATION**

THAT the Committee Chair Update be received.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.6 CEO UPDATE [STANDING PLACEHOLDER]**

**File No:** 5207  
**Attachments:** Nil  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*The CEO will update the Committee on matters of interest and importance.*

**COMMITTEE RECOMMENDATION**

THAT the CEO's update be received.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.7 ASSET MANAGEMENT [STANDING PLACEHOLDER]**

**File No:** 5207  
**Attachments:** Nil  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*This is a standing placeholder to update the committee on Asset Management and related areas such as the status of the RAMP (Asset Management) IT Project as requested.*

**COMMITTEE RECOMMENDATION**

THAT the Asset Management update(s) be received.



Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.8 ENVIRONMENTAL MANAGEMENT [STANDING PLACEHOLDER]**

**File No:** 5207  
**Attachments:** Nil  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*This is a requested standing placeholder for updating the committee on matters relating to Environmental Management.*

**COMMITTEE RECOMMENDATION**

THAT the update on Environmental Management be received.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.9 ANNUAL FINANCIAL STATEMENTS 30 JUNE 2019**

**File No:** 9509  
**Attachments:** 1. 2018/2019 Annual Financial Statements  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Alicia Cutler - Chief Financial Officer

---

**SUMMARY**

*Chief Financial Officer providing report on the 18/19 Draft Financial Statements that have been provided to Thomas Noble Russell (TNR) and audited on behalf of Queensland Audit Office. The closing audit report is provided under separate cover.*

**COMMITTEE RECOMMENDATION**

THAT the Financial Statements for the period ended 30 June 2019 be received and any feedback be provided to the Mayor and Chief Executive Officer prior to final signing.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.10 2019 CLOSING REPORT**

**File No:** 9509  
**Attachments:** 1. 2019 Closing Report 30 June 2019  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Alicia Cutler - Chief Financial Officer

---

**SUMMARY**

*The report from Thomas Noble Russell is provided in regards to the final audit for 2019.*

**COMMITTEE RECOMMENDATION**

THAT the 2019 Closing Report 30 June 2019 be "received".

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.11 RISK REGISTERS - QUARTERLY UPDATE AS AT 9 AUGUST 2019**

**File No:** 8780

**Attachments:**

1. Corporate Risk Register - Quarterly Update as at 9 August 2019
2. Operational Risk Register - Quarterly Update as at 9 August 2019
3. Comparison of Potential and Current Exposure Risk Ratings as at 9 August 2019

**Authorising Officer:** John Wallace - Chief Audit Executive  
Drew Stevenson - Acting General Manager Corporate Services

**Author:** Kisane Ramm - Senior Risk and Assurance Advisor

---

**SUMMARY**

*Submission of the quarterly risk register updates, as at 9 August 2019, for the Committee's consideration.*

**COMMITTEE RECOMMENDATION**

THAT the Committee "receives" the quarterly risk register updates as at 9 August 2019, as presented in the attachments to this report, and they be presented to Council for consideration and adoption.

## Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.12 ACTION PROGRESS REPORT****File No:** 5207**Attachments:**

1. HIGH Risk Items - Remaining Open (x4)
2. 100% COMPLETED Items This Quarter (x25)
3. ASSURANCE Items - Remaining Open (x18)
4. BI Items - Remaining Open (x57)

**Authorising Officer:** John Wallace - Chief Audit Executive**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*The requested Action Progress Report showing the status of Audit Recommendations requiring action to be taken by management is provided for the committee's review and comment.*

**COMMITTEE RECOMMENDATION**

THAT the Action Progress report be received and status of actions noted.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.13 CASH WALKTHROUGH - ROCKHAMPTON SHOW**

**File No:** 5207  
**Attachments:** 1. Cash Walkthrough-Rockhampton Show  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*The planned review of Cash Management for the Rockhampton Show Event is now completed and presented to the committee.*

**COMMITTEE RECOMMENDATION**

THAT the Cash Walkthrough - Rockhampton Show report be received.

Recommendation of the Audit and Business Improvement Committee, 26 September 2019

**9.6.14 STUDY ASSISTANCE PROCESS REVIEW**

**File No:** 5207  
**Attachments:** 1. Study Assistance Process Review  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

---

**SUMMARY**

*The planned review of Study Assistance is presented to the committee.*

**COMMITTEE RECOMMENDATION**

THAT the Study Assistance Process Review be received.

**10 COUNCILLOR/DELEGATE REPORTS**

Nil



## 11 OFFICERS' REPORTS

### 11.1 PROPOSED INTERNATIONAL TRAVEL TO CHINA

<b>File No:</b>	<b>8308</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Tony Cullen - General Manager Advance Rockhampton</b>
<b>Author:</b>	<b>Young Beamish - Senior Executive Trade and Investment</b>

---

#### SUMMARY

*This report seeks Council approval for Senior Trade and Investment Officer and General Manager Advance Rockhampton to visit Zhenjiang to manage the Rockhampton Day celebration on 7 November 2019 and visit Huizhou, Guangzhou, Xian and Shanghai to facilitate trade and investment with China.*

#### OFFICER'S RECOMMENDATION

THAT Council approves the General Manager Advance Rockhampton and Senior Executive for Trade and Investment to visit Chinese cities in November 2019 to further develop international relations and generate opportunities for international Trade and Investment.

#### COMMENTARY

The primary aims of the proposed visit to China are to:

- Manage and implement activities for the Rockhampton Day Celebration with Zhenjiang Municipal Government.
- Strengthen Rockhampton's trade and investment relationship with China, by exploring opportunities to further develop international linkages, collaborations and partnerships with public and private sector Chinese entities.
- Promote Rockhampton's agribusiness as an attractive destination for Chinese importers and investment

#### Target Industry Sectors

- Agricultural Trade and Investment
- International Education
- Commercial Property Development

#### BACKGROUND

The Rockhampton Day Celebration in Zhenjiang was announced in the city of Zhenjiang on 7 November 2018 during the signing ceremony of the Sister City Relationship.

As 64 Rockhampton residents travel to Zhenjiang they will witness some celebratory events and experience the beautiful city of Zhenjiang.

#### BUDGET IMPLICATIONS

Expenditure associated with the investment/trade mission will be funded within the Advance Rockhampton operational budget.

#### CORPORATE/OPERATIONAL PLAN

The proposed trade mission and the targeted industry sectors are consistent with Council's existing Corporate Plan and strategic direction as identified and summarized in its Economic Development Strategy and Economic Action Plan.

---

**CONCLUSION**

The Rockhampton Regional Council is committed to playing an active role in the economic development of the region with the long term aim of stimulating economic growth and employment in the region through ongoing diversification of the region's economic base. Council's economic development function will continue to be supported and enhanced in Council participation in trade missions and fostering existing and developing new engagements.

**11.2 7 ROCKY RIVER RUN**

**File No:** 12535

**Attachments:**

1. [Event Impact Statement](#)
2. [7 Rocky River Run Profit and Loss](#)

**Authorising Officer:** Tony Cullen - General Manager Advance Rockhampton

**Author:** Annette Pearce - Manager Tourism, Events and Marketing

---

**SUMMARY**

*This report outlines a request for Rockhampton Regional Council to distribute Rocky River Run funds to charity.*

**OFFICER'S RECOMMENDATION**

THAT Council determines charity amounts for the 7 Rocky River Run 2019 charities R U OK and Ronald McDonald House Northern Australia.

**BACKGROUND**

In 2018 the event was managed by CTC and sponsorship agreements for the 2019 event entered into. Sponsors committed funds on the understanding that sponsorship and entrant fees deliver a cost neutral result.

**PREVIOUS DECISIONS**

In the 27 November 2018 Council meeting it was resolved THAT Council accept the invitation to manage and deliver the Rocky River Run into the future.

In the 30 January 2018 Council meeting it was resolved THAT Council sponsor the 2018-2020 "7Rocky River Run" event to the value of:

*2018 - \$25,000 (plus GST) plus in kind support*

*2019 - \$20,000 (plus GST) plus in kind support*

*2020 - \$20,000 (plus GST) plus in kind support*

*(In kind support of road closures, traffic management and waste management)*

**BUDGET IMPLICATIONS**

Previously committed sponsorship will be used in conjunction with sponsorship and entrant fees to deliver a cost neutral event. A copy of the 7RRR 2019 P&L Statement is attached.

**CONCLUSION**

The 2019 7RRR attracted 1971 participants, 456 from outside the Region, equating to 1608 visitor nights and an estimated \$820,780 total impact on the Rockhampton Regional Council area economy. A copy of the event impact statement is attached.

# **7 ROCKY RIVER RUN**

## **Event Impact Statement**

**Meeting Date: 1 October 2019**

**Attachment No: 1**

Economic impact modelling enables Rockhampton Regional Council area to explore how change in employment or output (sales) in one sector of the local economy will impact on all other sectors of the economy, by modelling the flow-on effects across different industries.

Events are very important contributors to local and regional economies. A successful well run event can provide significant value to an area by adding jobs and money to the local economy and providing additional cultural and social benefits. The Operational Spend and Event impact calculator has been developed to enable Rockhampton Regional Council area to calculate the potential economic impact of an event. This calculator indicates the potential economic impact a successful event may have across a range of economic measures such as output, employment, wages and salaries and local jobs.

This tool uses input/output estimates to calculate the impact of an event based on the operational spending and average spend per day by participants and spectators at the event. As events can also contribute to an area in other ways, such as socially, culturally and environmentally, it is important that other tools or methods are also used to evaluate the potential or benefit of an event.

