



# **ORDINARY MEETING**

## **MINUTES**

**13 OCTOBER 2020**

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## MEETING ATTACHMENTS

**ANNEXURE A - Documents presented for reference to Item 5**

**ANNEXURE B - Documents presented for reference to Item 11.1**

**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 13 OCTOBER 2020 COMMENCING AT 9:04AM**

## **1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer presented by Pastor David Alley from Peace Christian Church

## **2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)  
Deputy Mayor, Councillor N K Fisher  
Councillor S Latcham  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor D Kirkland

In Attendance:

Mr E Pardon – Chief Executive Officer  
Mr R Cheesman – Deputy Chief Executive Officer  
Ms T Fitzgibbon – Coordinator Development Assessment  
Mr C Wyatt - Coordinator Strategic Planning  
Mr T Gardiner – Senior Planning Officer  
Ms L Leeder – Senior Committee Support Officer  
Ms K Walsh – Committee Support Officer

Via Webex:

Ms A Cutler – General Manager Community Services  
Mr P Kofod – General Manager Regional Services  
Mr A Pont – Manager Parks  
Ms T Sweeney – Executive Manager Workforce and Governance  
Mr D Morrison – Manager Office of the Mayor  
Mr D Scott – Manager Planning and Regulatory Services  
Ms A Brennan – Coordinator Legal and Governance  
Mr J McCaul – Coordinator Development Engineering  
Ms A James – Strategic Planner

*Note: To comply with social distancing measures the number of people permitted at any one time in Council Chambers is 14, with attendance in the room managed accordingly.*

## **3 APOLOGIES AND LEAVE OF ABSENCE**

Leave of Absence for the meeting was previously granted to Councillor Tony Williams.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 22 September 2020 be confirmed.

**Moved by:** Councillor Latcham

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

### COUNCIL RESOLUTION

THAT the minutes of the Special Meeting of 30 September 2020 be confirmed with an amendment to Councillor Kirkland's declaration of interest wording to appropriately reflect the interest:

'I, Councillor Kirkland declare a Material Personal Interest in Item 6.1 – Economic Opportunities as I am a Company Director of Dalkrik Pty Ltd trading as Ultra Tune, a business tenant at 55 Gladstone Road, Allenstown and will be dealing with this interest by leaving the room when the matter is discussed and voted on.'

**Moved by:** Councillor Smith

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

## 5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

9:09AM

"I, Councillor Cherie Rutherford inform the meeting that I have a prescribed conflict of interest in Item 6.1 - Business Outstanding Table, Number 1: Rockhampton Police Citizens Youth Welfare Association Building Ownership as I have been previously been employed by PCYC and expect to be employed again in the future. I will be dealing with this prescribed conflict of interest by leaving the meeting while the matter is discussed and voted on."

"I, Councillor Cherie Rutherford inform the meeting that I have a declarable conflict of interest in Item 6.1 - Business Outstanding Table, Number 5: Motorsport Master Planning and Community Engagement and Item 11.4 - Motorsport Precinct, as my cousin Sandra Boag and her husband Ian Boag own a property in the vicinity of the land identified for the motorsport precinct. In addition Council are now holding discussions with various proposed user groups which includes Speedway (solo motorbikes). My family through my father, Ken Mathers a former rider, has a historical link to Speedway and my Uncle Winston Mathers is still involved locally with the sport. Further my husband Michael and I volunteer during Speedway events on occasion. When all this information is pieced together I acknowledge it could be perceived that I have a declarable conflict of interest in this matter and will leave the meeting while the matter is discussed and voted on."

"I, Councillor Ellen Smith, inform the meeting that I have a declarable conflict of interest in Item 6.1 on the Business Outstanding Table, Number 5: Motorsport Master Planning and Community Engagement as I am related to Gerard Halberstater who owns an adjoining property of land which is identified in the report and I will be dealing with this declarable conflict of interest by leaving the meeting while this matter is discussed and voted on."

"I, Councillor Ellen Smith, inform the meeting that I have a declarable conflict of interest in Item 11.4 – Motorsport Precinct, as I am related to Gerard Halberstater who owns an adjoining property of land which is identified in the report and I will be dealing with this declarable conflict of interest by leaving the meeting while this matter is discussed and voted on."

"I, Mayor Margaret Strelow inform the meeting of a declarable conflict of interest in Item 11.8 - Redirection of Existing Funding as I own a number of properties which will be protected by the South Rockhampton Flood Levee, along with my daughter Priscilla Jasperson and her husband Aaron Jasperson who also owns property in the area, and I will be dealing with this declarable conflict of interest by leaving the room when the matter is discussed and voted on."

"I, Councillor Kirkland inform the meeting of a declarable conflict of interest in Item 11.8 - Redirection of Existing Funding as my husband Brett Kirkland and I are the Proprietors of Dalkrik Pty Ltd t/as Ultra Tune South Rockhampton, located as tenants at 55 Gladstone Road, Allenstown, the business would stand to benefit from the Rockhampton Flood Levee."

"I acknowledge that eligible Councillors must now determine, pursuant to section 150ES of the Local Government Act 2009, whether I:

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting and stay away from the meeting while the eligible Councillors discuss and vote on the matter."

9:22AM Mayor, Councillor Strelow left the meeting room as she had notified of a declarable conflict of interest in this item and was not eligible to participate in the decision making.

9:22AM Deputy Mayor, Councillor Fisher assumed the Chair.

Councillor Kirkland provided the following statement: "I would like to pose to Council that our business, given number one that we are just tenants at that particular property and that the business doesn't represent a larger portion than the greater majority that would be affected by the flood levee, that I wouldn't stand to gain or lose anything greater than the majority of the people in the region."

### **COUNCIL RESOLUTION**

Councillor Ellen Smith moved that Councillor Kirkland does not have a conflict and can remain in the meeting.

