



ORDINARY MEETING

AGENDA

9 SEPTEMBER 2025

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 9 September 2025 commencing at 9:00 AM for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. Pe", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
4 September 2025

Next Meeting Date: 23.09.25

Please note:

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

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1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Deputy Mayor, Councillor M D Wickerson
Councillor S Latcham
Councillor E W Oram
Councillor C R Rutherford
Councillor M A Taylor
Councillor G D Mathers
Councillor E B Hilse

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 26 August 2025

Minutes of the Special Meeting held 2 September 2025

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

File No: 10097

Attachments: 1. September 2025 [↓](#)

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

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 Ordinary Council is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for Ordinary Council be received.

BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL

September 2025

Meeting Date: 9 September 2025

Attachment No: 1

BUSINESS OUTSTANDING – ORDINARY COUNCIL

| Meeting Date | Subject | Resolution | Officer | Target Date | Notes |
|--------------|--|--|-----------------|-------------|---|
| 28/06/2022 | CMP Updates - Heritage Management Strategy | COUNCIL RESOLUTION THAT Council resolves that the matter lay on the table until further consultation with the community. | Wyatt, Cameron | 30/06/2025 | 27 Feb 2025 Target date changed from 12 July 2022 to 30 June 2025 - Cameron Wyatt has revised target date 30 Apr 2025 Wyatt, Cameron Council Briefing Session held on 19 March to discuss the results from the Mount Morgan Heritage Study 02 Jun 2025 Cameron Wyatt: We are currently still working with the consultants to complete the Mount Morgan Heritage Study. It is expected that this will be completed by the end of June 2025. 31 Jul 2025 Wyatt, Cameron Still waiting on final changes from the consultants. The study is nearing completion 02 Sep 2025 Wyatt, Cameron Strategic planning are working with the consultants to finalise the last place card. The project very close to completion. |
| 13/12/2022 | Draft Community Engagement Framework | COUNCIL RESOLUTION THAT Council: 1. Adopts the draft Community Engagement Framework as detailed in the report; and 2. Approves officers to revise policy and procedure for further consideration by Council. | Stafford, Lucy | 30/09/2025 | 02 May 2023 Action reassigned to Brodel, Emma 27 Feb 2025 Action reassigned to Stafford, Lucy by Conrad, Trudi - Emma Brodel on maternity leave 17 Apr 2025 Target date changed by Stafford, Lucy from 30 June 2023 to 30 September 2025 - Scheduled for later this calendar year pending resource capacity |
| 23/07/2024 | Telecommunications Policy Review | COUNCIL RESOLUTION THAT Council review the Telecommunication Facilities on Council Land Policy. | Roberts, Kellie | 19/12/2025 | 17 Apr 2025 Target date changed by Roberts, Kellie from 30 April 2025 to 30 June 2025 - Extended due to resource constraints. 16 Jun 2025 Target date changed by Roberts, Kellie from 30 June 2025 to 30 September 2025 - Delayed due to resource constraints 02 Sep 2025 Target date changed by Roberts, Kellie from 30 September 2025 to 19 December 2025 - ongoing review |

BUSINESS OUTSTANDING – ORDINARY COUNCIL

| Meeting Date | Subject | Resolution | Officer | Target Date | Notes |
|--------------|---|--|-----------------|-------------|--|
| 10/12/2024 | Action Progress Report | COMMITTEE RECOMMENDATION THAT the Action Progress Report, as at 13 September 2024, be received. THAT an improvement process be implemented and be reported back to the Audit and Business Improvement Committee. | Morrison, Damon | 24/12/2024 | 11 Dec 2024 Action reassigned to Cheesman, Ross 30 Apr 2025 Target Completion Date 30/06/2025 30 Jun 2025 New Target Completion Date 30 September 2025 30 Jun 2025 Action reassigned to Morrison, Damon |
| 25/03/2025 | Potential Lease of Unused Portion of Water Allocation | COUNCIL RESOLUTION THAT the matter lay on the table until the next Ordinary Council meeting on 8 April 2025. | Taylor, Marnie | 31/10/2025 | 01 Aug 2025 Target date changed by Taylor, Marnie from 08 April 2025 to 31 August 2025 - Report to come back to Council 01 Sep 2025 Target date changed by Taylor, Marnie from 31 August 2025 to 31 October 2025 - Resourcing is impacting the finalisation of a report to Council. |
| 08/04/2025 | Potential Lease of Unused Portion of Water Allocation | COUNCIL RESOLUTION THAT the matter lay on the table until the matter is considered at a Briefing Session. | Taylor, Marnie | 31/10/2025 | 01 Sep 2025 1:56pm Taylor, Marnie - Target Date Revision Target date changed by Taylor, Marnie from 31 August 2025 to 31 October 2025 - Resourcing is impacting the finalisation of a report to Council. |
| 10/06/2025 | Temporary Local Planning Instrument | COUNCIL RESOLUTION THAT Council: <ol style="list-style-type: none"> resolves to prepare a Temporary Local Planning Instrument (TLPI) in accordance with section 23 of the <i>Planning Act 2016</i>; and Undertake public consultation regarding the proposed TLPI, prior to lodgement with the State Government. | Wyatt, Cameron | 24/06/2025 | 31 Jul 2025 Wyatt, Cameron Drafting has commenced on the TLPI. Consultation to begin on 11 August 2025 02 Sep 2025 9:40am Wyatt, Cameron Public consultation has been concluded on 1 September. The responses will be reviewed and a briefing session held with Councillors |
| 24/06/2025 | Use of Council Bus | COUNCIL RESOLUTION THAT the matter lay on the table pending additional information as requested to be provided to Council. | Dorman, Kerri | 08/07/2025 | |