## 7Rocky River Run

### Operational Spending and Event Impact Summary

Rockhampton Regional Council area – 7Rocky River Run

Calculators include Operational spend and Event Impact - Modelling the effect of **\$742,711**, from a Sports and Recreational - Inflation adjusted event with State significance

	Output (\$)	Value-added (\$)	Employment (annual FTE)	FTE
Direct impact	590,168	276,409		6.6
Industrial impact	164,930	69,439		0.5
Consumption impact	65,682	40,757		0.3
<b>Total impact on Rockhampton Regional Council area economy</b>	<b>820,780</b>	<b>386,605</b>		<b>7.4</b>

Source: [National Institute of Economic and Industry Research \(NIEIR\)](#) ©2016. Compiled and presented in economy.id by [.id](#), the population experts.

Note: All \$ values are expressed in 2014-15 base year dollar terms.

7Rocky River Run event started on the 24 May 2019 and run for 1 day. It is an event of State significance and is estimated to have attracted 1515 local participants per day over the 1 day, with an average spend per person per day of \$45. This equals a total local participant spend of **\$68,175** attributed to this event. 456 non-local participants per day over the 1 day with an average spend per person per day of \$363, equals a total non-local participant spend of **\$165,528** attributed to this event. 1152 non-local spectators per day over the 1 day, with an average spend per person per day of \$329 equals a total non-local spectator spend of **\$379,008** attributed to this event. With the addition of **\$130,000** in operational spending, the 7Rocky River Run that was held in the Rockhampton Regional Council area is calculated to have the following potential impact:

### Impact on Output

The total spend of **\$742,711** attributed to staging 7Rocky River Run would lead to a direct impact on output of **\$590,168**. This additional direct output from the economy would also lead to an increase in indirect demand for intermediate goods and services across related industry sectors. These indirect industrial impacts (Type 1) are estimated to be an additional **\$164,930** in Output.

There would be an additional contribution to Rockhampton Regional Council area economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in Output of **\$65,682**.

**The combination of all direct, industrial and consumption effects including operational spending output would result in total estimated rise in Output of \$820,780 in Rockhampton Regional Council area economy.**

### Impact on value added and GRP

The impact of an additional **\$742,711** spend to the local economy as a result of running the 7Rocky River Run in Rockhampton Regional Council area would lead to a corresponding direct increase in value added of **\$276,409**. A further **\$69,439** in value added would be generated from related intermediate industries.

There would be an additional contribution to Rockhampton Regional Council area economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in value added of **\$40,757**.

Value added by industry represents the industry component of Gross Regional Product (GRP). The impact on Rockhampton Regional Council area's GRP as a result of staging this event is directly equivalent to the change in value added outlined above.

**The combination of all direct, industrial and consumption effects including operational spending value added would result in an estimated addition in value added of \$386,605 in Rockhampton Regional Council area economy.**

### Impact on Employment (jobs, 12mth FTE)

The employment impact of an event is expressed in Full Time Equivalent (FTE) jobs. For example, an event that generates 4 weeks of full time work for 13 people (52 weeks of full time work in total), would have an employment impact equivalent to 1.0 annual FTE job.

The direct addition of **\$742,711** spend to the local economy as a result of staging 7Rocky River Run event in Rockhampton Regional Council area is estimated to lead to a corresponding direct increase of employment equivalent to **6.6** annual FTE jobs across a range of industries. From this direct expansion in the economy it is anticipated that there would be flow on effects into other related intermediate industries, creating an additional employment equivalent to **0.5** annual FTE job.

This addition of employment in the local economy would lead to a corresponding increase in wages and salaries, a proportion of which would be spent on local goods and services, creating a further increase equivalent to **0.3** annual FTE job through consumption impacts.

**The combination of all direct, industrial and consumption effects including operational spending would result in a total estimated increase of employment equivalent to 7.4 annual FTE jobs located in Rockhampton Regional Council area.**

## **7 ROCKY RIVER RUN**

### **7 Rocky River Run Profit and Loss**

**Meeting Date: 1 October 2019**

**Attachment No: 2**

Budget Management Report JBCHART - Events  
As At 12-Sep-2019

14:59:22

Account Number	Activity	Natural Account	18-19 YTD Actual \$	19-20 YTD Actual \$	LTD Actual \$		
<b>Rocky River Run</b>							
<b>River Run Budget for each event provided by Council</b>					<b>-\$</b>	<b>20,000</b>	
<b>Revenues</b>							
J172552.394.1804	Fire Equipment-Stat	Sponsorship Received	-10,766.26	10,766.26	0.00		
J172552.396.1119	Events	Venues and Events Fees	-52,475.89	-17,332.76	-69,808.65		
J172552.396.1804	Events	Sponsorship Received	-59,350.00	0.00	-59,350.00		
			<u>-122,592.15</u>	<u>-6,566.50</u>	<u>-129,158.65</u>	Total Revenue	
Total Revenue			<u><b>-122,592.15</b></u>	<u><b>-6,566.50</b></u>	<u><b>-129,158.65</b></u>		
<b>Expenses</b>							
J172552.000.2001	Unallocated	Salaries & Wages	13.14	16.23	29.37		
J172552.000.2003	Unallocated	Overtime	674.88	1,289.89	1,964.77		
J172552.000.2106	Unallocated	Contractors - Other	36,000.00	0.00	36,000.00		
J172552.000.2506	Unallocated	Advertising/Marketing/Pub Relat&Educa	11,331.03	2,049.65	13,380.68		
J172552.000.2508	Unallocated	Sundry Expenses	22,966.81	17,298.01	40,264.82		
J172552.390.2506	Promotional Collateral	Advertising/Marketing/Pub Relat&Educa	13,985.00	0.00	13,985.00		
J172552.394.2506	Fire Equipment-Stat	Advertising/Marketing/Pub Relat&Educa	23,850.00	0.00	23,850.00		
			<u>108,820.86</u>	<u>20,653.78</u>	<u>129,474.64</u>		
<b>Transfer / Overhead Allocation</b>							
J172552.000.3001	Unallocated	Internal Expense - Non Overheads	666.00	0.00	666.00		
			<u>666.00</u>	<u>0.00</u>	<u>666.00</u>		
<b>ADD Back - Smart Hub Exp (Not Rocky River Run)</b>				-3,730.14	-3,730.14		
Total Expense			<u><b>109,486.86</b></u>	<u><b>20,653.78</b></u>	<u><b>126,410.50</b></u>		
<b>Total P&amp;L for the event</b>					<b>-\$</b>	<b>2,748.15</b>	
<b>Under /Over Budget</b>					<b>-\$</b>	<b>22,748.15</b>	Underspend



**11.3 2020 ROCKHAMPTON RIVER FESTIVAL DATES**

**File No:** 6097  
**Attachments:** Nil  
**Authorising Officer:** Tony Cullen - General Manager Advance Rockhampton  
**Author:** Annette Pearce - Manager Tourism, Events and Marketing

---

**SUMMARY**

*The Rockhampton River Festival has cemented its place as regional Queensland's premier winter festival with more than one hundred thousand people flocking to the three-day event in 2019. To ensure effective planning for 2020 the suggested dates put forward are 24 to 26 July 2020.*

**OFFICER'S RECOMMENDATION**

THAT Council approves the dates of 24 to 26 July 2020 for the Rockhampton River Festival.

**COMMENTARY**

The 2019 Rockhampton River Festival was a major success, with more than 100,000 people flocking to the three-day event.

The celebration spanned alongside the southern banks of the Fitzroy River in Rockhampton, taking advantage of the riverbank's stunning natural landscapes.

The footprint of the festival had an eclectic mix of art exhibitions and instalments, cultural activities, world class entertainment including music, stage and street performances as well as the best produce in Central Queensland on sale from food vendors. Providing such a high calibre event for the enjoyment of both locals and visitors has cemented the region's reputation as a must-visit destination.

The 2020 dates have been identified as 24 – 26 July 2020.

**CONCLUSION**

Scheduling of 2020 event dates early will allow effective planning with TEQ, stall holders and performers. Advance Rockhampton has taken into account other events in the area, event logistics, risk and traffic management concerns and long term growth opportunities.

**11.4 CONTINUATION OF THE DINING PLATFORM PROGRAM**

**File No:** 11359  
**Attachments:** Nil  
**Authorising Officer:** Tony Cullen - General Manager Advance Rockhampton  
**Author:** Marcus Vycke - Manager Commercial

---

**SUMMARY**

*Further to Council's report on 26 September 2017 and 2 April 2019, this report proposes to seek approval for another three (3) platforms to be constructed.*

**OFFICER'S RECOMMENDATION**

THAT Council approve the construction for another three (3) platforms.

**BACKGROUND**

In September 2017 Council adopted the Pilot Dining Platform Program for three dining platforms in the Rockhampton CBD for a six (6) month period. In April 2019 Council approved for the platform applications to be extended for another 12 months.

The CBD Redevelopment Framework identifies the opportunity to extend the use of the footpath and road reserve to create new places for public parklets or dining platforms that can create new and interesting public places or safely extend the service area of food and beverage businesses.

**PREVIOUS DECISIONS**

Council has reviewed the success of the dining platform program and has had further interest for another three platforms to be installed at Two Professors, Hero Kebabs and Renny's Café. These new locations will be an extension of the activation footprint within the CBD.

The car parking for Two Professors in Bolsover Street and Renny's Café in East Street is diagonal parking, it is be anticipated to take away two car parking spaces per site to allow the platform to fit in the space.

**BUDGET IMPLICATIONS**

The cost of design and construction for the three platforms will be approximately \$60,000 and will be covered by the Advance Rockhampton 2019/20 Operational Budget. Any additional approved embellishments or additions will be at the cost of the business.