**Moved by: Councillor Smith**

**Seconded by: Councillor Fisher**

### **MOTION LOST**

The meeting determined that Councillor Kirkland will leave the meeting when the matter is being discussed and voted on.

9:35AM Mayor, Councillor Strelow returned to the meeting room and resumed the Chair.

## 6 BUSINESS OUTSTANDING

### 6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

<b>File No:</b>	<b>10097</b>
<b>Attachments:</b>	<b>1. Business Outstanding Table for Ordinary Council Meeting</b>
<b>Responsible Officer:</b>	<b>Evan Pardon - Chief Executive Officer</b>
<b>Author:</b>	<b>Evan Pardon - Chief Executive Officer</b>

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#### SUMMARY

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.*

9:37AM Councillor Rutherford left the meeting room having earlier informed the meeting of a prescribed conflict of interest.

#### COUNCIL RESOLUTION

THAT the item titled 'Rockhampton Police Citizens Youth Welfare Association Building Ownership' on the Business Outstanding table be received.

**Moved by: Mayor Strelow**  
**Seconded by: Councillor Smith**

#### MOTION CARRIED

9:38AM Councillor Rutherford returned to the meeting room.  
9:38AM Councillor Rutherford left the meeting room having earlier informed the meeting of a declarable conflict of interest.  
9:38AM Councillor Smith left the meeting room having earlier informed the meeting of declarable conflict of interest.

#### COUNCIL RESOLUTION

THAT the item titled 'Motorsport Master Planning and Community Engagement' on the Business Outstanding table be received.

**Moved by: Councillor Kirkland**  
**Seconded by: Councillor Fisher**

#### MOTION CARRIED

9:40AM Councillor Rutherford returned to the meeting room.  
9:40AM Councillor Smith returned to the meeting room.

#### COUNCIL RESOLUTION

THAT the Business Outstanding table for the Ordinary Council Meeting excluding the first item: Rockhampton Police Citizens Youth Welfare Association Building Ownership and Item 5 Motorsport Master Planning and Community Engagement, be received.

**Moved by: Mayor Strelow**  
**Seconded by: Councillor Latcham**

#### MOTION CARRIED

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil



**8 PRESENTATION OF PETITIONS**

Nil

## **9 COMMITTEE REPORTS**

### **9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 1 OCTOBER 2020**

#### **COUNCIL RESOLUTION**

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 1 October 2020 as circulated, be received and that the recommendations contained within these minutes be adopted.

**Moved by: Mayor Strelow**  
**Seconded by: Councillor Latcham**

**MOTION CARRIED**

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

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.1 ANNUAL FINANCIAL STATEMENTS 30 JUNE 2020**

**File No:** 9509  
**Attachments:** 1. 2019/2020 Annual Financial Statements  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Alicia Cutler - Chief Financial Officer

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**SUMMARY**

*Chief Financial Officer providing report on the 19/20 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 Draft Financial Statements for the period ended 30 June 2020 be received and any feedback be provided to the Mayor and CEO prior to final signing.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020**

**9.1.2 2020 CLOSING REPORT**

**File No:** 9509  
**Attachments:** 1. 2020 Closing Report 30 June 2020  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Michael Clerc - Acting Chief Financial Officer

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**SUMMARY**

*The report from Thomas Noble Russell is provided in regards to the final audit for 2020.*

**COMMITTEE RECOMMENDATION**

THAT the 2020 Closing Report 30 June 2020 be “received”.

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**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.3 ACTION PROGRESS REPORT**

**File No:** 5207

**Attachments:**

1. Retire Old Action Items List
2. All Open Overdue Items (H;M;L)

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

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

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**SUMMARY**

*The quarterly requested Action Progress Report is attached for information and updating the committee.*

*[1] A periodic clean-up of older and lower risk items has occurred and is now reflected in this updated report.*

*[2] The committee's input is requested, as key stakeholders, as to the extent of future reporting it desires. For example, management have requested consideration be given to the approach for reporting on external reviews – these items are currently included in the Action Progress Report, except for QAO related action items.*

**COMMITTEE RECOMMENDATION**

1. THAT the reports be received.
2. THAT the Audit and Business Improvement Committee request responses from the General Managers of the areas regarding outstanding recommendations.
3. THAT the Audit and Business Improvement Committee be provided an update of outstanding items over 12 months to the next meeting of the Audit and Business Improvement Committee.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020**

**9.1.4 CEO UPDATE [STANDING PLACEHOLDER]**

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

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**SUMMARY**

*The CEO will update the committee on any matters of importance.*

**COMMITTEE RECOMMENDATION**

THAT the CEO's update be received.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.5 2019-2020 AUDIT PLAN ACHIEVEMENT**

**File No:** 5207  
**Attachments:** 1. 2019-2020 Audit Plan Achievement  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The Achievement of the Annual Audit Plan is attached for the committee's information.  
The plan for the year has been achieved – Total Audit Days Achievement vs Planned.*

**COMMITTEE RECOMMENDATION**

THAT the 2019–2020 Audit Plan Achievement Report be received and noted.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020**

**9.1.6 2020-2021 AUDIT PLAN PROGRESS**

**File No:** 5207  
**Attachments:** 1. 2020-2021 Update  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The Audit Plan Progress Status report is attached for the committee's information.*

**COMMITTEE RECOMMENDATION**

THAT the Progress Report for the current Annual Audit Plan be received.



