



ORDINARY MEETING

MINUTES

28 NOVEMBER 2023

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 28 NOVEMBER 2023 COMMENCING AT 9:00AM**

1 OPENING

- 1.1 Acknowledgement of Country

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services (via video-link)
Mr A Pont – Acting General Manager Community Services
Ms M Taylor – Chief Financial Officer
Mr M Crow – Manager Infrastructure Planning
Mr J Webb – Manager Communities and Culture
Ms M Younger – Manager Corporate and Technology Services
Mr D Morrison – Manager Workforce and Governance (via video-link)
Ms A Arnold – Acting Manager Planning and Regulatory Services
Mr W Clark – Economic Development Manager
Ms A Hinton - Senior Advisor Economic Development
Mr J Duncan – Economic Development and Industry Engagement Advisor
Mr J Buckenham – Coordinator Local Laws
Ms A O'Mara – Coordinator Development Assessment
Ms K McDonald – Senior Planning Officer
Ms E Wakeling – Curator Rockhampton Museum of Art
Mr P Lilleboe – Heritage and Village Operations Supervisor
Ms C Bohan – Administration Assistant
Ms L Leeder – Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 14 November 2023 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Donna Kirkland informed the meeting:

“I have a declarable conflict of interest in **Item 11.1 – Aquaculture Industry Development | Sponsorship Request from Rockhampton High School for a Barramundi Grow Out Program** as my ex Son-in-Law, and father of my 21 year old grand-daughter, is Mr Collis Holloway, the principle driver of this project as teacher of Aquaculture at Rockhampton High.

Although I have a declarable conflict of interest, I believe that a reasonable person would perceive me to be impartial as my relationship with Mr Holloway is very removed and I have no close personal relationship with him.

Therefore I wish to remain in the meeting and ask the eligible councillors to decide if I may participate despite my declarable conflict of interest.”

COUNCIL RESOLUTION

The table determined that it is in the public interest that Councillor Donna Kirkland participates and votes on **Item 11.1 – Aquaculture Industry Development | Sponsorship Request from Rockhampton High School for a Barramundi Grow Out Program** and no conditions on participating be imposed.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Smith, Latcham voted in the affirmative.

Councillor Kirkland did not participate in the vote.

Councillor Ellen Smith informed the meeting:

“I have a prescribed conflict of interest in **Item 11.10 – Whole of Council Corporate Performance Report for Period Ending 31 October 2023**. This prescribed conflict of interest arises as my nephew Adam John McEvoy is a partner in MTC Hire who has a contract to cart water from Gracemere to Mount Morgan on behalf of Rockhampton Regional Council. My brother John James McEvoy is employed by MTC Hire to drive the water trucks and also just recently my nephew, Timothy McEvoy is also employed to drive an MTC truck delivering water.

I will deal with this conflict by leaving the meeting when the topic of Mount Morgan Water Supply Pipeline is discussed, including any area set aside for the public, and stay away while the eligible councillors discuss and vote on the matter.”

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING – 23 NOVEMBER 2023

COUNCIL RESOLUTION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 23 November 2023 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Councillor Latcham

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

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

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.1 ACTING CEO UPDATE

File No: 13900
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Acting Chief Executive Officer providing an update on matters of importance.

COMMITTEE RECOMMENDATION

THAT the Acting Chief Executive Officer's update be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.2 QAO BRIEFING PAPER

File No: 9509
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

A Briefing Paper from the Queensland Audit Office is provided for Committee review.

COMMITTEE RECOMMENDATION

THAT the Queensland Audit Office Briefing Paper be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.3 AUDITED FINANCIAL STATEMENTS INCLUDING INDEPENDENT AUDITOR'S REPORT

File No: 8151
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The certified Financial Statements for the period ended 30 June 2023 are presented.

COMMITTEE RECOMMENDATION

THAT the certified Financial Statements for the period ended 30 June 2023 be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.18 CONFIDENTIAL MANAGEMENT LETTER

File No: 8151
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

The attached report is presented to Committee for its consideration.