**PROPOSAL**

It is proposed that Council consider the approval to remove an additional five (5) CBD carparks and approve for three new dining platforms to be constructed and leased.

Council to also provide direction on a final number of dining platforms to be installed in the CBD Precinct.

**CONCLUSION**

On road dining platforms are proving a creative and innovative opportunity to generate new interest and activity in the CBD centres globally. This renewed interest in the dining platforms program is demonstrating how Council and CBD businesses can work together successfully to make the city heart the vibrant and preferred place for locals and visitors to meet.

---

**11.5 GATES AND GRIDS POLICY AND LOCAL LAW MAKING PROCESS**

<b>File No:</b>	<b>11698</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li><b>1. Subordinate Local Law No. 1.17 (Gates and Grids) 2019</b><a href="#">↓</a></li><li><b>2. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011</b><a href="#">↓</a></li><li><b>3. Local Law (Repealing) Local Law (No. 2) 2019</b><a href="#">↓</a></li><li><b>4. Summary of Submissions (Confidential)</b></li><li><b>5. Gates and Grids Policy</b></li></ol>
<b>Authorising Officer:</b>	<b>Evan Pardon - Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Kofod - General Manager Regional Services</b>

---

**SUMMARY**

*The public exhibition of the revised Subordinate Local Law No. 1.17 (Gates and Grids) 2019 covers the installation, maintenance and removal of gates and grids and supporting policy for the management of gates and grids and submission has been completed. This report seeks Council's endorsement to endorse the revised local law and supporting policy along with the final stages of the Local Law Making Process.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves –

- to make each of the following local laws, as advertised
  - Local Law (Repealing) Local Law (No. 2) 2019
- to make each of the following subordinate local laws, as advertised
  - Subordinate Local Law No. 1.17 (Gates and Grids) 2019
  - Local Government Controlled Areas, Facilities and Roads (Amendment) Subordinate Local Law (No. 1) 2019
- to adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, consolidated versions of the local laws and subordinate local laws of Council as follows –
  - Subordinate Local Law No. 1.17 (Gates and Grids) 2019
  - Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019.
  - Local Law (Repealing) Local Law (No. 2) 2019
- Endorse the Gates and Grids Policy

**COMMENTARY**

Public exhibition has been undertaken on the Local Law 1.17 and Gates and Grids Policy for a six week period from 13 July to 24 August 2019. The consultation included:

- Letters sent to stakeholders
  - Public notice in the Morning Bulletin
  - Notification on Council's website
  - Notices in customer service centres and libraries.
-

Twenty-four submissions were received. No submissions supported the use of gates across public roads and suggested grids or fencing of properties. These submissions have been provided to Councillors for information and consideration.

### **BACKGROUND**

In September 2017 Council resolved to develop a policy and procedure for the management of Gates and Grids in response to a petition received. The petition raised concerns regarding the installation of another gate on Sandy Creek Road, Bushley and allowing gates on dedicated roads that disadvantage residents.

Council had an existing Gates and Grids Local Law which covers the installation, maintenance and removal of existing grids and gates. This Local Law was adopted in 2011. The local law is to regulate the installation of gates and grids across public roads to ensure they meet the required standards for safe movement of pedestrians and vehicles or to allow for the maintenance of the public road. It also requires appropriate indemnities to be placed to protect Council and the public against loss or damage.

In May 2018 an overview of current policies implemented by a range of Local Governments were presented at Councillor Workshop.

Following the workshop an audit of gates and grids has been undertaken and letters sent to residents to confirm ownership and responsibility. It is estimated that ownership has been determined for approximately 70% of the 300 existing gates/grids.

### **LEGISLATIVE CONTEXT**

The Local Government Act 2009 and the Local Government Regulation 2012 provide the legislative guidance for the making of Local and Subordinate Local Laws.

### **CONCLUSION**

Council endorse the finalisation of the new subordinate local laws and the Gates and Grids Policy.

# **GATES AND GRIDS POLICY AND LOCAL LAW MAKING PROCESS**

## **Subordinate Local Law No. 1.17 (Gates and Grids) 2019**

**Meeting Date: 1 October 2019**

**Attachment No: 1**

---

## Subordinate Local Law No. 1.17 (Gates and Grids) 2019

### Contents

---

<b>Part 1</b>	<b>Preliminary .....</b>	<b>2</b>
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law.....	2
	4 Definitions .....	2
<b>Part 2</b>	<b>Approval for prescribed activity .....</b>	<b>2</b>
	5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a) .....	2
	6 Approvals that are non-transferable—Authorising local law, s 15(2) .....	3
<b>Schedule 1</b>	<b>Gates and grids.....</b>	<b>4</b>
<b>Schedule 2</b>	<b>Categories of approval that are non-transferable.....</b>	<b>10</b>
Schedule 3	Dictionary.....	11

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Gates and Grids) 2019*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

### 5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

## **6 Approvals that are non-transferable—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.



## Schedule 1 Gates and grids

### Section 5

#### 1. Prescribed activity

- (1) Installing a gate, or a gate and a grid, across a road.
- (2) Being a responsible person for a gate, or a gate and a grid, installed across a road.

#### 2. Activities that do not require an approval under the authorising local law

No activities stated.

#### 3. Documents and materials that must accompany an application for an approval

- (1) If the installation of a gate, or a gate and a grid, are proposed—
  - (a) a plan identifying the location within the road of the proposed gate, or gate and grid; and
  - (b) particulars of all temporary and permanent warning or similar signage proposed to be erected by the applicant; and
  - (c) details of the time when the prescribed activity will be undertaken; and
  - (d) the impact, if any, of the prescribed activity on pedestrian and vehicular traffic including a plan detailing how the applicant proposes to manage traffic in the undertaking of the prescribed activity; and
  - (e) the materials, plant and equipment to be used in the undertaking of the prescribed activity; and
  - (f) make reasonable attempts to notify landholders directly affected by the undertaking of the prescribed activity; and
  - (g) particulars of livestock containment needs including alternative methods available to the applicant and feasibility of such methods.
- (2) If a gate or a grid, or a gate and a grid, are installed across a road—
  - (a) a plan detailing the design of the gate or grid, or gate and grid, including all dimensions, alignments and structural elements; and
  - (b) a plan identifying the location within the road of the gate or grid, or the gate and the grid; and
  - (c) details of all warning or similar signage erected about the gate or grid, or the gate and the grid; and
  - (d) particulars of livestock containment needs including alternative methods available to the applicant and feasibility of such methods.

---

**4. Additional criteria for the granting of an approval**

- (1) The prescribed activity must not—
    - (a) result in—
      - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
      - (ii) property damage or loss of amenity; or
      - (iii) unreasonable nuisance; or
      - (iv) the unreasonable obstruction, or disruption, of vehicular or pedestrian traffic; or
      - (v) unreasonable prejudice to the proper maintenance of a road; or
      - (vi) environmental harm; or
      - (vii) environmental nuisance; or
    - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.
  - (2) If the prescribed activity is the installation of a grid—the prescribed activity must not be undertaken unless the installation of the grid is to be undertaken—
    - (a) contemporaneously with the installation of a gate; or
    - (b) to complement the use, by a responsible person, of a gate, and the gate is identified in a current approval granted by the local government to the responsible person.
  - (3) If the prescribed activity is being a responsible person for a gate, or a gate and a grid, installed across a road—the prescribed activity must not be undertaken if the removal of the gate, or the gate and the grid, identified in the application is, or is likely to become, necessary—
    - (a) because the gate, or the gate and the grid, on the road results in—
      - (i) harm to human health or safety, including the safety of vehicular or pedestrian traffic; or
      - (ii) property damage or loss of amenity; or
      - (iii) unreasonable nuisance; or
      - (iv) the unreasonable obstruction, or disruption, of vehicular or pedestrian traffic; or
      - (v) unreasonable prejudice to the proper maintenance of a road; or
      - (vi) environmental harm; or
      - (vii) environmental nuisance; or
-

- (b) otherwise in the public interest.

## 5. **Conditions that must be imposed on an approval**

No conditions prescribed.