**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.7 REVIEW OF-FITNESS FOR WORK & SUITABLE DUTIES PRACTICES**

**File No:** 5207  
**Attachments:** 1. Review of Fitness for Work and Suitable Duties Practices  
**Authorising Officer:** John Wallace - Chief Audit Executive  
**Author:** John Wallace - Chief Audit Executive

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**SUMMARY**

*The Review of Fitness For Work and Suitable Duties Practices is finalised and is now presented to the Audit and Business Improvement Committee.*

**COMMITTEE RECOMMENDATION**

THAT the Review of Fitness For Work and Suitable Duties Practices, be received.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.8 REVIEW OF PLANT HIRE**

**File No:** 5207

**Attachments:**

1. Summary Report-Review of Plant Hire
2. Final Report-Review of Plant Hire

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

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

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**SUMMARY**

*The Review of Plant Hire is finalised and presented to the Audit and Business Improvement Committee.*

**COMMITTEE RECOMMENDATION**

THAT the Review of Plant Hire be received.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020**

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

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

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**SUMMARY**

*The Committee Chair will update the committee.*

**COMMITTEE RECOMMENDATION**

THAT the Chair's update be received.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.10 ENVIRONMENTAL MANAGEMENT [STANDING PLACEHOLDER]**

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

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**SUMMARY**

*The committee has requested updates from management on – Environmental Management for each meeting.*

**COMMITTEE RECOMMENDATION**

THAT the update on environmental management be received.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.11 ASSET MANAGEMENT [STANDING PLACEHOLDER]**

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

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**SUMMARY**

*The committee has requested updates from management on – Asset Management at each meeting.*

*For example, the status of the IT RAMP Project and other significant projects.*

**COMMITTEE RECOMMENDATION**

THAT the updates be received.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.12 LOSS / THEFT ITEMS - JUNE TO AUGUST 2020**

**File No:** 3911  
**Attachments:** 1. Loss/Theft Report - 1 June to 31 August 2020  
**Authorising Officer:** Drew Stevenson - Manager Corporate and Technology Services  
Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Kellie Anderson - Coordinator Property and Insurance

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**SUMMARY**

*Presenting details of the Loss / Theft register for the period 1 June to 31 August 2020.*

**COMMITTEE RECOMMENDATION**

THAT the Committee 'receives' the Loss/Theft Report for the period 1 June to 31 August 2020.

**Recommendation of the Audit and Business Improvement Committee, 1 October 2020****9.1.13 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

**File No:** 5207  
**Attachments:** 1. Legal Matters as at 30 June 2020  
**Authorising Officer:** Tracy Sweeney - Executive Manager Workforce and Governance  
**Author:** Travis Pegrem - Coordinator Workforce Relations and Ethics

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**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.

**10 COUNCILLOR/DELEGATE REPORTS**

Nil



## 11 OFFICERS' REPORTS

### 11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MANUFACTURING LIQUID FERTILISER (UREA-AMMONIUM NITRATE)) AND ENVIRONMENTALLY RELEVANT ACTIVITY 7 - CHEMICAL MANUFACTURING

**File No:** D/69-2020

**Attachments:**

1. Locality Plan
2. Site Plan
3. Floor Plan

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Aaron Pont - Acting General Manager Community Services

**Author:** Thomas Gardiner - Senior Planning Officer

#### SUMMARY

*Development Application Number:* D/69-2020

*Applicant:* Lake Fox Properties Pty Ltd

*Real Property Address:* Lot 102 on RP604012, Parish of Gracemere

*Common Property Address:* 162 Middle Road, Gracemere

*Area of Site:* 2.752 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Medium Impact Industry Zone

*Planning Scheme Overlays:* Creek Catchment Flood Overlay (Planning Areas 1 and 2)

*Existing Development:* Vacant Land

*Existing Approvals:* D/45-2020 – Development Permit for a Material Change of Use for a Transport Depot

*Approval Sought:* Development Permit for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing

*Level of Assessment:* Impact Assessable

*Submissions:* Fifty-two (52) submissions

*Referral Agency(s):* Department of State Development, Tourism and Innovation

*Infrastructure Charges Area:* Charge Area 1

*Application Progress:*

<i>Application Lodged:</i>	7 July 2020
<i>Confirmation Notice issued:</i>	7 July 2020
<i>Request for Further Information sent:</i>	17 July 2020

<i>Request for Further Information responded to:</i>	<i>22 July 2020</i>
<i>Submission period commenced:</i>	<i>24 July 2020</i>
<i>Submission period end:</i>	<i>13 August 2020</i>
<i>Government Agency Response:</i>	<i>19 August 2020</i>
<i>Last receipt of information from applicant:</i>	<i>7 September 2020</i>
<i>Statutory due determination date:</i>	<i>16 October 2020</i>

10:00AM Councillor Fisher left the meeting room.

10:04AM Councillor Fisher returned to the meeting room.

## **COUNCIL RESOLUTION**

### **RECOMMENDATION A**

That in relation to the application for a Development Permit for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing, made by Lake Fox Properties Pty Ltd, located at 162 Middle Road, Gracemere, described as Lot 102 on RP604012, Parish of Gracemere, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
  - 1.3.1 to Council’s satisfaction;
  - 1.3.2 at no cost to Council; and
  - 1.3.3 prior to the commencement of the use, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
  - 1.5.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Water Works (if required – refer Condition 6.3);
    - (v) Stormwater Works; and
    - (vi) Roof and Allotment Drainage;

- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

## 2.0 APPROVED PLANS AND DOCUMENTS

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

Drawing/report title	Prepared by	Date	Reference number	Rev
Site Plan	Design + Architecture (as amended in red by Council)	20 July 2020	SK-002	10
Proposed Floor Plan	Design + Architecture	20 July 2020	SK-003	8
Proposed Shed Slab & Bunded Storage Slab	Mitcon Projects	9 July 2020	MCP-RO-STDG- 001	A
Stormwater Management Plan	McMurtrie Consulting Engineers	22 November 2019	032-19-20	A
Stormwater Management - Detention Basin	McMurtrie Consulting Engineers	20 July 2020	0321920-9001	C
Swept Paths for western and eastern access	McMurtrie Consulting Engineers	25 June 2020	032-19-20	

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.
- ## 3.0 ROAD WORKS
- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.
- 3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 The southern side of Douglas Street must be widened for the full frontage of the site to an Industrial Access standard, including kerb and channel and drainage. The alignment of the new kerb and channel must be consistent with that of the new section of kerb and channel at the Macquarie Street end of Douglas Street. If the egress movements of a B-double / Road Train cannot be accommodated within the

sealed area of the roadway, it will be necessary to provide localised widening on the northern side of Douglas Street to accommodate these turn movements.