BUSINESS OUTSTANDING – ORDINARY COUNCIL

| Meeting Date | Subject | Resolution | Officer | Target Date | Notes |
|--------------|---|--|-------------------|-------------|---|
| 22/07/2025 | Material Recycling Facility Options Paper | COUNCIL RESOLUTION THAT Council: 1. Endorse the approach to further explore the current potential opportunity for a cross-regional Material Recycling Facility; and 2. Authorise the Chief Executive Officer to hold discussions with other regional Councils. | O'Keeffe, Michael | 05/08/2025 | 01 Sep 2025 Manager RRWR has held discussions with the State regarding possible funding for a cross-regional MRF., Funding guidelines and criteria have not been released from the State to assess if funding will be available. |
| 22/07/2025 | Property Matter | COUNCIL RESOLUTION THAT: 1. Pursuant to section 236((1)(b)(i) of the <i>Local Government Regulation 2012(Qld)</i> , Council approves the Lease of Lot 46 Waurm Street, Kawana (Lot 4 on CP900382) to The State of Queensland (represented by the Department of Transport and Main Roads) for a term of 3 years with 2 x 1 year options; and 2. Council authorises the Chief Executive Officer (Coordinator Property & Insurance) to negotiate the terms and conditions of the lease in preparation for the execution by the delegated officer, subject to the conditions outlined in the report. | Roberts, Kellie | 31/01/2026 | 25 Jul 2025 Target date changed by Roberts, Kellie from 05 August 2025 to 31 January 2026 |

BUSINESS OUTSTANDING – ORDINARY COUNCIL

| Meeting Date | Subject | Resolution | Officer | Target Date | Notes |
|--------------|--|---|-------------------|-------------|--|
| 12/08/2025 | Councillor Investigation Policy | COUNCIL RESOLUTION THAT the matter lay on the table pending discussion at a Briefing Session. | Jennings, Shannon | 26/08/2025 | Discussed at Briefing Session 2/9/25. Report going to Council 9/9/25 |
| 12/08/2025 | Proposed Easement/Sale of Council Land | COUNCIL RESOLUTION THAT the Chief Executive Officer (Property and Resumptions Officer) be authorised to proceed with Option 1 outlined within the report. | Mills, Michelle | 19/12/2025 | 02 Sep 2025 Target date changed by Mills, Michelle from 26 August 2025 to 19 December 2025 - Timeframe extended due to the requirements of Council's decision to proceed with option 1. |
| 12/08/2025 | Organisational Structure | COUNCIL RESOLUTION THAT: 1. The proposed Organisational Structure be endorsed; 2. The proposed Organisational Structure be distributed to impacted staff and relevant unions for consultation; and 3. The Chief Executive Officer be delegated to approve and implement the final Organisational Structure after consideration of feedback received in the consultation process. | Pegrem, Travis | 26/08/2025 | |

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 28 AUGUST 2025

RECOMMENDATION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 28 August 2025 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.1 QAO BRIEFING PAPER**

File No: 9509
Authorising Officer: Marnie Taylor - General Manager Organisational Services
Author: Tisin Simon - Coordinator Accounting Services

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, 28 August 2025**9.1.2 ASSET MANAGEMENT**

File No: 13900
Authorising Officer: Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services
Author: Andrew Whitby - Coordinator Assets and GIS

SUMMARY

Coordinator Assets and GIS presenting an update on Asset Management matters.

COMMITTEE RECOMMENDATION

THAT:

1. the update on Asset Management matters be 'received'.
2. A future presentation on R1 Dashboard be received by the Committee.
3. Inspection of the Water Treatment Plant and treatment of risks be undertaken at a future time.
4. A summary on the Asset Maturity assessment be reported to the Committee.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.3 CAPITALISATION OF CAPITAL WORKS IN PROGRESS**

File No: 5960
Authorising Officer: Marnie Taylor - General Manager Organisational Services
Author: Tisin Simon - Coordinator Accounting Services

SUMMARY

General Manager Organisational Services/Chief Financial Officer providing an update regarding the capitalisation of capital works in progress.

COMMITTEE RECOMMENDATION

THAT:

1. the Capitalisation of Capital Works in Progress report be received.
2. the Committee recognise the efforts of the Finance and Assets Sections for the progress undertaken with the Capitalisation of the Capital Works.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.4 ASSET REVALUATION 2024/25**

File No: 5960
Authorising Officer: Marnie Taylor - General Manager Organisational Services
Author: Tisin Simon - Coordinator Accounting Services

SUMMARY

The purpose of this report is to inform the Audit and Business Improvement Committee regarding the Asset Revaluations for the 2024/25 reporting year.

Key items are the outcome of the Roads (stage one) revaluation, and the outcome of the indices assessments for 2024/25.

COMMITTEE RECOMMENDATION

THAT the members of the Audit and Business Improvement Committee receive the Asset Revaluation 2024/25 report.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.5 FINANCE SECTION UPDATE**

File No: 8148
Authorising Officer: Marnie Taylor - General Manager Organisational Services
Author: Tisin Simon - Coordinator Accounting Services

SUMMARY

General Manager Organisational Services/Chief Financial Officer providing a Financial Update on matters for the conclusion of the 2024/2025 Financial Year.

COMMITTEE RECOMMENDATION

THAT the Finance Section Update report be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.6 CAE DECLARATION 25 JUNE 2025 AND TEMPORARY TRANSFER OF CAE ROLE FOR WHS AUDIT**

File No: 8563
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - Acting General Manager Community Services

SUMMARY

The CAE Declaration June 2025 prepared by Pacifica CA and the temporary transfer of CAE role to CEO for WHS Audit is provided for information of the Committee.

COMMITTEE RECOMMENDATION

THAT the CAE Declaration June 2025 prepared by Pacifica CA and the temporary transfer of CAE role to CEO for WHS Audit report be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.7 REVENUE ASSURANCE AND CASH HANDLING REVIEW - FINAL REPORT**

File No: 5207
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - General Manager Workforce and Governance

SUMMARY

Revenue Assurance and Cash Handling review report is presented for the Committee's consideration.