## 6. **Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may require the approval holder to take specified measures to—
  - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity or unreasonable nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.
- (2) If the approval relates to the installation of a gate, or a gate and a grid — the conditions of the approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the installation of the gate, or the gate and the grid, must be carried out; and
  - (c) specify standards with which the installation of the gate, or the gate and the grid, must comply; and
  - (d) require the approval holder to—
    - (i) carry out specified additional work such as earthwork and drainage work; and
    - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the installation of the gate, or the gate and the grid; and
    - (iii) give the local government specified indemnities; and
    - (iv) construct the gate, or the gate and the grid, in accordance with standard plans and specifications which the local government may develop or adopt from time to time; and
    - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
    - (vi) clear and maintain the road in the vicinity of the gate, or the gate and the grid, (including the destruction of plants and vegetation); and

- 
- (vii) remove a gate, grid or structure erected or installed, under the approval, at the end of a stated period; and
  - (viii) remove a gate, grid or structure erected or installed, under the approval, if the gate, grid or structure—
    - (A) is not effective for its intended purpose; or
    - (B) is causing unreasonable nuisance, or poses a risk of a unreasonable nuisance; or
    - (C) constitutes an actual, or potential safety hazard; and
  - (ix) if the approval relates to the installation of a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
  - (x) maintain the road, for a distance of 5m on each side of the gate, or the gate and the grid, as the case may be, in good and sufficient repair —
    - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
    - (B) to prevent or minimise the risk of personal injury or damage to property; and
  - (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
  - (xii) take specified measures to ensure the unrestricted movement of vehicular and pedestrian traffic along the road during construction and installation of the gate, or the gate and the grid, as the case may be, and minimise obstruction of vehicular or pedestrian traffic or the risk of personal injury or damage to property; and
- (3) If the approval relates to being a responsible person for a gate, or a gate and a grid, installed across a road—the conditions of the approval may—
- (a) require compliance with specified safety requirements; and
  - (b) require the approval holder to—
    - (i) carry out specified work such as earthwork and drainage work; and
    - (ii) take out and maintain public liability insurance in an amount not less than \$20,000,000.00 and produce documentary evidence of the insurance to the local government within a stated period; and
    - (iii) give the local government specified indemnities; and
-

- (iv) maintain the gate, or the gate and the grid, in accordance with standard plans and specifications; and
- (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
- (vi) clear and maintain the road in the vicinity of the gate, or the gate and the grid (including the destruction of plants and vegetation); and
- (vii) remove a gate, grid or structure identified in the approval, at the end of a stated period; and
- (viii) remove a gate, grid or structure identified in the approval if the gate, grid or structure—
  - (A) is not effective for its intended purpose; or
  - (B) is causing unreasonable nuisance, or poses a risk of a unreasonable nuisance; or
  - (C) constitutes an actual, or potential safety hazard; and
- (ix) if the approval relates to a grid—also erect a gate at the location of the grid to a standard, and in accordance with the requirements of, the local government; and
- (x) maintain the road, for a distance of 5m on each side of the gate, or the gate and the grid, as the case may be, in good and sufficient repair—
  - (A) so that vehicular and pedestrian traffic is not impeded or obstructed; and
  - (B) to prevent or minimise the risk of personal injury or damage to property; and
- (xi) exhibit specified signage warning about the conduct of the prescribed activity on the road; and
- (xii) undertake compliance inspections of the structure as and when required by the local government; and
- (xiii) if the approval relates to a gate—undertake self-assessments as and when required by the local government.

## **7. Term of an approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

**8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>
No application requirement stated		

## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is transferable.

### Schedule 3     Dictionary

Section 4

- environmental harm* has the meaning given in the *Environmental Protection Act 1994*.
- environmental nuisance* has the meaning given in the *Environmental Protection Act 1994*.
- gate* means a hinged or sliding barrier used to close an opening in a wall, fence or hedge.
- grid* has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.
- responsible person* has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.
- structure* has the meaning given in the *Local Government Act 2009*.

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Gates and Grids) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of                      2019.

.....  
Chief Executive Officer

831375\_1



# **GATES AND GRIDS POLICY AND LOCAL LAW MAKING PROCESS**

## **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

**Meeting Date: 1 October 2019**

**Attachment No: 2**

# Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019

## Contents

<b>Part 1</b>	<b>Preliminary .....</b>	<b>2</b>
	1 Short title .....	2
	2 Purpose and how it is to be achieved .....	2
	3 Authorising local law.....	2
	4 Definitions.....	2
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads .....</b>	<b>2</b>
	5 Prohibited and restricted activities—Authorising local law, s 5(1) .....	2
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b) .....	3
	7 Prohibited vehicles—Authorising local law, s 6(3) .....	3
	8 Opening hours for local government controlled areas—Authorising local law, s 7(1) .....	3
	9 Permanent closure of local government controlled area—Authorising local law, s 8(3) .....	3
<b>Part 3</b>	<b>Matters affecting roads .....</b>	<b>3</b>
	10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	3
<b>Part 4</b>	<b>Repeal .....</b>	<b>4</b>
	11 Repeal of subordinate local law .....	4
<b>Schedule 1</b>	<b>Prohibited activities for local government controlled areas or roads .....</b>	<b>5</b>
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads.....</b>	<b>18</b>
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas .....</b>	<b>28</b>
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas .....</b>	<b>29</b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas .....</b>	<b>30</b>
<b>Schedule 6</b>	<b>Identification of local government controlled areas .....</b>	<b>31</b>
<b>Schedule 7</b>	<b>Dictionary .....</b>	<b>33</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## Part 2 Use of local government controlled areas, facilities and roads

### 5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

**Part 3 Matters affecting roads****10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
  - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
  - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and
- (d) if the fence includes a gate — the gate must be kept closed and latched except when in immediate use by a person entering or leaving the area adjacent to the fence.

## **Part 4                    Repeal**

### **11   Repeal of subordinate local law**

This subordinate local law repeals *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, and Roads) 2011*.

## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Prohibited activity</b>
1	All local government controlled areas within the local government area.	<p>(a) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;</p> <p>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure which is owned, held in trust or otherwise controlled by the local government;</p> <p>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer;</p> <p>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</p> <p>(f) Parking, leave standing, or operating an unregistered vehicle;</p>

		<ul style="list-style-type: none"> <li>(g) If land adjoins, or is adjacent to, a local government controlled area – the occupier of the land leaving, or causing to be left, a standard general waste container on the local government controlled area—             <ul style="list-style-type: none"> <li>(i) outside of the time frame specified in the local government’s relevant policy and procedure about the scheduled collection day for the standard general waste container; or</li> <li>(ii) in a manner that is likely, in an authorised person’s opinion, to cause—                 <ul style="list-style-type: none"> <li>(A) harm to human health or safety, or personal injury; or</li> <li>(B) property damage or a loss of amenity; or</li> <li>(C) an environmental nuisance;</li> </ul> </li> </ul> </li> <li>(h) Disposing of any waste of any kind other than in a waste container provided for that purpose;</li> <li>(i) Depositing, storing, dumping or leaving unattended a shopping trolley.</li> </ul>
<p>2</p>	<p>All roads within the local government area.</p>	<ul style="list-style-type: none"> <li>(a) Causing an offensive liquid, sediment or substance to be discharged onto a road;</li> <li>(b) Intentionally or negligently damaging a road or a structure associated with a road;</li> <li>(c) Creating a nuisance on a road;</li> </ul>

		<p>(d) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter;</p> <p>(e) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</p> <p>(f) Parking, leave standing or operating an unregistered vehicle on a road;</p> <p>(g) If land adjoins, or is adjacent to, a road — the occupier of the land leaving, or causing to be left, a standard general waste container on the road—</p> <p>(i) outside of the time frame specified in the local government’s relevant policy and procedure for the scheduled collection day for the standard general waste container; or</p> <p>(ii) in a manner that is likely, in an authorised person’s opinion, to cause —</p> <p>(A) harm to human health or safety, or personal injury; or</p> <p>(B) property damage or a loss of amenity; or</p> <p>(C) an environmental nuisance;</p> <p>(h) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p>
--	--	---



		(i) Depositing, storing, dumping or leaving unattended a shopping trolley.
3	Each area of land which is declared, under <i>Local Law No. 5 (Parking) 2011</i> , as an off-street regulated parking area.	Parking or leave standing, an unregistered vehicle.
4	All local government cemeteries within the local government area, including each local government cemetery identified in schedule 6.	<p>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</p> <p>(b) Selling or buying any article or thing;</p> <p>(c) Distributing or putting up any handbill, card, circular or advertisement;</p> <p>(d) Interfering with any tree, shrub or plant unless the activity is undertaken by, or on behalf of, the local government;</p> <p>(e) Taking part in any meeting other than a meeting of a religious or commemorative nature;</p> <p>(f) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge;</p> <p>(g) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche, unless the activity is undertaken by, or on behalf of, the local government for maintenance, health or safety purposes;</p>

		<ul style="list-style-type: none"> <li>(h) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;</li> <li>(i) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</li> <li>(j) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</li> <li>(k) Bringing an animal (other than a certified guide, hearing or assistance dog) into or allowing an animal (other than a certified guide, hearing or assistance dog) to be within a local government cemetery (other than for the purposes of a funeral or commemorative service);</li> <li>(l) Entering or being within a local government cemetery except for the purpose of visiting a grave or memorial, attending a funeral or religious celebration, for example a wedding or a christening, or maintaining or repairing a grave or memorial in accordance with a written authorisation of the chief executive officer.</li> </ul>
5	All parks and reserves within the local government area.	<ul style="list-style-type: none"> <li>(a) Entering or being within a park or reserve after sunset on a day or before sunrise on a day unless the local government has installed lighting at the park or reserve to facilitate the use of the park or reserve by the public during the hours from sunset to sunrise and the lighting is operational;</li> </ul>

		<ul style="list-style-type: none"><li>(b) Damaging or interfering with vegetation unless the activity is being undertaken for maintenance, health or safety purposes by, or on behalf of, the local government;</li><li>(c) Throwing a stone, projectile or other missile;</li><li>(d) Using or carrying a trap, snare or net;</li><li>(e) Hitting a golf ball;</li><li>(f) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</li><li>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</li><li>(h) Interfering with a plant or any turf, sand, clay, soil or other material unless the activity is undertaken by, or on behalf of, the local government;</li><li>(i) Interfering with any facility or equipment located at the park or reserve unless the activity is undertaken by, or on behalf of, the local government;</li><li>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</li><li>(k) Depositing, storing or abandoning any goods;</li><li>(l) Bathing in any ornamental pond or lake;</li><li>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or</li></ul>
--	--	---