#### 4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in accordance with the approved site plan (refer to condition 2.1). All surface treatments must be constructed, operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- 4.4 Two (2) new accesses to the development must be provided in accordance with the approved plans (refer Condition 2.1).
- 4.5 B-double and Road Train (RT1) egress from the site must be limited to 'right out' only.
- 4.6 All vehicles must ingress and egress the development in a forward gear.
- 4.7 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

#### 5.0 SEWERAGE WORKS

- 6.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 6.2 All sewerage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network within 24 months of the commencement of use.

#### 6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated water network. Should it be necessary to extend the reticulated Council network to facilitate this, an Operational Works application (water works) will be required for these works.
- 6.4 A new water connection point must be provided. A hydraulic engineer or other

suitably qualified person must determine the size of connection required.

- 6.5 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.7 A temporary ablution block and above ground tank is permitted however the development must be connected to Council's reticulated sewerage network within 24 months from the commencement of use.
- 6.8 Any wastewater holding tank must be desludged / pumped out frequently and must be disposed of by a licensed contractor to an approved waste disposal facility.

#### 7.0 STORMWATER WORKS

- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering, concentrating or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by engineering plans with details of any new drainage systems including retention systems, inlet and outlet structures, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy.
- 7.6 The detention basin/bio basin as identified on the approved plans (refer to condition 2.1) must be landscaped in accordance with Council's requirements. Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by detailed plans and specifications for the detention basin, and the design must:
- 7.6.1 be suitable to the climate and incorporate predominately native species;
  - 7.6.2 maximise areas suitable for on-site infiltration of stormwater;
  - 7.6.3 incorporate shade trees; and
  - 7.6.4 demonstrate that all areas apart from garden beds are fully turfed or hydromulched.

The detailed design of the detention basin/s as identified on the approved plans (refer to condition 2.1), must ensure the safety of the public and/or tenants and where applicable include all required safety measures and facilities (for example, child proof fences). A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

#### 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the

development site.

- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 8.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

#### 9.0 SITE WORKS

- 9.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.3 All site works must be undertaken to ensure that there is:
- 9.3.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
  - 9.3.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
  - 9.3.3 a lawful point of discharge to which the approved works drain during construction phase.

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

#### 10.0 BUILDING WORKS

- 10.1 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 10.2 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 10.3 A one (1) metre high concrete block wall must be constructed as shown on the approved Site Plan (reference SK-002, Revision 10, as amended in red by Council). A bund must be constructed on the side of the wall facing Lot 96 on SP314608 and Lot 97 on RP604012 to protect diesel from the adjoining Transport Depot from encroaching into the ANSOL manufacturing site.

#### 11.0 ELECTRICITY

- 11.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

#### 12.0 TELECOMMUNICATIONS

- 12.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this

includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

12.2 The conduits, pipes and cables required by this condition are located on private land and therefore ownership of the conduits, etc. will be with the owner of the land or a carrier that uses the conduit to carry its cables.

12.3 The Telecommunications Act 1997 (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

12.4 Evidence (see below) of acceptance of the works from the relevant service provider must be provided to Council, prior to the commencement of the use :-

**NBN** a 'Certificate of Practical Completion',

**Telstra** a-"Telecommunications Agreement/Provisioning Letter",

**A Licenced Carrier** under the Telecommunications Act 1997- (signed documentation from a Registered Professional of Engineer Queensland -electrical engineer.)

### 13.0 ASSET MANAGEMENT

13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

### 14.0 ENVIRONMENTAL

14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location and topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation,

for the construction and post-construction phases of work.

14.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn*

*Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

#### 15.0 ENVIRONMENTAL HEALTH

- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 15.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 15.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 15.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 15.7 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.
- 15.8 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 15.8.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
  - 15.8.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
  - 15.8.3 waste bags and ties.
- 15.9 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- #### 16.0 OPERATING PROCEDURES
- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Douglas Street.
- 16.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.



- 16.3 All un-sealed surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 16.4 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera). The owner of the land must ensure that:
- 16.4.1 the area is kept in a clean and tidy condition;
  - 16.4.2 fences and screens are maintained;
  - 16.4.3 no waste material is stored external to the waste storage area/s;
  - 16.4.4 contaminants/washdown does not discharge into water courses, drainage lines or onto adjoining properties; and
  - 16.4.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*.
- 16.5 No washing of plant equipment and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system
- 16.6 Landscaping is required along as much of the frontage of Douglas Street as practicable. The landscaping must include tree and shrub species that are drought tolerant.

#### ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. Licensable Activities

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

NOTE 4. General Safety Of Public During Construction

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

constructed on a road.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 6. Duty to Notify of Environmental Harm

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

NOTE 7. Infrastructure Charges Notice

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

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Special Industry (manufacturing liquid fertiliser (urea-ammonium nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing, made by Lake Fox Properties Pty Ltd, located at 162 Middle Road, Gracemere, described as Lot 102 on RP604012, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$7,497.00.