COMMITTEE RECOMMENDATION

THAT the Revenue Assurance and Cash Handling review report be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.8 LARGE SCALE CONTRACTED SERVICES REVIEW - FINAL REPORT**

File No: 5207
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - Acting General Manager Community Services

SUMMARY

Large Scale Contracted Services review report is presented for the Committee's consideration.

COMMITTEE RECOMMENDATION

THAT the Large Scale Contracted Services review – Final Report be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.9 THREE-YEAR STRATEGIC INTERNAL AUDIT PLAN FY2026 - FY2028 (INCLUDING FY2026 ANNUAL INTERNAL AUDIT PLAN) AND INTERNAL AUDIT PROGRESS**

File No: 5207
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - Acting General Manager Community Services

SUMMARY

Presenting the three-year Strategic Internal Audit Plan which outlines the areas of focus of Internal Audit activity and high-level scopes for FY2025/2026 and indicative audits proposed for FY2026-2028. The Internal Audit Progress report is also presented to update the Committee on the progress of the internal audit function.

COMMITTEE RECOMMENDATION

THAT:

1. the Strategic Internal Audit Plan FY2026-FY2028 and FY2026 Annual Internal Audit Plan be received; and
2. the Internal Audit Progress Report be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.10 STRATEGIC RISK REGISTER AS AT 22 JULY 2025 - UPDATE**

File No: 8780
Authorising Officer: Shannon Jennings - Acting General Manager Workforce and Governance
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

This report presents the 22 July 2025 update of the Strategic Risk Register for the Committee's consideration and recommendation for adoption by Council.

COMMITTEE RECOMMENDATION

THAT the Committee recommends Council adopt the risk register updates from management dated 22 July 2025.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.11 INFORMATION SYSTEMS - CYBER SECURITY UPDATE**

File No: 12177
Authorising Officer: Marnie Taylor - General Manager Organisational Services
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, 28 August 2025**9.1.12 WORK HEALTH & SAFETY UPDATE**

File No: 4868
Authorising Officer: Damon Morrison - Acting General Manager Community Services
Author: Tony Hauenschield - Acting General Manager Workforce and Governance

SUMMARY

A/General Manager Workforce and Governance presenting an update on work health and safety matters for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the Work Health and Safety update be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.13 LOSS / THEFT ITEMS - MAY TO JULY 2025**

File No: 3911
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Marnie Taylor - General Manager Organisational Services
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

This report presents details of the Loss/Theft Items for the period May to July 2025.

COMMITTEE RECOMMENDATION

THAT the Committee receives the Loss/Theft Items – May to July 2025 report.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025**9.1.14 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

File No: 1830
Authorising Officer: Shannon Jennings - Acting General Manager Workforce and Governance
Author: Travis Pegrem - 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 be received.

Recommendation of the Audit and Business Improvement Committee, 28 August 2025

9.1.15 CEO UPDATE

File No: 13900

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer providing an update on matters of importance.

COMMITTEE RECOMMENDATION

THAT the Chief Executive Officer's update be received.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR UTILITY INSTALLATION (CONTAINER REFUND FACILITY)

File No: D/45-2025

Attachments:

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Elevations Plan](#)

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

Author: Kathy McDonald - Principal Planning Officer

SUMMARY

Development Application Number: D/45-2025

Applicant: The Refund Station Pty Ltd

Real Property Address: Lot 1 on RP600990 and Lot 1 and 2 on RP605544

Common Property Address: 195 Gladstone Road, Allenstown

Area of Site: 9,098 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (v4.4)

Planning Scheme Zone: Specialised Centre Zone and Rural Zone

Planning Scheme Precinct: Gladstone Road and George Street Precinct and Outdoor Sales and Services Sub-Precinct

Planning Scheme Overlays: Acid Sulfate Soils Overlay
Airport Environs Overlay
Flood Hazard Overlay

Existing Development: Outdoor Sales

Approval Sought: Development Permit for a Material Change of Use for Utility Installation (Container Refund Facility)

Category of Assessment: Assessable subject to Impact assessment

Submissions: Nil

Referral Agency: Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department)

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Utility Installation (Container Refund Facility), made by The Refund Station Pty Ltd, located at 195 Gladstone Road, Allenstown, described as Lot 1 on RP600990 and Lot 1 and 2 on RP605544, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

| Description of the development | |
|---|---|
| Material Change of Use for Utility Installation (Container Refund Facility) | |
| Reasons for Decision | |
| <p>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</p> <p>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.</p> | |
| Assessment Benchmarks | |
| <p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Local Government Infrastructure Plan; • Strategic Framework; • Specialised Centre Zone Code; • Rural Zone Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; • Water and Sewer Code; and • Flood Hazard Overlay Code. | |
| Compliance with assessment benchmarks | |
| <p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> | |
| Assessment Benchmark | Reasons for the approval despite non-compliance with benchmark |
| Specialised Centre Zone Code | <p>Outdoor Sales and Services Sub-Precinct</p> <p>Overall Outcome 4. (a.)</p> <p>The proposed development conflicts with overall outcome 4. (a.) because development within this sub-precinct is generally reserved for vehicle and other outdoor sales, storage, warehousing, vehicle maintenance services, and small-scale convenience uses such as food and drink outlets where serving local customers and local businesses.</p> <p>The use of a Utility Installation (Container Refund Facility) is considered to be of the same impacts as a Low Impact Industry use, which falls into the development assessment category of 'storage', 'warehousing' and 'vehicle maintenance services'. Additionally, a Utility Installation land use is listed as an accepted land use within the zone 'if undertaken by a public sector entity'</p> <p>It is, therefore, a land use that is considered to be contemplated within the zone.</p> |