		<p>lake;</p> <ul style="list-style-type: none"> <li>(n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;</li> <li>(o) Permitting or allowing a water tap in a park or reserve to run water to waste;</li> <li>(p) Propagating or cultivating any plant, vegetation or vegetative matter;</li> <li>(q) Driving a motor bike (as defined in section 11A of the <i>Summary Offences Act 2005</i>) on public land forming part, or the whole, of a park or reserve.</li> </ul>
6	All local government accommodation parks within the local government area.	<ul style="list-style-type: none"> <li>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</li> <li>(b) Disposing of waste other than in a waste container provided for that purpose;</li> <li>(c) Using facilities in a way that makes them unclean or insanitary;</li> <li>(d) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</li> <li>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</li> <li>(f) Interfering with a plant or any turf, sand, clay, soil or other material unless the activity is being undertaken by, or on behalf of, the local government;</li> <li>(g) Interfering with any facility or equipment located at the local government</li> </ul>

		<p>accommodation park unless the activity is being undertaken by, or on behalf of, the local government;</p> <p>(h) Depositing, storing, dumping or leaving unattended a shopping trolley.</p>
<p>7</p>	<p>The boat ramps and landings within the local government area identified in schedule 6.</p>	<p>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</p> <p>(b) The activity of a person carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Fishing from a boat ramp or a landing in a manner that obstructs or impedes, or is likely to obstruct or impede, ship, vehicular or pedestrian traffic on the boat ramp or landing;</p> <p>(g) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(h) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</p> <p>(i) Diving off a boat ramp or a landing;</p> <p>(j) A person causing themselves or any other</p>

		<p>person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(k) Obstructing another person’s use of a boat ramp or landing;</p> <p>(l) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p>(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p>(ii) the protection of the environment at the boat ramp or landing; or</p> <p>(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</p> <p>(m) Cleaning or gutting a fish on or near a boat ramp or landing;</p> <p>(n) Disposing of fish scraps or other waste other than in a waste container provided by the local government for the purpose of the collection of waste;</p> <p>(o) Behaving in a manner which is likely to encourage a crocodile or shark attack.</p>
<p>8</p>	<p>All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6.</p>	<p>(a) Bringing any glass or any item made from glass into the swimming pool;</p> <p>(b) Bringing any animal onto the land on which the swimming pool is situated unless the animal is a certified guide, hearing or assistance dog;</p> <p>(c) Engaging in conduct which is dangerous or which</p>

		<p>creates a risk to the safety of other users of the swimming pool;</p> <p>(d) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</p> <p>(e) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</p> <p>(f) If a person is more than 5 years of age — entering any part of the facilities at the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</p> <p>(g) Entering the swimming pool whilst intoxicated or under the influence of a stupefying drug;</p> <p>(h) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;</p> <p>(i) Disposing of waste other than in a waste container provided by the local government or the operator of the swimming pool for the purpose of the collection of waste;</p> <p>(j) Entering into the swimming pool if the person has an infectious or contagious disease or illness or a skin complaint;</p> <p>(k) Interfering with the property of another person at the swimming pool other than with the consent of the other person;</p> <p>(l) Entering the swimming pool unless the person has</p>
--	--	--

		<p>paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(m) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;</p> <p>(n) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and aged at least 16.</p>
<p>9</p>	<p>All local government offices, libraries and depots within the local government area, including each local government office, library and depot identified in schedule 6.</p>	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties of the person;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</p> <p>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(f) Interfering with any facility or equipment located at the local government office, library or depot;</p> <p>(g) Depositing, storing or</p>



		<p>abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government office, library or depot or a facility in the local government office, library or depot;</p> <p>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government office, library or depot or a notice erected or displayed by the local government at the office, library or depot;</p> <p>(j) Using any part of the local government office, library or depot in a manner which is inconsistent with—</p> <p>(i) the safe, secure and efficient operation of the local government office, library or depot; or</p> <p>(ii) the maintenance or improvement of the convenience of users of the local government office, library or depot.</p>
--	--	---

## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas within the local government area.	<p>(a) Street performing.</p> <p>(b) The installation, erection or display of an advertisement or sign that is visible from a road or other public place.</p> <p>(c) Camping, sleeping, occupying or remaining overnight.</p>	<p>(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(c) Permitted only if—</p> <p>(i) the local government controlled area is an accommodation park; or</p> <p>(ii) the undertaking of the restricted activity is authorised by a notice erected by the local government on or near the local government controlled area.</p>
2	All roads within the local government area.	(a) The washing or cleansing, painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which	(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.

		<p>permits local laws to regulate these activities on roads).</p> <p>(b) Installing a gate and grid across a road.</p> <p>(c) Being a responsible person for a gate or a grid, or a gate and a grid, installed across a road.</p> <p>(d) Street performing.</p> <p>(e) The installation, erection or display of an advertisement or sign that is visible from a road or other public place.</p>	<p>(b) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
<p>3</p>	<p>All local government cemeteries within the local government area including each local government cemetery identified in schedule 6.</p>	<p>(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.</p> <p>(b) Disposing of human remains in a local</p>	<p>(a) Permitted only—</p> <p>(i) between the hours of 9am and 4pm; or</p> <p>(ii) with the written authorisation of an authorised person.</p> <p>(b) Permitted only with the written authorisation of an</p>

		government cemetery.	authorised person.
		(c) Digging or preparing a grave in a local government cemetery.	(c) Permitted only if the grave is dug or prepared by a person employed by the local government.
		(d) After a burial — reopening a grave for a further burial.	(d) Permitted only with the written authorisation of an authorised person.
		(e) Exhuming a body or the remains of a body which has been buried in a local government cemetery.	(e) Permitted only with the written authorisation of the chief executive officer of an local government.
		(f) Bringing human remains into a local government cemetery.	(f) Permitted only— (i) with the written authorisation of an authorised person; and (ii) if the remains are enclosed in a coffin or other form of approved container appropriate to the proposed form of disposal.
		(g) Erecting or installing a memorial to a deceased person in a local government cemetery.	(g) Permitted only with the written authorisation of an authorised person.
		(h) Reserving a niche or site in a local government cemetery.	(h) Permitted only under the conditions of a written authorisation of an authorised person.

		<p>(i) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.</p>	<p>(i) Permitted only—</p> <p>(i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and</p> <p>(ii) with the written approval of the holder of the burial rights for the memorial; and</p> <p>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of an authorised person.</p>
<p>4</p>	<p>All parks and reserves within the local government area.</p>	<p>(a) Bringing a motor vehicle onto , or driving a motor vehicle on, a park or reserve</p> <p>(b) Lighting or maintaining a fire.</p>	<p>(a) Permitted only if the part of the park or reserve on which the motor vehicle is brought or driven is —</p> <p>(i) physically defined and constructed by the local government as a road; or</p> <p>(ii) constructed by the local government as a carpark.</p> <p>(b) Permitted only if the fire is—</p> <p>(i) lit and maintained in a fireplace established by the local government for the purpose; or</p> <p>(ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.</p>

		<p>(c) Sleeping, occupying or remaining overnight in a park or reserve.</p> <p>(d) Conducting a social gathering or meeting of more than 50 people.</p>	<p>(c) Permitted only with the written authorisation of the chief executive officer of the local government.</p> <p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(e) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.</p> <p>(f) Conducting or taking part in an organised sporting activity of regional, State or national significance.</p> <p>(g) Operating a model aircraft propelled by a motor.</p>	<p>(e) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(f) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(g) Permitted only if —</p> <p>(i) the place at which the activity is to be undertaken is a place at which the local government has approved the undertaking of the activity; and</p> <p>(ii) authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(h) Using a megaphone, loud speaker, or other similar amplification device .</p>	<p>(h) Permitted only —</p> <p>(i) with the written authorisation of the chief executive officer of the local government; or</p> <p>(ii) if authorised under the conditions of an approval for a prescribed activity.</p>

		(i) The installation, erection or display of an advertisement or sign that is visible from a road or other public place.	(i) Permitted only if authorised under the conditions of an approval for a prescribed activity.
5	All local government accommodation parks within the local government area.	(a) Lighting or maintaining a fire in the open.	(a) Permitted only —  (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or  (ii) with the written authorisation of an authorised person.
		(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at an accommodation site at a local government accommodation park.	(b) Permitted only if—  (i) the person undertaking the activity maintains the accommodation site and any caravan or complementary accommodation on the accommodation site in a clean and sanitary condition; and  (ii) the person deposits all waste in a waste container, or a waste disposal system, provided by the local government for the purpose; and  (iii) the person does not use facilities at the local government accommodation park in a way that makes them unclean or unsanitary; and  (iv) the person who occupies the accommodation site allows onto the site no more persons than the limit fixed under a relevant approval or as

			<p>notified by notice displayed by the local government at the local government accommodation park; and</p> <p>(v) the person pays all fees, if applicable, for use of the accommodation site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government accommodation park; and</p> <p>(vii) at the end of the period of occupation of the accommodation site — the person vacates and leaves the accommodation site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the accommodation site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the accommodation site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that not more than 1 tent or other accommodation</p>
--	--	--	---



			<p>occupies an accommodation site at the accommodation park; and</p> <p>(xii) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government accommodation park.</p>
<p>6</p>	<p>The boat ramps and landings within the local government area identified in schedule 6.</p>	<p>(a) Driving or standing a vehicle on a boat ramp.</p> <p>(b) Launching or retrieving a ship at a boat ramp.</p> <p>(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.</p> <p>(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.</p> <p>(e) Taking or driving a vehicle onto a boat ramp.</p>	<p>(a) Permitted only to launch or retrieve a ship from the boat ramp.</p> <p>(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.</p> <p>(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.</p> <p>(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.</p> <p>(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than—</p> <p>(i) 5 tonnes; or</p> <p>(ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a greater mass—the greater mass.</p>