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

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**11.2 REQUEST FOR PERMISSION TO ENTER INTO A FREEHOLD LICENCE WITH NORTH CHARGERS SENIOR RUGBY LEAGUE AND NORTH KNIGHTS JUNIOR RUGBY LEAGUE OVER MCLEOD PARK**

<b>File No:</b>	<b>374</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Aaron Pont - Manager Parks</b>
<b>Author:</b>	<b>Justin Bulwinkel - Supervisor - Sports and Administration</b>
<b>Previous Items:</b>	<b>8.5 - Request to enter into a Freehold Licence with Norths Chargers Senior Rugby League Club at McLeod Park - Parks, Recreation and Sport Committee - 25 Sep 2019 12.30pm</b>

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**SUMMARY**

*North Chargers Senior Rugby League and North Knights Junior Rugby League Clubs have experienced rapid growth, resulting in challenges for their existing facility at the Gymmy Grounds, 2 Goodsall Street, Berserker (being Lot 182 LN1332) and require additional land in order to meet the needs of the Club. Providing McLeod Park as a training facility will seek to alleviate these constraints and support scheduling and outwork training programs more effectively.*

**COUNCIL RESOLUTION**

THAT:

1. Council issue two (2) non-exclusive Freehold Licences over McLeod Park (Lot 1 on RP602389) to North Chargers SRL and North Knights JRL for training purposes subject to the special conditions listed in the report but not limited to; and
2. Council authorises the Chief Executive Officer (Supervisor Sports & Administration) to negotiate the terms and conditions of the agreements with both organisations referred in the report in preparation for execution by the delegated officer.

**Moved by:** Councillor Rutherford  
**Seconded by:** Mayor Strelow

**MOTION CARRIED**

**11.3 ADDITIONAL DOG OFF LEASH AREA OPTIONS****File No:** 787**Attachments:**

1. Supporting Information
2. Map of Existing Dog Off Leash Areas
3. Letter from resident requesting Cedric Archer Park be a designated dog off leash area

**Authorising Officer:** Aaron Pont - Manager Parks**Author:** Jacinta Daniels - Community Master Planner

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**SUMMARY**

*This report provides options for the development of additional dog off leash areas within the region.*

**COUNCIL RESOLUTION**

THAT Council refers this matter to a workshop.

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

- 10:12AM Councillor Rutherford left the meeting room having earlier informed the meeting of a declarable conflict of interest.
- 10:12AM Councillor Smith left the meeting room having earlier informed the meeting of a declarable conflict of interest.

#### 11.4 MOTORSPORT PRECINCT

**File No:** 13762

**Attachments:**

1. Community Engagement Report - August
2. Revised Concept Plan

**Authorising Officer:** Cameron Wyatt - Coordinator Strategic Planning  
Angus Russell - Manager Strategy and Planning  
Ross Cheesman - Deputy Chief Executive Officer

**Author:** Alyce James - Strategic Planner

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#### SUMMARY

*The purpose of this report is to provide a summary of the community engagement undertaken in August for the proposed motorsports precinct, and to undertake the next round of community engagement with a revised concept plan.*

#### COUNCIL RESOLUTION

THAT Council:

1. Endorse the Community Engagement Report for public release; and
2. Commence community engagement from 13 October 2020 to 30 October 2020 and publicly release the revised concept plan.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Kirkland

**MOTION CARRIED**

- 10:26AM Councillor Rutherford returned to the meeting room.
- 10:26AM Councillor Smith returned to the meeting room.

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**11.5 AMENDMENT TO GOVERNANCE ADMINISTRATION FRAMEWORK POLICY AND PROCEDURE**

**File No:** 11979

**Attachments:**

- 1. Governance Administration Framework Policy**
- 2. Governance Administration Framework Procedure**

**Authorising Officer:** Tracy Sweeney - Executive Manager Workforce and Governance

**Author:** Allysa Brennan - Coordinator Legal and Governance

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**SUMMARY**

*The Governance Administration Framework Policy and Procedure has been amended and is presented for Council's consideration.*

**COUNCIL RESOLUTION**

THAT Council adopt the Governance Administration Framework Policy and the associated Governance Administration Framework Procedure.

**Moved by:** Councillor Smith

**Seconded by:** Councillor Kirkland

**MOTION CARRIED**

**11.6 COUNCIL MEETING PROCEDURES POLICY**

**File No:** 11979

**Attachments:**

1. Final Draft Meeting Procedures Policy
2. Delegation Register - Local Government Regulation 2012

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Ross Cheesman - Deputy Chief Executive Officer

**SUMMARY**

*Due to recent legislative amendments, changes have been made to the 'Council Meeting Procedures Policy' and Council's 'Delegation Register - Local Government Regulation 2012'. These changes have been included in the policy and delegation register and follow the Local Government Act 2009 and the Local Government Regulation 2012 requirements.*

**COUNCIL RESOLUTION**

THAT:

1. The Council Meeting Procedures Policy be adopted with the exclusion of Outstanding Business from section 5.3 Order of Business. An Outstanding Business report will be circulated separately to Council on a monthly basis.
2. Council resolves as per section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer, the exercise of power contained in schedule 1 of Attachment 2 of the report – *Local Government Regulation 2012*;
3. This power must be exercised subject to any limitations contained in schedule 2 of Attachment 2 of the report – *Local Government Regulation 2012*.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Rutherford  
**MOTION CARRIED**

**11.7 PROMOTION OF 2020 STATE GENERAL ELECTION PRIORITY - GRACEMERE HIGH SCHOOL CONSTRUCTION**

**File No:** 11092  
**Attachments:** 1. Signage 1 (set of 3)  
2. Signage 2 (set of 3)  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Damon Morrison - Manager Office of the Mayor

**SUMMARY**

*This report seeks Council's endorsement to continue its support and advocacy efforts on behalf of the local community for the construction of a High School at Gracemere by 2024 and for direction from Council on its preferred methods of advocacy during the upcoming 2020 State General Election in furtherance of this priority project.*

**COUNCIL RESOLUTION**

THAT Council:

1. resolves to continue to support and advocate on behalf of the local community for the construction of a high school at Gracemere by 2024 as a priority project; and
2. installs a series of signs at the Lucas Street site with the RRC logo as per attachment 1 and 2 (with the removal of sign 2 in the attachment) until 28 October 2020 and continues to engage with individual candidates and the community via media releases/social media to promote and seek a commitment towards the project.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Smith

**MOTION CARRIED****DIVISION:**

Councillors N Fisher, S Latcham, E Smith and M Strelow voted in the affirmative.