COMMITTEE RECOMMENDATION

1. THAT the report be noted and management has accepted the recommendations.
2. THAT the Committee be provided a further report at the next Audit and Business Improvement Committee meeting, once the presentation to Parliament has been received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.4 FINANCE SECTION UPDATE**

File No: 8148
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer providing a Finance Section Update on matters to date for the 2023/2024 Financial Year.

COMMITTEE RECOMMENDATION

THAT the Finance Section Update be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.5 INFORMATION SYSTEMS - CYBER SECURITY UPDATE**

File No: 12177
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

The purpose of this report is to provide the committee with an overview of the current state of cyber security within Rockhampton Regional Council.

COMMITTEE RECOMMENDATION

THAT the Information Systems - Cyber Security Update report be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.6 COUNCIL'S INSURANCE COVER

File No: 1902, 1903
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Coordinator Property & Insurance reporting on Council's insurance cover.

COMMITTEE RECOMMENDATION

THAT the Committee 'receives' the report on Council's insurance cover.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.7 LOSS / THEFT ITEMS - SEPTEMBER TO OCTOBER 2023

File No: 3911
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

This report presents details of the Loss/Theft Items for the period September to October 2023.

COMMITTEE RECOMMENDATION

THAT the Committee 'receives' the Loss/Theft Items – September to October 2023 report.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.8 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT

File No: 1830
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer
Author: Travis Pegrem - Acting Coordinator People and Capability

SUMMARY

Coordinator People and Capability presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.

COMMITTEE RECOMMENDATION

THAT the update of Investigation and Legal Matters Progress report for Rockhampton Regional Council be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.9 WORKPLACE HEALTH SAFETY UPDATE

File No: 4868
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Damon Morrison - Manager Workforce and Governance

SUMMARY

Manager Workforce and Governance presenting an update on workplace health and safety matters for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the Workplace Health and Safety Update be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.10 ASSET MANAGEMENT**

File No: 13900
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Martin Crow - Manager Infrastructure Planning

SUMMARY

Manager Infrastructure Planning will be presenting a verbal update on Asset Management matters.

COMMITTEE RECOMMENDATION

THAT the verbal update on Asset Management matters be 'received'.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.11 AUDIT OF ASSETS BUILDINGS**

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

SUMMARY

The Final Report is presented relating to the Planned Review of Assets Buildings, for the information of the Committee.

COMMITTEE RECOMMENDATION

THAT the Committee receives the Audit of Assets Buildings report.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.12 AUDIT OF ROCKHAMPTON MUSEUM OF ART**

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

SUMMARY

The Final Report is presented relating to the Planned Review of RMOA, for the information of the Committee.

COMMITTEE RECOMMENDATION

THAT the Committee receives the Audit of Rockhampton Museum of Art report.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.13 AUDIT PLAN PROGRESS AND UPDATE**

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

SUMMARY

This update is provided in accordance with Local Government Regulation S207.

COMMITTEE RECOMMENDATION

THAT the Audit Plan Progress and Update report be received and progress noted.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.14 MID-YEAR ASSURANCE ACTIVITY REVIEW

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

SUMMARY

The CAE provides an information update on our mid-year review of assurance priorities and related risk-based mapping. There were no requested changes to the current audit plan based on requests put to and received from management mid-year.

COMMITTEE RECOMMENDATION

THAT the Mid-Year Assurance Activity Review report be received.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023

9.1.15 STATUS OF QAO RECOMMENDATIONS FROM THE LOCAL GOVERNMENT SECTOR: EFFECTIVENESS OF AUDIT COMMITTEES IN STATE GOVERNMENT ENTITIES - REPORT 2: 2020-21

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

SUMMARY

Status update on Queensland Audit Office's (QAO) recommendations contained in "Effectiveness of Audit Committees in State Government Entities, Report 2: 2020-21".