| | |
|---|--|
| | <p>Despite the use being undertaken by private operations, the development does comply on balance with the remainder of the overall outcomes for the Specialised Centre Zone because:</p> <ul style="list-style-type: none"> • The Container Refund Facility provides a convenience level, serving only the immediate neighbourhood and local customers and is considered to be an essential community service as the facility will be the only containers refund operating in the South Rockhampton locality. • The development does not impact on the existing level of amenity as all operations will be undertaking within the present built form. • Provision of infrastructure services, car parking and access is commensurate with the type and scale of development ensuring the safe and efficient function of Gladstone Road as a state-controlled road. This includes ensuring car parking is provided on site to limit on-street parking and limiting vehicular access points. <p>Therefore, the proposed development is taken to comply on balance with the purpose of the Specialised Centre Zone.</p> |
| Specialised Centre Zone Code | <p>Performance Outcome (PO) 20</p> <p>The proposed development does not (in part) comply with Acceptable Outcome (AO) 20.1 because part of the site is located in the Rural Zone and not the Specialised Centre Zone as AO 2.1 requires.</p> <p>The built form and operational area of the development's footprint is solely located within the Specialised Centre Zone. Lot 1 on RP600990 is located within the Rural Zone and only utilised for formal access from Port Curtis Road and staff carparking.</p> <p>While a small portion of the development site is within the Rural Zone, the Lot is isolated with limited to no rural potential within the urban area.</p> <p>The non-compliance with AO20.1 and corresponding Performance Outcome is considered a low-level conflict and on balance the proposed development complies with the remainder of the Assessment Benchmarks.</p> |
| Relevant Matters | |
| The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation. | |
| Matters raised in submissions | |
| The proposal was the subject of public notification between 7 July 2025 and 24 July 2025, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received. | |
| Matters prescribed by regulation | |
| <ul style="list-style-type: none"> • The Rockhampton Region Planning Scheme 2015 (version 4.4). • Central Queensland Regional Plan 2013; and • The common material, being the material submitted with the application. | |

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Utility Installation (Container Refund Facility), made by The Refund Station Pty Ltd, located at 195 Gladstone Road, Allenstown, described as Lot 1 on RP600990 and Lot 1 and 2 on RP605544, 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 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; and
- (ii) Access and Parking Works.
- 1.6 All Development Permits for Operational 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.
- 1.9 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> |
|---------------------------------------|--------------------|--------------|----------------------|-----------------------|
| Proposed Site Plan | Dezignelements | 03 July 2025 | 24-244 / S-02 | - |
| Proposed Site Plan - Section | Dezignelements | 03 July 2025 | 24-244 / S-04 | - |
| Proposed Site Plan - Landscaping | Dezignelements | 03 July 2025 | 24-244 / S-05 | - |
| Proposed Elevation | Dezignelements | 03 July 2025 | 24-244 / S-06 | - |
| Existing Office Building – Floor Plan | Dezignelements | 03 July 2025 | 24-244 / S-07 | - |

| | | | | |
|---------------------------------|----------------|----------------|---------------|---|
| Existing Shed – Floor Plan | Dezignelements | 03 July 2025 | 24-244 / S-08 | - |
| Existing Open Shed – Floor Plan | Dezignelements | 03 July 2025 | 24-244 / S-09 | - |
| Existing Signage | Dezignelements | 03 July 2025 | 24-244 / S-10 | - |
| Site Areas | Dezignelements | 27 August 2025 | 24-244 / S-11 | - |
| Traffic Impact Assessment | MCE | 02 July 2025 | R034-24-25 | B |
| Stormwater Assessment | MCE | 02 July 2025 | R034-24-25 | A |

- 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 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*, relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A short Auxiliary Left Turn Lane must be constructed at the development site access on Port Curtis Road to enhance safety and traffic flow. The design and construction of the turn lane must be in accordance with the recommendations of the approved Traffic Impact Assessment report (refer to condition 2.1).

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, car parking and vehicle manoeuvring areas must be concrete paved or asphalt sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 4.4 Service and delivery vehicles, including refuse collection vehicles must be via Port Curtis Road only.
- 4.5 A new access to the development must be provided from Port Curtis Road in accordance with the approved plans (refer to condition 2.1).
- 4.6 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 4.7 Access to Port Curtis Road must be limited to 'left in, left out' movements only. Appropriate signage, line marking and any necessary physical treatment (e.g., traffic islands or medians) must be installed to prevent right-turn movements into and out of the development site. All signage and physical treatment must be designed and installed in accordance with the relevant standards.
- 4.8 All vehicles must ingress and egress the development in a forward gear.
- 4.9 A minimum of fourteen (14) parking spaces must be provided on-site. This includes six (6) staff car parking spaces.

Note: nine (9) car parking spaces on Lots 1 and 2 on RP605544 and six (6) car parking spaces on Lot 1 on RP600990.

- 4.10 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.11 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.12 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"*.
- 4.13 Signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 4.14 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.15 Heavy Rigid Vehicle (12.8 metre) or smaller vehicle must be used to supply and remove goods or services to and from the proposed development site.

Note: Larger vehicles than Heavy Rigid Vehicle (12.5 metre) are restricted to the development site.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 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.
- 5.2 The development must remain connected to Council's reticulated sewerage and water networks.
- 5.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.4 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.
- 5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy-duty trafficable lid must be provided in the trafficable area.
- 5.6 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.
- 5.7 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.
- 5.8 All new sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500 Part 2 section 3 and 4* for flood affected areas.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 6.1 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* and sound engineering practice.
- 6.2 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.
- 6.3 All stormwater runoff from the proposed impervious area must be discharged to the existing internal drainage system.

7.0 SITE WORKS

- 7.1 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".