		<p>(f) Taking or driving a vehicle onto a landing.</p> <p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(f) Permitted only if—</p> <ul style="list-style-type: none"> <li>(i) the local government erects on or near the landing a notice that— <ul style="list-style-type: none"> <li>(A) is approved by the local government; and</li> <li>(B) authorises the taking or driving of a vehicle on the landing for the purpose mentioned in paragraph (ii); and</li> <li>(C) states the maximum mass of the vehicle and its load (if any) together with any trailer that the vehicle is towing and its load (if any) that may be taken or driven on the landing; and</li> </ul> </li> <li>(ii) the vehicle is taken or driven on the landing only to take goods or passengers to, or pick up goods or passengers from, a ship moored at the landing.</li> </ul> <p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>
<p>7</p>	<p>All local government offices, libraries and depots within the local government area, including each local government office, library and depot identified in schedule 6.</p>	<p>(a) The activity of a person bringing onto, or permitting or allowing an animal to remain on, the local government office, library or</p>	<p>(a) Permitted only if—</p> <ul style="list-style-type: none"> <li>(i) the animal is a certified guide, hearing or assistance dog; and</li> <li>(ii) the person is the handler of the certified guide, hearing or assistance dog.</li> </ul>

		<p>depot.</p> <p>(b) Entering or remaining at a local government office, library or depot, or a part of a local government office, library or depot.</p>	<p>(b) Permitted if—</p> <p>(i) the local government office, library or depot, or relevant part of the local government office, library or depot, is a public place; and</p> <p>(ii) if the local government erects on or near the local government office, library or depot, or the relevant part of the local government office, library or depot, a notice that is approved by the local government which authorises entry to the local government office, library or depot, or the relevant part of the local government office, library or depot—the person complies with the requirements of the notice.</p>
--	--	--	--

**Schedule 3      Motor vehicle access areas in local  
government controlled areas**

Sections 6 and 7

<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
No motor vehicle access area declared.	

**Schedule 4      Opening hours for local government  
controlled areas**

Section 8

<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours<sup>1</sup></b>
All parks and reserves in the local government area.	Between the hours of sunrise and sunset, unless the local government has installed lighting at the park or reserve to facilitate the use of the park or reserve by the public during the hours from sunset to sunrise and the lighting is operational.

---

<sup>1</sup> Public holidays excepted.

**Schedule 5      Permanent closure of local government  
controlled areas**

Section 9

No local government controlled area described.

## Schedule 6 Identification of local government controlled areas

### Section 5

#### Local government cemeteries

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Bajool Cemetery	Operating Cemetery	18 School Street, Bajool	2	SP163920
Gracemere Cemetery	Operating Cemetery	Corner Fisher and Bland Streets, Gracemere	326 1	LN2897 SP163921
North Rockhampton Cemetery	Operating Cemetery	Yaamba Road, Norman Gardens	235	LN2505
Mt Morgan Cemetery	Operating Cemetery	Burnett Highway, Mt Morgan	184	C8190
Rockhampton Memorial Gardens	Operating Cemetery	21 Hartington Street, Lakes Creek	62	CP891377
South Rockhampton Cemetery	Closed Cemetery	113-171 Upper Dawson Road, Allentown	1	RP604898

#### Boat ramps and landings

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
North bank of Fitzroy River	Boat Ramp	Reaney Street, Berserker		
North bank of Fitzroy River	Boat Ramp	Reaney Street, The Common		
North bank of Fitzroy River	Boat Ramp	Larcombe Street		
South bank of Fitzroy River	Boat Ramp	Rockhampton Ski Gardens via Huet Street, Wandal		
South bank of Fitzroy River	Jetty	Rockhampton, Derby Street		
South Side of Dee River Dam	Boat Ramp	Mount Morgan, Dee River		
South bank of Fitzroy River	Boat Ramp	Rockhampton, Quay Street		
South bank of Fitzroy River	Floating Walkway	Rockhampton, Quay Street		
Port Alma	Boat Ramp	Port Alma, Port Alma Road		

#### Local government swimming pools

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Gracemere Swimming Pool	Swimming Pool	Cedric Archer Sports Complex Fisher Street, Gracemere	1	LN837879
Mount Morgan Swimming Pool	Swimming Pool	Thompson Avenue, Mt Morgan	1	SP187981
World War II Memorial Aquatic Centre	Swimming Pool	Lion Creek Road, Wandal	41	SP240869
42nd Battalion Memorial Pool	Swimming Pool	330-360 Berserker Street, Frenchville	2	SP175995

#### Local government office

Facility Common Name	Description	Street Address	Real Property Description	
			Lot	Plan
Local government public office	Public office	232 Bolsover Street, Rockhampton	3 11	R2616 SP254998



## Schedule 7 Dictionary

### Section 4

**accommodation**, at a local government accommodation park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

**accommodation park** means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**accommodation site**, at a local government accommodation park, means a part of the local government accommodation park which is designated for a single accommodation of a particular type.

**animal** has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

**authorised person** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**boat ramp**—

- (a) means a ramp or other device or structure used or capable of use or designed or intended for use for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government; and
- (b) includes any area of foreshore used or capable of use, for the purpose of launching and retrieving a trailable vessel and which is the property of, or under the control of, the local government.

*Example—*

The slope of an area of foreshore may make the area capable of use for the purpose of launching and retrieving trailable vessels despite the fact that no device or structure has been constructed on the area of foreshore for the purpose of the launching and retrieving of trailable vessels.

**building** has the meaning given in the *Building Act 1975*.

**camping**, at a place, includes sleeping, occupying or remaining overnight at the place.

**caravan** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**certified guide, hearing or assistance dog**, has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**complementary accommodation** has the meaning given in *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2019*.

**driver** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**emergency services officer** means—

- 
- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
  - (b) an officer of the Queensland Fire and Emergency Services or a Fire and Emergency Services of another State; or
  - (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
  - (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
  - (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
  - (f) an officer of Disaster Management Queensland.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**footpath** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**goods** includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

**grid** means a structure designed to —

- (a) permit the movement of pedestrian or vehicular traffic along a road; but
- (b) prevent the passage of livestock.

**handler** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**holder**, of burial rights—

- (a) means the lawful holder of the right to inter human remains or ashes within a local government cemetery; and
- (b) a holder of burial rights has the right to be buried or interred and be identified or allocated a site and to authorise the burial or interment of others in the site; and
- (c) a holder of burial rights may transfer the rights with the consent of the local government.

**interfere** means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

**land** has the meaning given in the *Planning Act 2016*.

**landing** includes jetty, pontoon and wharf.

**local government accommodation park** means an accommodation park under the control of the local government, including an accommodation park located on land owned by the local government or on land for which the local government is the trustee.

**local government cemetery** has the meaning given in *Local Law No. 1 (Administration) 2011*.

**local government employee** has the meaning given in the *Local Government Act 2009*.

**local government office** includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

**local government swimming pool** means a swimming pool under the control of the local government, including a swimming pool located on land owned by the local government or on land for which the local government is the trustee.

**memorial** includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

**motor vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**non-public place** means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
  - (i) an authorised person; or
  - (ii) a notice displayed at a prominent place at—
    - (A) if the whole of the local government office is a non-public place—the local government office; or
    - (B) if a part of the local government office is a non-public place—the part of the local government office.

**occupier**, of land, means the person who reasonably appears to be the occupier of, or in charge of, the land.

**park** —

- (a) means a public place which the local government has set apart for park, recreational or environmental purposes; and

- (b) includes land designated as a park in the planning scheme of the local government.

**plant** has the meaning given in the *Biosecurity Act 2014*.

**public office** has the meaning given in the *Local Government Act 2009*.

**public place** —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

**reserve**—

- (a) means —
  - (i) land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act; and
  - (ii) other land held in trust by the local government which the local government has set apart for recreational or environmental purposes; and
- (b) includes land designated as a reserve in the planning scheme of the local government.

**responsible person**, for a gate or grid installed across a road, means each of the following persons—

- (a) the person who installed the gate or grid, or the gate and the grid;
- (b) the person for whose use or benefit the gate or grid, or the gate and the grid, were installed;
- (c) the person who has the benefit of the gate or grid, or the gate and the grid installed across the road.

**road** has the meaning given in the *Local Law No. 1 (Administration) 2011*.

**scheduled collection day**, for a standard general waste container, means the day of the week on which the local government has arranged for the collection of waste from the standard general waste container.

**sewerage system** has the meaning given in the *Plumbing and Drainage Act 2002*.

**ship** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

**shopping trolley** means a wheeled basket or frame used for transporting purchases from a supermarket or shop.

**standard general waste container** means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government area.

**stormwater drain** has the meaning given in the *Local Government Act 2009*.

**street performing**—

- (a) means a musical, theatrical or other type of performance undertaken by a person to entertain the public; and
- (b) includes both a performance undertaken by the person for voluntary reward and a performance undertaken by the person in circumstances where no reward, either voluntary or otherwise, is sought by the person.

**structure** has the meaning given in the *Local Government Act 2009*.

**swimming pool** has the meaning given in the *Building Act 1975*.

**unregistered**, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*, means that the vehicle is not a registered vehicle.

**utility installation** means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

**utility maintenance** means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

**vegetation** means trees, plants and all other organisms of vegetable origin (whether living or dead).

**vehicle** has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

**waste** has the meaning given in the *Environmental Protection Act 1994*.

**water supply system** has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 36 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the            day of            2019.