COMMITTEE RECOMMENDATION

THAT the Audit and Business Improvement Committee receives the report from the Chief Audit Executive outlining how recommendations from QAO's *Effectiveness of Audit Committees in State Government Entities, Report 2:2020-21* have been actioned.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.16 RISK REGISTERS UPDATE AS AT 29 SEPTEMBER 2023**

File No: 8780
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Acting Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Submission of the quarterly risk register updates, as at 29 September 2023, for Audit and Business Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

THAT the Committee "receive" the quarterly risk register updates as at 29 September 2023, as presented in the attachments to the report, and recommends they be adopted by Council.

Recommendation of the Audit and Business Improvement Committee, 23 November 2023**9.1.17 ANNUAL SELF-ASSESSMENT BY AUDIT AND BUSINESS IMPROVEMENT COMMITTEE - 2022-2023 FINANCIAL YEAR**

File No: 7678
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Audit and Business Improvement Committee's annual self-assessment for the 2022-23 financial year is presented for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the completed annual Audit and Business Improvement Committee's self-assessment, covering the 2022-23 financial year, as attached to the report, be received and the members' comments be noted for improvement or action where relevant and appropriate.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 AQUACULTURE INDUSTRY DEVELOPMENT | SPONSORSHIP REQUEST FROM ROCKHAMPTON HIGH SCHOOL FOR A BARRAMUNDI GROW OUT PROGRAM

File No: 647
Authorising Officer: Angus Russell - Executive Manager Advance Rockhampton
Author: Wade Clark - Economic Development Manager

SUMMARY

The Rockhampton High School has recently opened the Rockhampton Aquaculture Facility (RAF) to support education of local students in this growing agricultural sector. The RAF will be focused on the grow out of barramundi fingerlings to be released into the Fitzroy River. To support operational costs the High School is seeking sponsors for the program.

COUNCIL RESOLUTION

THAT Council enters into a Gold Sponsorship arrangement with the Rockhampton High School for three years at a total cost of \$15,000.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Smith, Latcham voted in the affirmative.

Councillor Kirkland voted in the negative.

11.2 CBD ACTIVATION PROGRAM 2023/24 ECONOMIC DEVELOPMENT

File No: 11359
Authorising Officer: Wade Clark - Economic Development Manager
Evan Pardon - Chief Executive Officer
Author: Amanda Hinton - Senior Advisor Economic Development
Jack Duncan - Economic Development & Industry Engagement Advisor

SUMMARY

This report recommends that Council support a strategic program that aims to further activate the Rockhampton CBD. The proposed program which would be led and coordinated by Advance Rockhampton would seek to implement initiatives with CBD businesses and the community that enhance the visual aesthetics of the CBD, support local business development, improve community pride and generate greater foot traffic in the CBD.

9:28AM

Councillor Donna Kirkland informed the meeting:

“I have a prescribed conflict of interest in this matter as my son-in-law Nathan Price is franchisee owner of Century 21, located at 31 East Street Rockhampton. I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

9:29AM Councillor Kirkland left the meeting room

COUNCIL RESOLUTION

THAT the matter lay on the table and be presented at a Briefing Session for further discussion.

Moved by: Councillor Wickerson

Seconded by: Mayor Williams

MOTION CARRIED

Councillors Williams, Fisher, Mathers, Wickerson, Rutherford, Smith, Latcham voted in the affirmative.

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

9:31AM Councillor Kirkland returned to the meeting room

11.3 D/95-2023 - DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR DWELLING HOUSE WITH SECONDARY DWELLING

File No: D/95-2023

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Angela Arnold - Acting Manager Planning and Regulatory Services
Aaron Pont - Acting General Manager Community Services

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/95-2023

Applicant: Lisa Wyvill

Real Property Address: Lot 19 on M31138

Common Property Address: 17 Central Street, Mount Morgan

Area of Site: 1,518 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Local Centre Zone

Planning Scheme Overlays: Steep Land Overlay; and
Transport Noise Overlay.