Councillors D Kirkland, C Rutherford and D Wickerson voted in the negative.



10:58AM Mayor Strelow left the meeting room having earlier informed the meeting of a declarable conflict of interest.

10:58AM Councillor Kirkland left the meeting room having earlier informed the meeting of a declarable conflict of interest.

10:58AM Deputy Mayor Councillor Fisher assumed the Chair.

## 11.8 REDIRECTION OF EXISTING FUNDING

**File No:** 12534

**Attachments:** Nil

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Ross Cheesman - Deputy Chief Executive Officer

### SUMMARY

*This report is to provide an update to Councillors on the progress of the resolution of Council at its Special Council meeting held on 30 September 2020 and seeks further direction from Council.*

### COUNCIL RESOLUTION

THAT

1. Council formally notifies the Australian and Queensland Governments that it fully supports and recognises the South Rockhampton Flood Levee Project as a priority infrastructure project of significant/paramount importance for the region.
2. In the absence of receiving confirmation from the Australian or Queensland Governments of immediate funding availability and/or a commitment to (jointly or severally) fund the balance construction costs of the South Rockhampton Flood Levee Project, Council seeks and obtains a written commitment from both levels of Government to redirect all approved funding grants and financial commitments currently allocated and announced to the South Rockhampton Flood Levee Project to alternative projects to be approved by Council under a separate report.
3. Council seeks confirmation from the Australian and Queensland Governments that the South Rockhampton Flood Levee Project remains a viable priority project to be considered in future funding opportunities.

**Moved by:** Councillor Fisher

**Seconded by:** Councillor Latcham

**MOTION CARRIED UNANIMOUSLY**

11:11AM Mayor Strelow returned to the meeting room and resumed the Chair.

11:11AM Councillor Kirkland returned to the meeting room.

## 12 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION - COUNCILLOR SHANE LATCHAM - REVIEW OF EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY

**File No:** 11979  
**Attachments:** Nil  
**Responsible Officer:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

*Councillor Shane Latcham has indicated his intention to move a Notice of Motion at the Ordinary Council Meeting to be held on 13 October 2020 regarding amendment to Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy.*

#### COUNCIL RESOLUTION

THAT Council amend Section 5.3.1.11 of the Expenses Reimbursement and Provisions of Facilities for Mayor and Councillors Policy to include the option of the corporate logo on the corporate uniform.

**Moved by:** Councillor Latcham  
**Seconded by:** Mayor Strelow  
**MOTION CARRIED**

**13 QUESTIONS ON NOTICE**

Nil

## 14 URGENT BUSINESS QUESTIONS

### 14.1 LEAVE OF ABSENCE FOR COUNCILLOR NEIL FISHER – 3 TO 7 NOVEMBER 2020

**File No:** 10072

**Responsible Officer:** Nicole Semfel – Executive Support Officer

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#### SUMMARY

*Councillor Neil Fisher is seeking leave of absence from Tuesday 3 November to Saturday 7 November 2020 inclusive.*

#### COUNCIL RESOLUTION

THAT Councillor Neil Fisher be granted leave of absence from Tuesday 3 November to Saturday 7 November 2020 inclusive.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Kirkland

**MOTION CARRIED**

**15 CLOSURE OF MEETING**

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

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE



**MEETING  
ATTACHMENTS**

**13 OCTOBER 2020**

## **ANNEXURE A**

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

**Item 5 - Declarations of Interest in Matters on the Agenda**

<p><b>DEFINITION</b></p>	<p><b>Declarable Conflict of Interest</b></p> <p>Have you received gifts, loans and/or travel/accommodation totalling \$500 or more from one donor?</p> <p>Is there another conflict between your interests and the public's interests?</p> <p>This mainly means: do you have an interest in a decision other than those listed as a prescribed interest, that might cause you to be biased or someone else to think that you might be biased?</p> <p>For example: if the decision will affect the price of your properties, or will it help out a friend or someone else you know.</p>
<p><b>APPLIES TO</b></p>	<p>You or your spouse, parent, child, sibling, employer, business partner, a private company, or board/committees you're on, public companies, spouse's parents or children or siblings, other people close to you (e.g. close friends or other relatives).</p> <p>Does not apply to clubs or organisations that you're merely a member or patron of.</p>
<p><b>EFFECT</b></p>	<ul style="list-style-type: none"> <li>• You must stop participating in the decision</li> <li>• You must declare your bias/interest</li> <li>• You may voluntarily leave the meeting considering the decision</li> <li>• It's up to other Councillors to decide if and how you can participate in any decision-making about the issue (including adding conditions, if they wish). You cannot influence others unless other Councillors have decided you can participate.</li> </ul>



## **Dealing with a Declarable Conflict of Interest**

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at Council or committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a conflict of interest. If the other Councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the Act apply.