.....  
Chief Executive Officer

# **GATES AND GRIDS POLICY AND LOCAL LAW MAKING PROCESS**

## **Local Law (Repealing) Local Law (No. 2) 2019**

**Meeting Date: 1 October 2019**

**Attachment No: 3**

# Local Law (Repealing) Local Law (No. 2) 2019

## Contents

---

1	Short title.....	2
2	Commencement .....	2
3	Local law repealed.....	2
4	Expiration.....	2

**1 Short title**

This local law may be cited as *Local Law (Repealing) Local Law (No. 2) 2019*.

**2 Commencement**

This local law commences on the date notice of the making of the local law is published in the gazette.

**3 Local law repealed**

This local law repeals *Livingstone Shire Council (Gates and Grids) Local Law No. 3*.

**4 Expiration**

This local law expires on the day after notice of the making of the local law is published in the gazette.

This and the preceding page bearing my initials is a certified copy of *Local Law (Repealing) Local Law (No. 2) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the                      day of *(insert the date of the relevant resolution of Council)* 2019.

.....  
Chief Executive Officer



# **GATES AND GRIDS POLICY AND LOCAL LAW MAKING PROCESS**

## **Gates and Grids Policy**

**Meeting Date: 1 October 2019**

**Attachment No: 5**

## GATES AND GRIDS POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to gates and grids across a road under Rockhampton Regional Council's control.  
This policy does not apply to gates and grids located on property boundaries.

#### 2 Purpose

The purpose of this policy is to outline Council's approach for managing gates and grids installed across Council controlled roads. Related Documents

##### 2.1 Primary

Nil

##### 2.2 Secondary

*Anti-Discrimination Act 1991*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*

*Subordinate Local Law No. 1.17 (Gates and Grids) 2019*

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*

*Transport Operations (Road Use Management) Act 1995*

Capricorn Municipal Development Guidelines - Heavy Duty Cattle Grid Standard Drawing CMDG-G-020 and 6.0m Gate Detail Standard Drawing CMDG-G-019

Department of Transport and Main Roads Manual of Uniform Traffic Control Devices

Fees and Charges Schedule

Refund, Exemption and Reduction of Fees and Charges Policy

#### 3 Definitions

To assist in interpretation, the following definitions apply:

Authorised Person	A person who is appointed under the <i>Local Government Act 2009</i> and other Acts to ensure that members of the public comply with the relevant Local Government Acts in relation to the local government and the Region.
Council	Rockhampton Regional Council
Gate	As defined in <i>SLL 1.17</i> , a hinged or sliding barrier used to close an opening in a wall, fence or hedge
Grid	As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i> , a structure designed to:

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Draft	Department:	Community Services
Version:	1	Section:	Development Engineering
Reviewed Date:		Page No:	Page 1 of 5

	(a) Permit the movement of pedestrian or vehicular traffic along a road; but (b) Prevent the passage of livestock.
MUTCD	Manual of Uniform Traffic Control Devices
Responsible Person	As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019</i> , for a gate or grid installed across a road, means each of the following persons: (a) The person who installed the gate or grid, or the gate and the grid; (b) The person for whose use or benefit of the gate or grid, or the gate and the grid, were installed; (c) The person who has the benefit of the gate or grid, or the gate and the grid installed across the road.
Road	As defined in <i>Local Law No. 1 (Administration) 2011</i> : (a) A road as defined in the <i>Local Government Act 2009</i> , section 59; and (b) A State-controlled road: (i) Prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and (ii) In respect of which the chief executive has given written agreement under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 66(5)(b).
SLL1.17	<i>Subordinate Local Law No. 1.17 (Gates and Grids) 2019</i>

#### 4 Policy Statement

In order to minimise unreasonable nuisance and the potential for motorists to be exposed to safety hazards whilst utilising a road.

Council does however acknowledge that a gate, or a gate and grid may be required under certain circumstances for genuine primary production purposes where other methods of controlling livestock, such as fencing is impractical. This policy will ensure that where a gate, or a gate and grid are permitted they are installed, managed and maintained to an acceptable and consistent standard which minimises unreasonable nuisance and safety risk to road users.

Council will not approve the installation of a grid without a gate.

##### 4.1 Prescribed Activities and Compliance with Local Laws

The installation of a gate, or a gate and a grid across a road, and being a responsible person for a gate, or a gate and a grid across a road are prescribed activities within Council's SLL1.17. Such activities must be approved and remain compliant in accordance with this subordinate law.

##### 4.2 Application for Approval

Applicants must conform to Council's SLL1.17 and apply to Council to:

- (a) Install a new gate, or gate and a grid across a road;
- (b) Transfer ownership of an existing approved gate or grid, or gate and a grid installed across a road; and
- (c) Seek approval of an existing gate, grid, or gate and grid installed across a road.

Applicants seeking approval for any of the above must complete the Road Reserve Works (Gates and Grids) Application Form located on Council's website and submit with required supporting documentation and application fee.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Draft	Department:	Community Services
Version:	1	Section:	Development Engineering
Reviewed Date:		Page No:	Page 2 of 5

Applications received will be assessed within 10 working days in accordance with the criteria specified within SLL1.17 and this policy. If approved a permit for a two year term will be issued to applicants. A permit maybe renewed for a further two year period upon application.

Council reserves the right to:

- (a) Terminate approval;
- (b) Refuse to renew the approval; and
- (c) Refuse to transfer the approval,

If:

- (a) Changes occur to the classification or alignment of the road on which it is situated;
- (b) There is a demonstrated change in road usage patterns;
- (c) The original purpose of the gate or gate and grid no longer exists; or
- (d) The gate or grid or gate and grid is not compliant.

**4.2.1 Application Assessment - Proposed Installation of new Gate, or Gate and Grid**

Applications will be assessed in accordance with the criteria specified in SLL1.17 and with consideration to the following:

- (a) The current need to contain livestock and if an alternative method is available;
- (b) Applications will generally only be considered on roads that are unfenced, or partly fenced;
- (c) If the proposed gate or gate and grid will allow current road usage to continue;
- (d) Submissions received from residents directly impacted in relation to the application;
- (e) The characteristics of the road assessed as follows:

Table of Assessment			
Road Class	Vehicle Count	Sealed	Unsealed/unformed/ formed
10	<10	Grid with Gate	Gate
30	10-30	Grid with Gate	Gate
75	30-75	Grid with Gate	Grid with Gate
100	75-100	Consideration may be given for Grid with Gate	
125	100-125	Not acceptable.	
150	125-150	Not acceptable	
199	>150	Not acceptable.	

Council may consider applications on roads with higher traffic volumes in special circumstances where considered reasonably appropriate.

**4.2.2 Approval Transfers on Property Sales**

If the responsible person sells their property, the responsible person must notify Council to cancel their approval thus cancelling their responsibility for the gate or grid, or gate and grid that was covered by the approval. Fees paid previously will not be refunded when the approval is cancelled.

New property owners will have 30 days to make an application for an approval to be transferred to a new responsible person.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Draft	Department:	Community Services
Version:	1	Section:	Development Engineering
Reviewed Date:		Page No:	Page 3 of 5

If a transfer application has not been received by a new property owner within 30 days Council will consider the gate or grid, or gate and grid to be non-compliant/abandoned and will commence procedures as set out in paragraph 5.4 of this policy.

There is no fee associated with a transfer application and approvals applied to transfers shall apply to the end of the current approval period for the approval just cancelled.

**4.2.3 Approval of Existing Gate, Grid, or Gate and Grid**

For an existing gate, grid, or gate and grid installed prior to <policy adoption date>, an application for approval must be sought by the owner. Such approval shall be subject to the conditions of the approval. The gate or grid, or gate and grid will be audited by Council for compliance with the conditions of approval. If the gate or grid, or gate and grid is found to be non-compliant the non-compliance will be managed in accordance with paragraph 5.4 of this policy.

**4.2.4 Approval Renewals**

Council will issue a renewal notice 30 days before the approval expires. If the approval is not renewed before expiry Council will consider the gate or grid, or gate and grid to be non-compliant/abandoned and will commence procedures as set out in paragraph 5.4 of this policy.

**4.3 Obligations of Responsible Person**

The responsible person is responsible for:

- (a) Notifying directly affected property owners/occupiers of any proposed works no later than two weeks prior to proposed commencement of the works;
- (b) Carrying out all work and bearing all costs associated with the signage, installation and maintenance of a gate, or a gate and grid in accordance with the approved specifications and to the satisfaction of an Authorised Person;
- (c) Ensuring compliance at all times with the standards as specified in the approval and being personally liable for any damage or injury caused by the structure;
- (d) Constructing drainage in association with the gate, grid or a gate and grid to ensure that no damming or ponding of stormwater run-off occurs on the road, road reserve or adjoining property or approaches;
- (e) Displaying temporary and permanent signage during construction and/or maintenance in accordance with the Department of Transport and Main Roads MUTCD;
- (f) Undertaking compliance inspections of the structure and submitting the required documentation at intervals specified within the conditions of approval; and
- (g) Maintaining public liability insurance and providing Council with a Certificate of Currency.

**4.4 Abandoned or Non-Compliant Gate, Grid or Gate and Grid**

**4.4.1 Abandoned Gate, Grid or Gate and Grid**

Where an authorised person considers that a gate, grid or a gate and grid is abandoned Council will:

- (a) Take reasonable steps to identify the owner of the structure;
- (b) Where an owner has been identified, issue a notice to the owner to advise of their responsibilities under SLL1.17 and this policy, and request that the person seek approval for the prescribed activity within a specified timeframe. Should the owner fail to comply with the notice, Council will remove the structure with the costs recoverable from the property owner.
- (c) Where the owner cannot be identified Council will remove the structure and impound in accordance with Council's local laws.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Draft	Department:	Community Services
Version:	1	Section:	Development Engineering
Reviewed Date:		Page No:	Page 4 of 5

#### 4.4.2 Non-compliant Gate, Grid or Gate and Grid

Where the owner/responsible person is known to Council, Council will liaise with the owner/responsible person to ensure that the gate, grid or the gate and grid installed across a road conforms to requirements. Should the owner/responsible person fail to comply, Council will undertake compliance and enforcement action in accordance with Council's local laws.