Existing Development: Child Care Centre

Approval Sought: Development Permit for Material Change of Use for Dwelling House with Secondary Dwelling

Category of Assessment: Assessable subject to Impact Assessment

Submissions: Nil

Referral Agency: Nil

9:31AM Chief Executive Officer left the meeting room
9:33AM Chief Executive Officer returned to the meeting room

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change in Use for Dwelling House with Secondary Dwelling, made by Lisa Wyvill, located at 17 Central Street, Mount Morgan, described as Lot 19 on M31138, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development

Material Change of Use for Dwelling House with Secondary Dwelling

Reasons for Decision

- a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will

- not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and
- b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Local Government Infrastructure Plan;
- Strategic Framework;
- Local Centre Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code; and
- Water Resource Catchment Overlay Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>Purpose of the Local Centre Zone Code</p>	<p>6.3.4.2 (2) (b)</p> <p>The proposed development is for a Dwelling House and Secondary Dwelling involving the entire existing building. This conflicts with overall outcome (2) (b) of the Local Centre Zone purpose, which requires residential uses to be above ground level or behind ground storey retail, commercial or community related uses.</p> <p>Despite this, the development is well located in relation to infrastructure and other residential development. No external works are proposed as part of the development so the existing built form will remain generally consistent with the surrounding area and streetscape, given the mix of residential and non-residential uses.</p> <p>The development will provide an additional housing option within an infrastructure serviced area of Mount Morgan. Specifically, Part 3 of the Strategic Framework, 3.3 Settlement Pattern theme, 3.3.8 Element – Urban and new urban whereby the Specific Outcome (25) for Mount Morgan identifies the need for affordable housing within the current urban areas of the town.</p> <p>Therefore, the proposed development is taken to comply with the Strategic Specific Outcomes. To the extent any conflicts are identified, regard to relevant matters is considered to outweigh those conflicts.</p>
<p>Local Centre Zone Code</p>	<p>Performance Outcome (PO) 6</p> <p>The proposed development does not comply with Acceptable Outcome (AO) 6.1 (a) as the proposed residential use will not be</p>

	<p>located above ground storey or behind a ground storey retail, commercial or community use; and will not be located within a premises containing another use.</p> <p>The development (dwelling and secondary dwelling) is not anticipated to provide or generate activity along the street frontage. Despite this, the development is generally consistent with the Mount Morgan local centre concept plan as the subject site is not located within an active prominent corner site as depicted in figures 6.3.4.3.1d and 6.3.4.3.2d Mount Morgan Local Centre Concept Plans under the <i>Rockhampton Region Planning Scheme 2015</i>.</p> <p>The development is not anticipated to compromise the role and function of the designated Mount Morgan Local Centre or impact on the loss of a commercial or community use space, as several vacant similar spaces exist within the township. In addition, the building will be capable of reconverting back into a commercial or community use if the need arises.</p> <p>Therefore, the non-compliance with PO6 is considered a low-level conflict and the proposed development complies with the remaining overall outcomes therefore, on balance is considered to comply with the purpose of the Local Centre Zone. To the extent any conflicts are identified, regard to relevant matters is considered to outweigh those conflicts.</p>
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Relevant Matters

The proposed development was assessed against the following relevant matters:

- The Applicant sought a Development Permit for Material Change of Use for a Dwelling House (including secondary dwelling), rather than Dual Occupancy. The distinguishing factors between a Dwelling house (including secondary dwelling) and Dual Occupancy is that a secondary dwelling cannot have:
 - Separate water or electricity connection;
 - Separate addressing;
 - Separate bin allocation; or
 - Be the subject of a Building Format Subdivision (“strata titled”).
- Material Change of Use for Dual Occupancy in the Local Centre Zone is categorised as Accepted subject to requirements, if the reuses of existing building(s) or structure(s) and not involving more than minor building work. Therefore, the Local Centre Zone does contemplate the entire use of premises for two dwellings.
- The Applicant could seek to occupy the premises as Dual Occupancy and would likely only need a Development Permit for Building Work, but rather has chosen to seek development approval for a Dwelling House with a secondary dwelling.