When dealing with a declarable conflict of interest, Councillors must abide by the following procedures:

- (a) A Councillor who has notified the CEO of a declarable conflict of interest in a matter to be discussed at a Council meeting must also give notice during the meeting.
- (b) A Councillor who first becomes aware of a declarable conflict of interest in a matter during a Council meeting must inform the meeting of the conflict of interest.
- (c) When notifying the meeting of a declarable conflict of interest, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
  - (i) The nature of the declarable conflict of interest; and
  - (ii) If it arises because of the Councillor's relationship with a related party:
    - (A) The name of the related party to the Councillor;
    - (B) The nature of the relationship of the related party to the Councillor; and
    - (C) The nature of the related party's interests in the matter.
  - (iii) If it arises because of a gift or loan from another person to the Councillor or a related party:
    - (A) The name of the other person;
    - (B) The nature of the relationship of the other person to the Councillor or related party;
    - (C) The nature of the other person's interests in the matter; and
    - (D) The value of the gift or loan, and the date the gift was given or loan was made.
- (d) After a Councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
- (e) If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
- (f) The other Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting, for example may stay for the debate but must leave for the vote. The

Councillor must comply with any decision or condition imposed by the non-conflicted Councillors.

- (g) In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only Councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the Act.
- (h) The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
- (i) When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other Councillors should consider the circumstances of the matter including, but not limited to:
  - (i) How does the inclusion of the Councillor in the deliberation affect the public trust;
  - (ii) How close or remote is the Councillor's relationship to the related party;
  - (iii) If the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received;
  - (iv) Will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them;
  - (v) How does the benefit or detriment the subject Councillor stands to receive compared to others in the community;
  - (vi) How does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting; and
  - (vii) Whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
- (j) If the non-conflicted Councillors cannot decide about the declarable conflict of interest of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted Councillors discuss and vote on the matter.
- (k) A decision about a Councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a Council meeting about the same matter for example briefing sessions or workshops.
- (l) In making the decision under paragraph 9.4(f) and 9.4(i), it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
- (m) A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

## **ANNEXURE B**

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

- Item 11.1 Development Application for a Material Change of Use for Special Industry (Manufacturing Liquid Fertiliser (Urea-Ammonium Nitrate)) and Environmentally Relevant Activity 7 – Chemical Manufacturing**

**Development application (D/69-2020) for a  
Material Change of Use for a Special Industry  
(manufacturing liquid fertiliser (urea-ammonium  
nitrate)) and Environmentally Relevant Activity  
7 – Chemical Manufacturing**

**162 Middle Road, Gracemere**

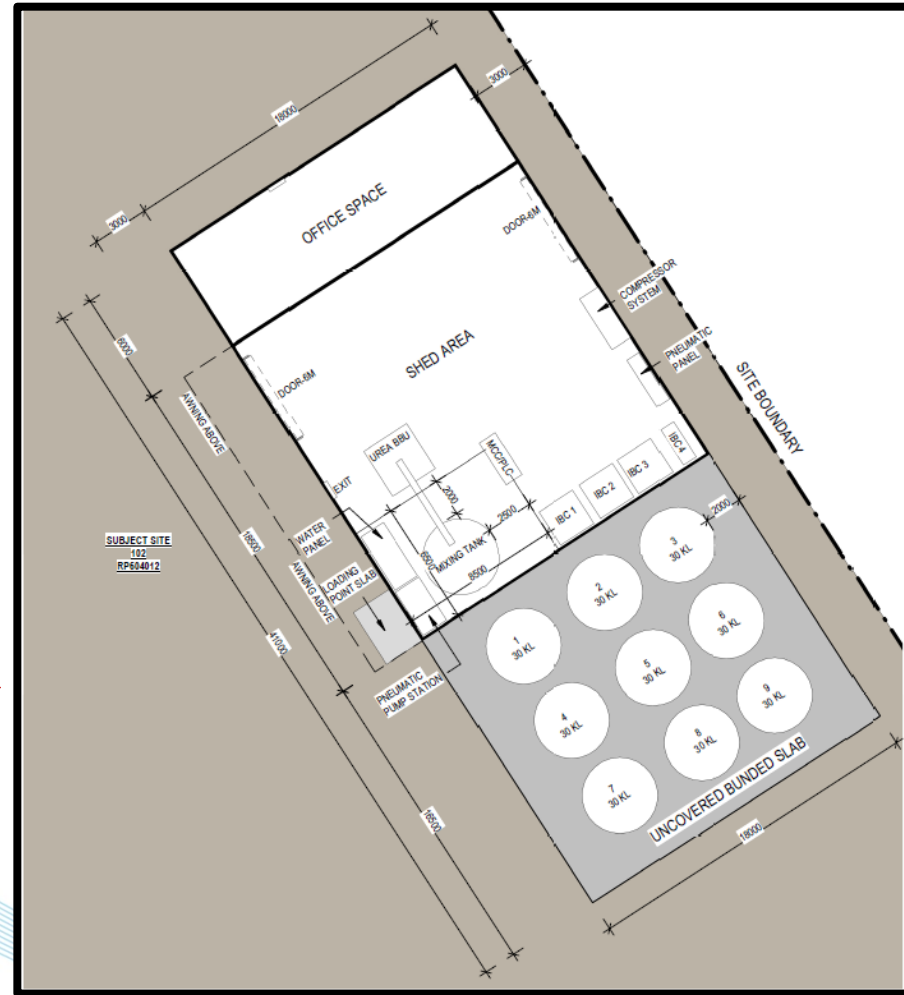
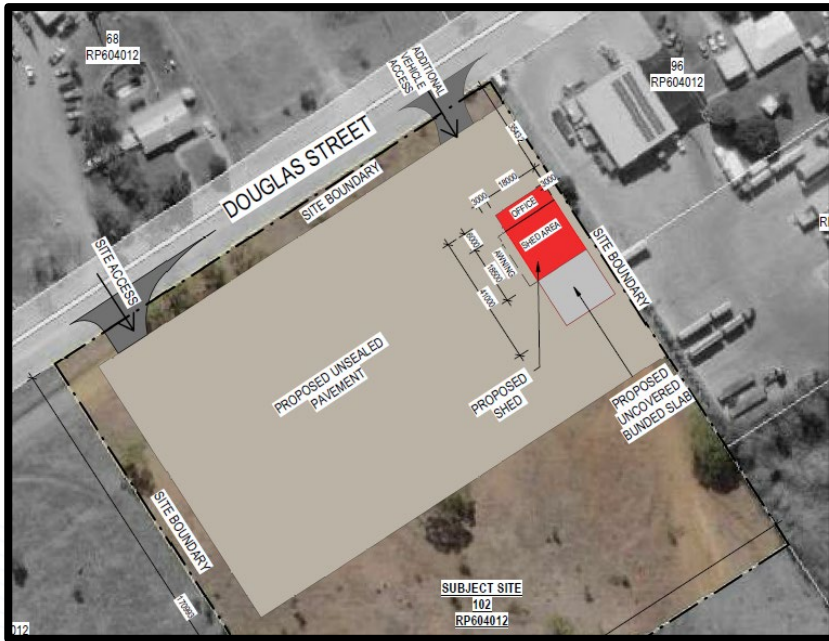
Council meeting – 13 October 2020