- 7.2 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.
- 7.3 Any earthworks / improvements proposed on the development site (Lots 1 and 2 on RP605544 and Lot 1 on RP600990), located within 1% AEP Fitzroy River inundation extent area, must not create any actionable nuisance or worsening to surrounding land or infrastructure.

8.0 BUILDING WORKS

- 8.1 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the Environmental Protection Regulation 2019 and must be:

- 8.1.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 8.1.2 surrounded by at least a 1.8-metre-high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 8.1.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 8.1.4 setback a minimum of two (2) metres from any road frontage; and
- 8.1.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.

- 8.2 Any building plant must be screened from view of the street by one or more of the following:
- 8.2.1 a solid screen fence, or
 - 8.2.2 a roof design feature; or
 - 8.2.3 a wall; or
 - 8.2.4 dense vegetation; or
 - 8.2.5 be located within or central to the building so as to not be visible from the street.
- 8.3 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"*.
- 8.4 The development site must be fenced along all road frontage boundaries to adequately screen from public view the operations on site, to Council's satisfaction. The fence must be constructed of materials and finishes that are aesthetically pleasing and commensurate with the surrounding area.
- 8.5 Any new electrical and telecommunication outlets must be designed and installed at such a height that they are a minimum of 500 millimetres above a one percent (1%) Annual Exceedance Probability defined flood event.

9.0 LANDSCAPING

- 9.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 9.2 A landscape strip that is a minimum of 1.5 metres in width must be provided for the full frontage length of the site.
- Note: vehicle access driveways, existing hardstand areas and pedestrian entrances to the site are acceptable within which landscaping is not required.
- 9.3 Planting types used within the landscaping areas (refer to condition 2.1) must include either trees, shrubs or groundcovers, or any combination of these planting types.

- 9.4 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 9.4.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
 - 9.4.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 9.5 The existing tree (e) shown on the landscape plan 24_244 / S-05 (refer to condition 2.1) must be retained and maintained.
- 9.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- 9.6.1 obstruct sight visibility zones as defined in the Austroads 'Guide to Traffic Engineering Practice' series of publications;
 - 9.6.2 adversely affect any road lighting or public space lighting; or
 - 9.6.3 adversely affect any Council infrastructure, or public utility plant.
- 9.7 The landscaped areas must be subject to:
- 9.7.1 a watering and maintenance plan during the establishment moment; and
 - 9.7.2 an ongoing maintenance and replanting programme.
- 10.0 ELECTRICITY
- 10.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider.
- 11.0 TELECOMMUNICATIONS
- 11.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 12.0 ASSET MANAGEMENT
- 12.1 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.
- 12.2 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.
- 13.0 ENVIRONMENTAL
- 13.1 The Erosion Control and Stormwater Control Management Plan prepared and certified by suitably qualified person (*Certified Professional in Erosion and Sediment Control* or *Registered Soil Practitioner – Erosion and Sediment Control* or *Registered Professional Engineer of Queensland*), with appropriate knowledge and experience in erosion and sediment control design and implementation, in accordance with the *State Planning Policy 2017*, *International Erosion Control Association Best Practice Guidelines* and *Capricorn Municipal Design Guidelines* requirements, must be:
- 13.1.1 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
 - 13.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 14.0 ENVIRONMENTAL HEALTH
- 14.1 Noise emitted from the activity must not cause an environmental nuisance.

- 14.2 Operations on the development site must have no significant impact, as determined by Council, on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust.
- 14.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council caused by noise, light, odour 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 and will require any mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 14.4 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 the reticulated sewerage network in accordance with a trade waste permit.
- 15.0 OPERATING PROCEDURES
- 15.1 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 Gladstone Road or Port Curtis Road.
- 15.2 All waste must be stored within a waste storage area, (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 15.2.1 the area is kept in a clean and tidy condition;
 - 15.2.2 fences and screens are maintained;
 - 15.2.3 no waste material is stored external to the waste storage area/s; and
 - 15.2.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.
- 15.3 No washing of plant equipment/containers and vehicles is permitted on the development site unless an approved washdown bay is built to prevent contamination of land and the stormwater system.
- 15.4 The activity must be conducted in accordance with the site-based flood management and site preparation plan (refer to condition 2.1).
- NOTE: Council is not required to approve the flood management and site preparation plan. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the plan or failing to use the plan during a flood event.
- It is the responsibility of the owner or occupier of the land from time to time to implement the flood management and site preparation plan during a flood event or if there is a risk of flooding near the land.

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 Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism website <https://www.tatsipca.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. 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 storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 5. 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 6. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

NOTE 7. 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 8. 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.

NOTE 9. Flood Contingency Plan

9.1 The developer must either amend the flood management and site preparation plan (refer to condition 2.1) to include Local Catchment Flooding, Planning Area 1 and 2 or prepare a Flood Contingency Plan specifically addressing Local Catchment Flooding for the subject site that addresses but is not limited to the following:

9.1.1 period of time that the access / entry to the site will be cut, warning time prior to the event occurring, measures to be implemented to ensure the safety of property and people is maintained;

9.1.2 evacuation routes;

9.1.3 types of vehicles required for evacuation purposes;

9.1.4 details the storage or removal of materials, goods or equipment during times of creek catchment flood;

9.1.5 the plan must demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The plan must also include details of how the owner or occupier of the land will collect possessions;

9.2 Council is not required to approve contingency plans and Council does not accept any liability for loss of or damage of property, or injury or loss of life as a result of any person using or relying on the contingency plan, or failing to use the contingency plan during a flood event;

9.3 It is the responsibility of the owner or occupier of the land to implement to contingency plan during a flood event or if there is a risk of flooding near the land; and

9.4 A review and amendment of the Contingency Plan must be undertaken with any change in the owner or occupier of the land to demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.