Matters raised in submissions

The proposal was the subject of public notification between 11 September and 29 September 2023, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.

Matters prescribed by regulation

- The *Rockhampton Region Planning Scheme 2015* (version 2.2); and
- *Central Queensland Regional Plan 2013*;
- The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change in Use for Dwelling House with Secondary Dwelling, made by Lisa Wyvill, located at 17 Central Street, Mount Morgan, described as Lot 19 on M31138, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken and completed:
- 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 Building Works (change of classification)
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All development conditions contained in this development approval about infrastructure under Chapter 4 of the *Planning Act 2016* should be read as being non-trunk infrastructure conditioned under section 145 of the *Planning Act 2016*, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/Issue</u>
Site Plan	-	8 November 2023	40641301	1
Proposed Dwelling	-	21 July 2023	BSA: 74215	-

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, Water Supply (Safety and Reliability) Act 2008, *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 3.2 The development must be connected to Council's reticulated sewerage and water networks.
- 3.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.4 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 3.5 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

4.0 SITE WORKS

- 4.1 Site works (if any) must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

5.0 BUILDING WORKS

- 5.1 A Development permit for Building Works must be obtained for the reclassification of existing building from Child Care (Class 3) to Residential Dwelling (Class 1).

6.0 ASSET MANAGEMENT

- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 6.2 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.

7.0 ENVIRONMENTAL

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

8.0 OPERATING PROCEDURES

- 8.1 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 Central Street or Hall Street.

ADVISORY NOTESNOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. 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 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. Infrastructure Charges Notice

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

NOTE 6. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category. Please contact Council's Rates Department should you require further information.

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.4 ROCKHAMPTON MUSEUM OF ART COLLECTION MANAGEMENT POLICY AND PROCEDURE

File No: 3147
Authorising Officer: Aaron Pont - Acting General Manager Community Services
Author: John Webb - Manager Communities & Culture

SUMMARY

The purpose of this report is to present to Council a Policy and Procedure for the management of the Rockhampton Museum of Art collection.

COUNCIL RESOLUTION

THAT Council:

1. adopts the Rockhampton Museum of Art Collection Management Policy and Procedure attached to the report;
2. approves a review date for the Rockhampton Museum of Art Collection Management Policy and Procedure of October 2027; and
3. adopts the amended Rockhampton Museum of Art Philanthropy Board Terms of Reference.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.5 PARKING TECHNOLOGY IMPLEMENTATION

File No: 1934
Authorising Officer: Angela Arnold - Acting Manager Planning and Regulatory Services
Aaron Pont - Acting General Manager Community Services
Author: Jon Buckenham - Coordinator Local Laws

SUMMARY

Council is in the final stage of implementation of the Licence Plate Recognition Parking Technology to detect parking breaches more effectively and increase the safety of officers undertaking the patrols. As part of the implementation, officers intend to inform the community of the changes to ensure they are adequately aware of the change in technology and the way in which infringements will be received.

COUNCIL RESOLUTION

THAT the matter lay on the table and be presented at a Briefing Session for further discussion.

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

11.6 QUEENSLAND RESILIENCE AND RISK REDUCTION FUND

File No: 12534
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Martin Crow - Manager Infrastructure Planning

SUMMARY

The report recommends projects for submission to the Queensland Government's 2023-24 Queensland Resilience and Risk Reduction Funding Program.

COUNCIL RESOLUTION

THAT Council submit the following projects to the 2023-24 Queensland Resilience and Risk Reduction Funding Program and commit to making co-contributions to each project:

1. Advancing the Fitzroy and Capricornia Regional Resilience Strategy;
2. Activating Climate Risk Management in the Rockhampton Region.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.7 FEES AND CHARGES AMENDMENT 2023/2024

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

SUMMARY

The intention of this report is to submit a minor amendment to Council's Fees and Charges Schedule for the 2023/2024 financial year.