#### 4.5 Fees and Charges

An application fee, annual fee and renewal fee applies as per Council's adopted Fees and Charges Schedule for the current financial year.

An application fee will not apply where an application is received by Council before 30 June 2020 for an existing gate, grid, or gate and grid installed prior to the adoption of this policy.

There is no fee associated with a transfer application.

Application fees are not refundable if an application for an approval is refused. Fees may be refunded as per Council's Refund, Exemption and Reduction of Fees and Charges Policy.

#### 5 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

#### 6 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Draft	Department:	Community Services
Version:	1	Section:	Development Engineering
Reviewed Date:		Page No:	Page 5 of 5

---

## 11.6 PLANNING SCHEME MAJOR AMENDMENT AND FINAL STATE INTEREST REVIEW

**File No:** RRPS-PRO-2015/001-01-06

**Attachments:** 1. Pause Notice issued by DSDMIP [↓](#)

**Authorising Officer:** Cameron Wyatt - Coordinator Strategic Planning  
Angus Russell - Manager Strategy and Planning  
Drew Stevenson - Acting General Manager Corporate Services

**Author:** Alyce James - Strategic Planner

---

### SUMMARY

*The Department of State Development, Manufacturing, Infrastructure and Planning has advised Council that some changes made in response to and following the public consultation are significantly different from the publicly advertised version of the major amendment to the Rockhampton Region Planning Scheme. These changes refer to the lowering of the level of assessment for total demolition of a character building from impact assessable to code assessable and the removal of minor demolition.*

### OFFICER'S RECOMMENDATION

THAT Council resubmit the Rockhampton Region Planning Scheme Major Amendment in accordance with the changes recommended within this report to the Department of State Development, Manufacturing, Infrastructure and Planning to continue the Ministerial Review process.

### COMMENTARY

The publicly notified version of the major amendment to the planning scheme underwent public consultation between 15 April 2019 and 14 June 2019. Changes were made to the major amendment resulting from submissions received in relation to the character overlay table of assessment and overlay code. These changes were considered and endorsed by Council on 6 August 2019.

The amended version of the planning scheme was submitted to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the final State Interest Review on 9 August 2019.

The changes made from the publicly advertised version of the planning scheme must not be "significantly different", otherwise, Council would be required to undergo public consultation again.

If the local government changes the proposed planning scheme and the changes result in the scheme being **significantly different** to the version released for public consultation, the local government must recommence public consultation.

In making the determination of whether a change is "significantly different", the local government should consider if the change has affected or altered:

- a) a material planning issue, such as a policy position;
  - b) a significant proportion of the area or land owners covered by the proposed planning scheme;
  - c) a matter which is of widespread public interest throughout the local government area and would be likely to generate multiple public submissions;
  - d) the level of assessment; or**
  - e) the proposed planning scheme so that it is quite different to that which was released for public consultation.
-

On 12 September 2019, DSDMIP has determined that lowering the level of assessment of 'total demolition' from Impact Assessment to Code Assessment and the removal of 'minor demolition' from the tables of assessment, is "significantly different" from the advertised version of the planning scheme.

The original changes were in response to submissions received (total demolition) and the modification of minor demolition to partial demolition is to rectify a drafting error within the table of assessment for the character overlay.

### **Options**

**1) Council update the proposed planning scheme amendment with the following changes:**

- (a) total demolition be reinserted as Impact assessable development within the tables of assessment; and
- (b) minor demolition be changed to partial demolition and inserted into the table of assessable as code assessable development.

This option is preferred as the changes outlined above would not result in the major amendment being significantly different to the publicly advertised version. DSDMIP have provided advice to confirm this. In addition, the drafting error is rectified, and further public consultation would not be required. Council would need to advise those submitters, which specifically mentioned total and minor demolition, the interpretation of minor demolition works and the levels of assessment used within the table of assessment for the character overlay (twelve submitters in total would need to be advised).

**2) Council advise the Department to continue with the assessment of the Rockhampton Region Planning Scheme Major Amendment with no further changes.**

Advising DSDMIP to continue with the assessment of the planning scheme, without any changes will ensure a decision is made in the short term, however DSDMIP officers are likely to recommend that the change is significantly different under the *Planning Act 2016*. The Minister may refuse the major amendment, resulting in all amendments not being approved, including the proposed Kershaw Gardens and Fitzroy River fishing precincts.

**3) Council undertake public consultation for the proposed changes to the Rockhampton Region Planning Scheme Major Amendment.**

Currently, the proposed changes would require Council to recommence public consultation, as DSDMIP have determined them to be significantly different under the *Planning Act 2016*.

It would be desirable with the upcoming local government election, that the major amendment be adopted, prior to the caretaker period.

If Council was to undergo this additional public consultation, it is highly unlikely that the major amendment would be adopted, prior to the commencement of the caretaker period and the local government election. If this option were to be pursued, advertising the planning scheme would be undertaken in accordance with the requirements of the *Planning Act 2016* with the minimum consultation period being 20 business days.

### **CONCLUSION**

Council is required to respond to the Pause Notice issued by the Department of State Development, Manufacturing, Infrastructure and Planning. Three Options are presented to Council for consideration being to resubmit the major amendment with changes, re-advertise with changes, or advise the DSDMIP to continue with their assessment.





**PLANNING SCHEME MAJOR  
AMENDMENT AND FINAL STATE  
INTEREST REVIEW**

**Pause Notice issued by DSDMIP**

**Meeting Date: 1 October 2019**

**Attachment No: 1**



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

Our reference: TP-00093  
Your reference: RRPS-PRO-2015/001-01-06

12 September 2019

Mr Evan Pardon  
Chief Executive Officer  
Rockhampton Regional Council  
[enquiries@rrc.qld.gov.au](mailto:enquiries@rrc.qld.gov.au)

Attention: Cameron Wyatt

Dear Mr Pardon

**Notice of request for further information and to pause a timeframe**

I refer to the proposed major amendment to the Rockhampton Region Planning Scheme (the amendment) that is being carried out under the tailored process under the notice issued under section 18 of the *Planning Act 2016*.

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) has carried out a review of documentation provided with the request received 9 August 2019 for approval to adopt the amendment. The department has determined that additional information is needed. Under the provisions of the section 18 notice, I give notice requesting the following information:

1. Further details to support Rockhampton Regional Council's determination that the version of the planning scheme submitted on 9 August 2019 is not significantly different from the public consultation version, in particular regarding:
  - a. lowering the level of assessment under the character overlay from impact assessable to code assessable for building work involving total demolition or relocation of a building.
  - b. building work involving minor demolition no longer being code assessable under the character overlay.

I also give notice that the timeframe for the proposed amendment has been paused until the request for further information outlined above is satisfied.

Upon satisfactory receipt of the requested information (including revised provisions, if relevant) the pause notice will be withdrawn or alternatively, the process will resume at step 28 of the section 18 notice on 11 October 2019.

If you require further information, I encourage you to contact Tracey Beath, Senior Planning Officer, Planning and Development Services, by email at [bestplanning-FC@dsdmip.qld.gov.au](mailto:bestplanning-FC@dsdmip.qld.gov.au) or on (07) 4924 2917.

Yours sincerely



Anthony Walsh  
Manager Planning

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

## **14 URGENT BUSINESS/QUESTIONS**

*Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting*

## 15 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.

### RECOMMENDATION

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 Regional Motor Sport Precinct - Preliminary Investigation

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.

#### 16.2 Quay Street Paver Rectification

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.

#### 16.3 Chief Executive Officer Monthly Report

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.

#### 16.4 Chief Executive Officer - Annual Performance Review

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.



## 16 CONFIDENTIAL REPORTS

### 16.1 REGIONAL MOTOR SPORT PRECINCT - PRELIMINARY INVESTIGATION

**File No:** 6913

**Attachments:**

1. Map of potential sites
2. Preliminary Investigation Report

**Authorising Officer:** Cameron Wyatt - Coordinator Strategic Planning  
Angus Russell - Manager Strategy and Planning  
Drew Stevenson - Acting General Manager Corporate Services

**Author:** Alyce James - Strategic Planner

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 discusses the potential for a multi-use motor sport precinct within the region.*

**16.2 QUAY STREET PAVER RECTIFICATION****File No:** 11359**Attachments:** Nil**Authorising Officer:** Peter Kofod - General Manager Regional Services**Author:** Andrew Collins - Manager Project Delivery

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**

*That the report outlines the proposal to replace areas of cracked pavers in Quay Street and undertake further investigation works during the trial to confirm cause of failure.*

**16.3 CHIEF EXECUTIVE OFFICER MONTHLY REPORT****File No:** 1830**Attachments:** Nil**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

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**

*Chief Executive Officer presenting monthly report for the period ending 23 September 2019.*

**16.4 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE REVIEW****File No:** 6947**Attachments:** Nil**Authorising Officer:** Tracy Sweeney - Manager Workforce and Governance**Author:** Tracy Sweeney - Manager Workforce and Governance

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 is presented for Councillors to consider the annual performance review and the setting of key performance indicators for the Chief Executive Officer.*

**17 CLOSURE OF MEETING**