BACKGROUND

SITE AND LOCALITY

The site is located at 195 Gladstone Road, Allentown, formally described as Lot 1 on RP600990 and Lots 1 and 2 on RP605544. The lots are an irregular configuration with a total site area of 9,098 square metres. The site is improved by existing structures and is a developed site.

The subject site is immediately bound by:

- North – Specialised Centre Zone with established outdoor sales land use.
- East – Open Space Zone (vacant land) and Special Purpose Zone, Depot Hill Rail Precinct
- South – Port Curtis Road (Minor Rural Collector)
- West – Gladstone Road (Bruce Highway – State-Controlled)

The wider area is characterised by a mix of developments being at the start of the Gladstone Road Precinct. Open Space, Community Facilities, Sport and Recreation, Depot Hill Rail Precinct, Rural and Residential zones are all within proximity.

OVERVIEW

The Applicant seeks a Development Permit for a Material Change of Use for Utility Installation to establish a Container Refund Facility over the subject site.

Specifically, the proposal will relocate an existing container refund facility from a non-compliant site located at Yeppen (Fairy Bower) and will ensure continued access to recycling services for residents of South Rockhampton and surrounding areas. The proposal will utilise the existing built form, with all operations conducted within the existing sheds and buildings (no additional building works are required).

Primary collection and sorting area will take place in the main shed along the south boundary with 350 square metre ground floor area. Administrative office and customer service will be located in the existing office building oriented towards Gladstone Road.

Public and customer access will be retained from Gladstone Road whilst staff and service vehicles will access via a new formalised access point from Port Curtis Road. Fourteen car parking spaces will be provided, three (3) visitor parking spaces, five (5) drop off parking spaces and six (6) staff parking spaces.

Landscape screening will be provided along the Gladstone Road frontage and Port Curtis Road frontage to ensure a high level of amenity is maintained.

PLANNING ASSESSMENT

Matters for Consideration

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments

Support, subject to conditions.

Public and Environmental Health Comments

Support, subject to conditions.

Strategic Planning Comments

The proposal ensures that the Specialised centres designation under the Strategic Framework is not compromised, maintaining the character and amenity of the surrounding area as all operations will be conducted within the existing sheds and buildings, with no new construction required.

Strategic Planning have no objections to the proposed use.

TOWN PLANNING COMMENTS**State Planning Policy 2017**

Section 2.1 of Rockhampton Region Planning Scheme 2015 noted the State Planning Policy 2017 is integrated in the planning scheme. The State planning interests are therefore addressed as part of this assessment of the development against the Rockhampton Region Planning Scheme 2015.

Central Queensland Regional Plan 2013

The Central Queensland Regional Plan 2013 is a statutory document which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the Central Queensland Regional Plan 2013.

Rockhampton Region Planning Scheme 2015**Strategic framework**

The subject site is situated within the **Specialised Centre** designation and **Urban Area** designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the Rockhampton Region Planning Scheme 2015 are applicable:

- Settlement Pattern
- Natural Environment and Hazards
- Community Identity diversity
- Access and Mobility
- Infrastructure and Services
- Natural Resources and Economic Development

An assessment of the proposal demonstrates that the development will not compromise the Rockhampton Region Planning Scheme 2015 strategic outcomes.

Specialised Centre Zone

The subject site is situated within the Specialised Centre Zone under the Rockhampton Region Planning Scheme 2015. The purpose of the Specialised Centre Zone identifies that: -

1. The purpose of the specialised centre zone code provides for one (or more) specialised uses:
 - a. enable the specialised centres to strengthen and maintain their role within the network of centres in the region, providing services and facilities appropriate to their respective function and catchment; and
 - b. facilitate the development of specialised centres which are readily accessible, integrated and well designed, form vibrant focal points for the community, promote the efficient provision of services and contribute to the quality of life, character and identity of communities.

Gladstone Road and George Street precinct

3. The following overall outcomes of the Gladstone Road and George Street precinct are additional to those of the specialised centre zone and take precedence in the event of a conflict:
 - a. development consolidates retail and residential uses which have developed along the Bruce highway;
 - b. office activities larger than 200 square metres in gross floor area will not occur;
 - c. further spread of non-residential uses into surrounding residential areas will not occur;
 - d. development in this precinct reflects the importance of the southern entrance to the city and maintains a high level of building design and layout, landscaping and signage; and

- e. development ensures the safe and efficient function of Gladstone Road and George Street as a state-controlled road. This includes ensuring car parking is provided on site to limit on-street parking and limiting vehicular access points.

Outdoor sales and services sub-precinct

4. The following overall outcomes of the outdoor sales and services sub-precinct are additional to those of the specialised centre zone and Gladstone Road and George Street precinct and take precedence in the event of a conflict:
 - a. development includes vehicle and other outdoor sales, storage, warehousing, vehicle maintenance services, and small-scale convenience uses such as food and drink outlets where serving local customers and local businesses;
 - b. retail uses (including shops (with the exception of Lot 1 SP161848 and Lot 1 SP191827) and shopping centres) larger than 500 square metres in gross floor area will not occur; and
 - c. retail uses larger than 500 square metres in gross floor area only occur on Lot 1 SP161848 and Lot 1 SP191827 when involving the reuse of the existing building onsite.

Rural Zone

The subject site is situated within the Rural Zone under the Rockhampton Region Planning Scheme 2015. The purpose of the Rural Zone identifies that: -

1. The purposes of the rural zone code is to:
 - a. ensure that land with productive capacity is maintained for a range of existing and emerging rural uses that are significant to the economy of the planning scheme area;
 - b. recognise that different types of rural land are suited to specific uses such as animal industries, horticulture, cropping, intensive animal industries, intensive grazing and extractive industries;
 - c. prevent the establishment of development which may limit the productive capacity of the land;
 - d. provide for diversification of rural industries where impacts can be managed; and
 - e. maintain the environmental values of all rural land.