10:15AM Councillor Fisher left the meeting room
10:21AM Councillor Fisher returned to the meeting room
10:25AM Chief Executive Officer left the meeting room
10:27AM Chief Executive Officer returned to the meeting room

COUNCIL RESOLUTION

THAT in accordance with the requirement of the *Local Government Act 2009*, Council adopts the amendment to the Fees and Charges Schedule for the 2023/2024 financial year.

Moved by: Councillor Wickerson
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

Meeting Adjourned**COUNCIL RESOLUTION**

10:34AM

THAT the meeting be adjourned for a 15 minute recess.

Moved by: Councillor Wickerson**Seconded by: Councillor Fisher****MOTION CARRIED*****Meeting Resumed*****COUNCIL RESOLUTION**

10:49AM

THAT the meeting be resumed.

Moved by: Mayor Williams**Seconded by: Councillor Smith****MOTION CARRIED**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Mr P Kofod – General Manager Regional Services (via video-link)
Mr A Pont – Acting General Manager Community Services
Ms M Taylor – Chief Financial Officer
Mr M Crow – Manager Infrastructure Planning
Ms M Younger – Manager Corporate and Technology Services
Mr D Morrison – Manager Workforce and Governance (via video-link)
Ms L Leeder – Senior Committee Support Officer

**11.8 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
31 OCTOBER 2023**

File No: 8148
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 October 2023.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 October 2023 be received.

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.9 REVIEW OF COUNCIL'S CARETAKER POLICY AND COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

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

SUMMARY

With the 2024 Local Government Elections approaching this report presents a review of the Caretaker Policy and Councillor Acceptable Request Guidelines Policy and recommends minor amendments.

COUNCIL RESOLUTION

THAT Council adopt the amended Caretaker Policy as attached to the report with a review date of 31 December 2027 and the Councillor Acceptable Request Guidelines Policy as attached to the report with a review date of 31 December 2027.

Moved by: Mayor Williams
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

**11.10 WHOLE OF COUNCIL CORPORATE PERFORMANCE REPORT FOR PERIOD
ENDING 31 OCTOBER 2023**

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

SUMMARY

Deputy Chief Executive Officer presenting the Whole of Council Corporate Performance Report for period ending 31 October 2023 for Councillors' information.

COUNCIL RESOLUTION

THAT Whole of Council Corporate Performance Report for period ending 31 October 2023 be "received".

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

15 CLOSED SESSION

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Confidential Management Letter

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

Moved by: Mayor Williams
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

11:03AM

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

Moved by: Councillor Fisher
Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

11:16AM

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

Moved by: Mayor Williams
Seconded by: Councillor Fisher

MOTION CARRIED

16 CONFIDENTIAL REPORTS

16.1 CONFIDENTIAL MANAGEMENT LETTER

File No: 4321

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Ross Cheesman - Deputy Chief Executive Officer

In accordance with section 254J(3)(i) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

The report is presented to Council for its information.

COUNCIL RESOLUTION

THAT the Confidential Management Letter report be received.

Moved by: Mayor Williams

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 11:16am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

28 NOVEMBER 2023

ANNEXURE A

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

Item 11.3 D/95-2023 – Development Application for Material Change of Use for Dwelling House with Secondary Dwelling



Development Application D/95-2023 Material Change of Use for a Dwelling House with Secondary Dwelling