Thomas Gardiner – Senior Planning Officer

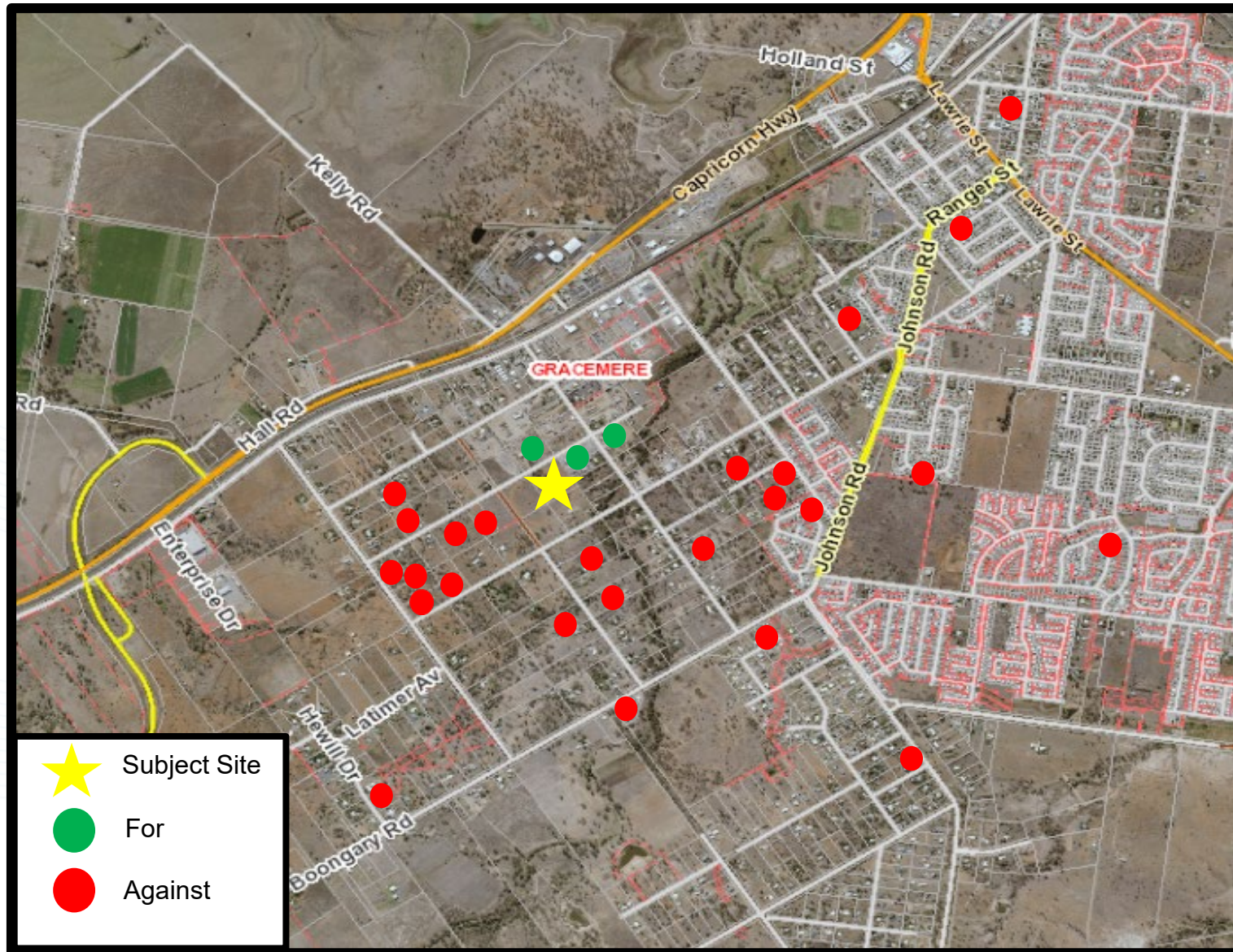
# Subject site



# Proposal



# Public notification



# Environmental Authority

- The application involved an Environmentally Relevant Activity (ERA), which was devolved to the Department of Environment and Science.
- Under the *Environmental Protection Act 1994*, the Department issued an 'Environmental Authority', which approved the activity subject to conditions.
- The Department has included conditions relating to preventing impacts on surrounding acoustic, land, air and water considerations associated with the activity.



# Recommendation

- The proposed development is located in an established industrial area and diversifies the range of industrial development in the Gracemere Industrial Area.
- The proposed development will not adversely affect the safety, amenity and well-being of sensitive land uses in proximity to the site.
- The production of urea ammonium-nitrate does not require the use of any dangerous goods or involve chemical reactions.
- The proposed development does not compromise the Strategic Framework in the current planning scheme.

# B-Double / Road-Train Access