An assessment of the proposal identifies that the development presents conflicts with the purpose of the Specialised Centre Zone and Rural Zone. An assessment against the purpose of each zone is contained in the Statement of Reasons in **Recommendation A** of this report.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application:

- Specialised Centre Zone Code;
- Rural Zone Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code;
- Water and Sewer Code; and
- Flood Hazard Overlay Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. Where the application is in conflict with the Acceptable Outcomes and is not otherwise conditioned to comply an assessment of the Performance Outcomes is contained in the Statement of Reasons in **Recommendation A** of this report.

INFRASTRUCTURE CHARGES

Charges Resolution (No. 1) of 2022 applies to the application, however Council resolves not to issue an Infrastructure Charges Notice for this development because the charges arising from the development are less than or equal to the credits applicable for the development.

Therefore, no infrastructure charges are payable and an Infrastructure Charges Notice is not required for the development.

CONSULTATION

The proposal was the subject of public notification between 7 July 2025 and 25 July 2025, in accordance with the requirements of the Planning Act 2016 and the Development Assessment Rules, and no submissions were received.

REFERRALS

The application was referred to the Department of Housing, Local Government, Planning and Public Works (State Assessment and Referral Agency Department) as a Concurrence. The Department assessed the application and provided a referral agency response with conditions on 16 July 2025.

CONCLUSION

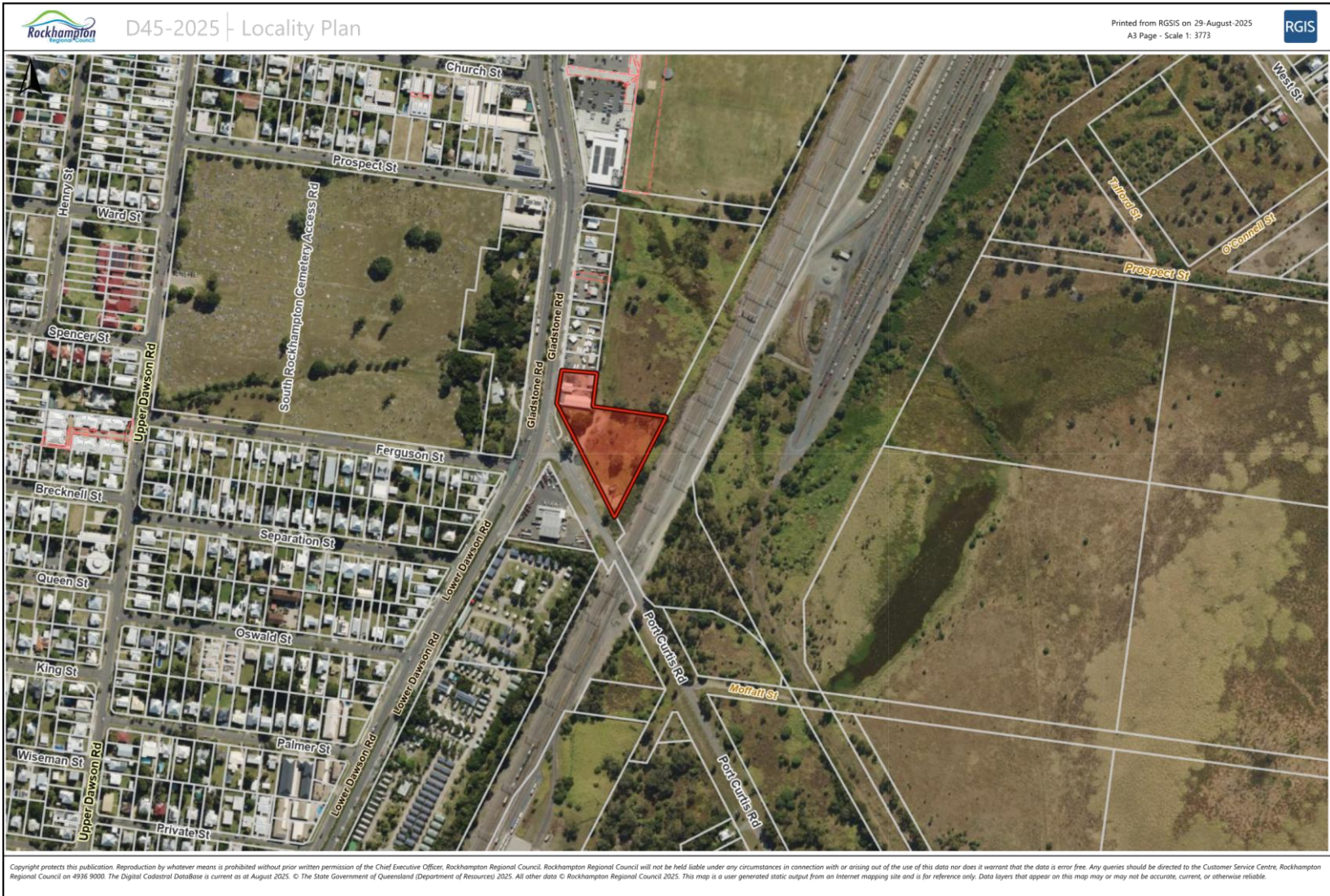
THAT the proposed development is not anticipated to compromise the Strategic Framework of Rockhampton Region Planning Scheme 2015. Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
UTILITY INSTALLATION
(CONTAINER REFUND FACILITY)**