17 Central Street, Mount Morgan - Lot 19 on M31138

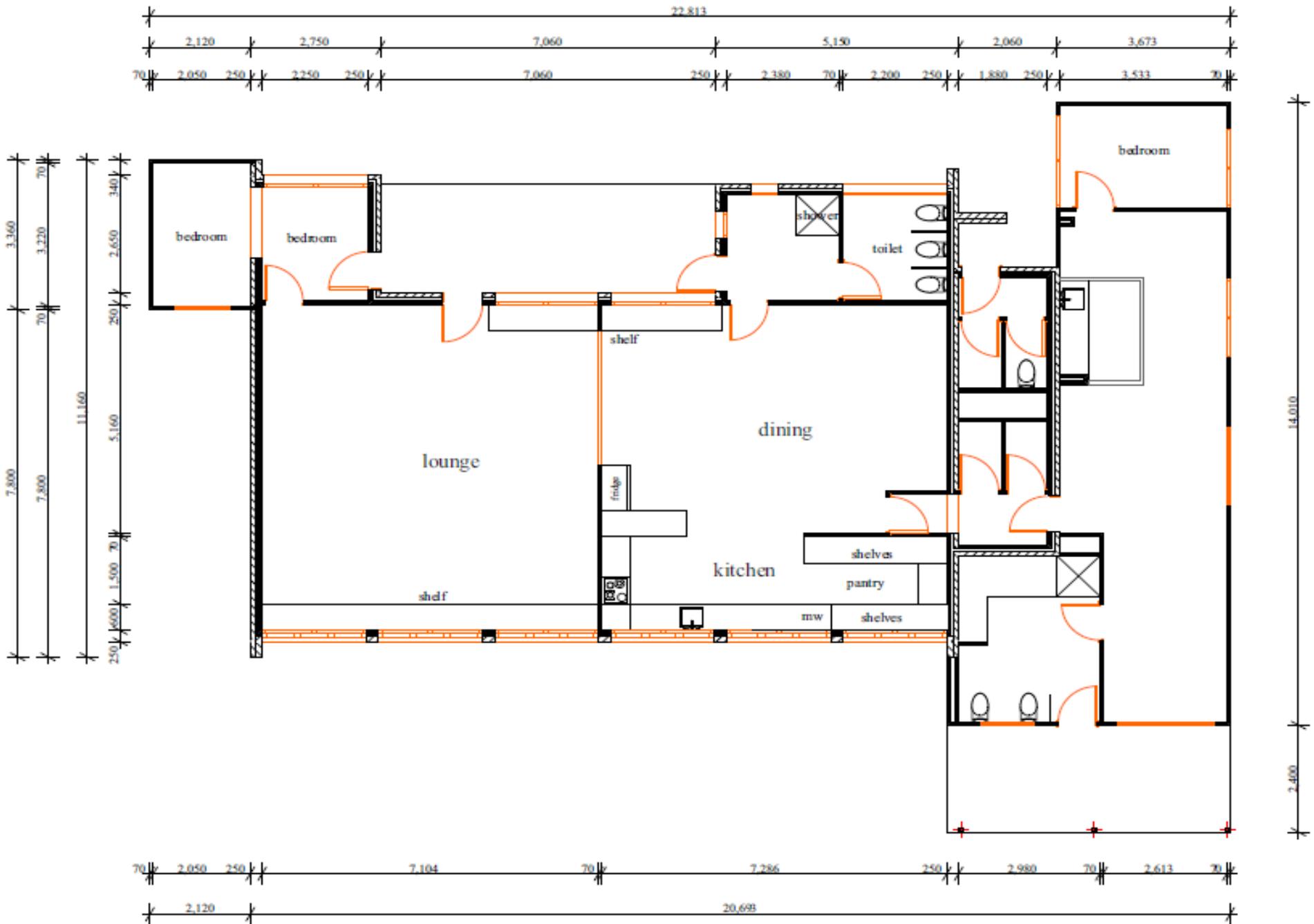
Council meeting – 28 November 2023

Kathy McDonald – Planning Officer

Development Proposal



Development Proposal



Local Centre Zone



Locality / Public Notification



Grounds for Approval

- The development will provide an additional housing option within an infrastructure serviced area of Mount Morgan.
- The building will be capable of reconverting back into a commercial or community use if the need arises.
- The development generally complies with the provisions included in the applicable planning scheme codes and is not anticipated to compromise the strategic framework of the Rockhampton Region Planning Scheme 2015 (version 2.2).
- On balance the development is considered to comply with the purpose of the Local Centre Zone. To the extent any conflicts are identified, regard to relevant matters is considered to outweigh those conflicts.
- Therefore, the application is recommended for approval subject to the conditions outlined in the report.