Locality Plan

Meeting Date: 9 September 2025

Attachment No: 1

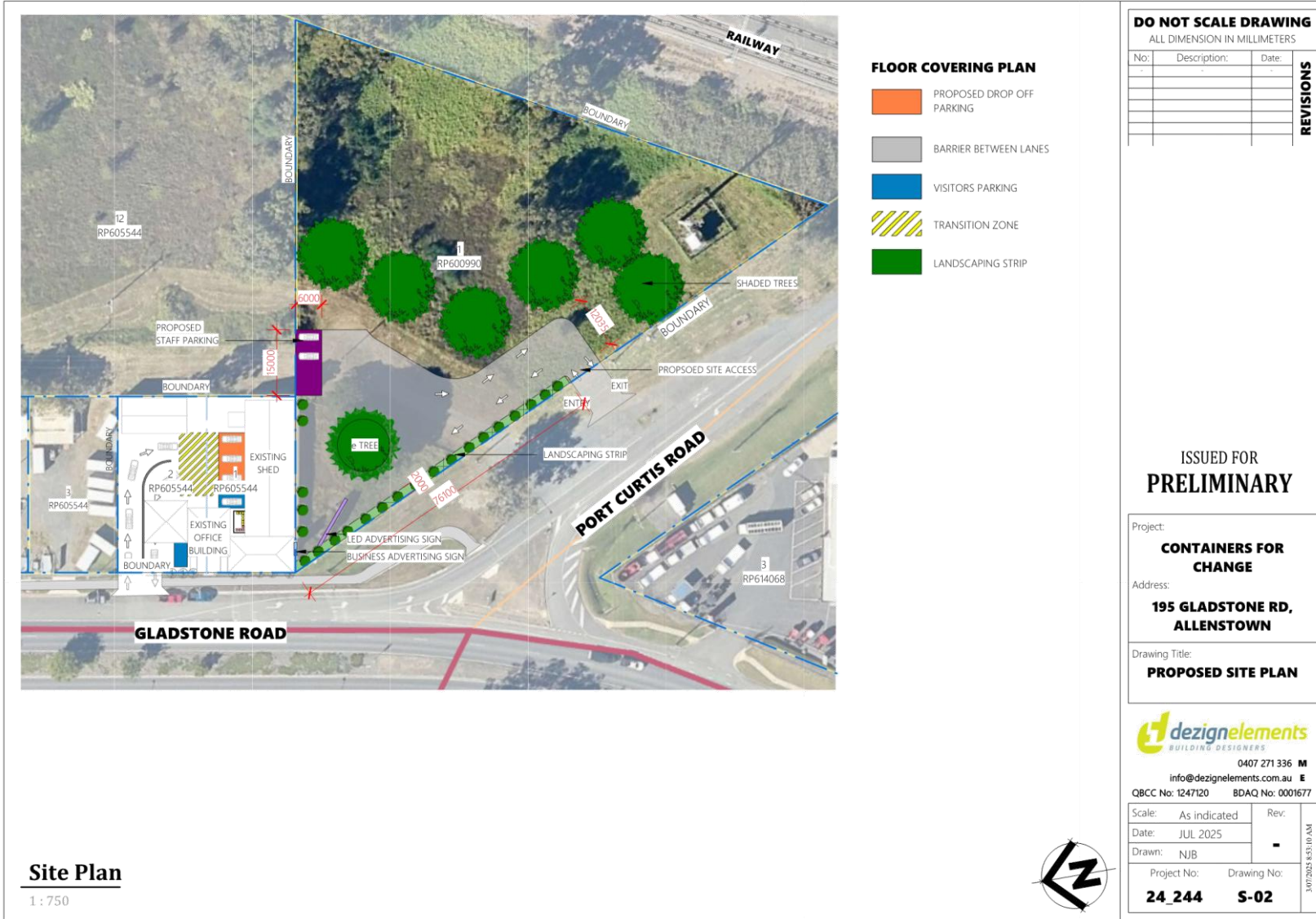


**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
UTILITY INSTALLATION
(CONTAINER REFUND FACILITY)**

Site Plan

Meeting Date: 9 September 2025

Attachment No: 2



**DEVELOPMENT APPLICATION FOR A
MATERIAL CHANGE OF USE FOR
UTILITY INSTALLATION
(CONTAINER REFUND FACILITY)**

Elevations Plan

Meeting Date: 9 September 2025

Attachment No: 3



11.2 SURVEILLANCE PROGRAM FOR INVASIVE BIOSECURITY MATTER UNDER THE BIOSECURITY ACT 2014

File No: 2557

Attachments: 1. 2025-2026 Surveillance Program for Invasive Biosecurity Matter [↓](#)

Authorising Officer: Angela Arnold - Acting Manager Planning and Regulatory Services
Damon Morrison - Acting General Manager Community Services

Author: Karen Moody - Coordinator Health and Environment

SUMMARY

This report presents a surveillance program for invasive biosecurity matter under the Biosecurity Act 2014 for the Rockhampton Region Local Government Area.

OFFICER'S RECOMMENDATION

THAT Council approves the surveillance program for implementation from 29 September 2025 until 31 December 2026.

COMMENTARY

Surveillance programs allow Council to detect, monitor and respond to biosecurity risks within our local government area. These programs also play a crucial part of maintaining compliance with the *Biosecurity Act 2014*.

The proposed program applies to all invasive plants and animals that are restricted or prohibited matter as defined in the *Biosecurity Act 2014 (the Act)* or outlined in Council's Biosecurity Plan. This program applies to the localities of Struck Oil, Johnsons Hill, Limestone, Nine Mile, Fletcher Creek, Walmul, Oakey Creek, Trotter Creek, Boulder Creek, Wura and parts of Bajool as per the map in the attached draft program.

The proposed program is for 15 months until the end of 2026, this duration has been assessed to be reasonably necessary to meet the objectives of the program.

The purpose of the program is to:

- (a) Monitor compliance with the Act in relation to invasive biosecurity matter; and
- (b) Confirm the presence or determine the extent of invasive biosecurity matter within Rockhampton Regional Council area to which the program relates; and
- (c) Confirm the absence in the Rockhampton Regional Council area of invasive biosecurity matter to which the program relates; and
- (d) Monitor the effects of measures taken in response to a biosecurity risk posed by Invasive Biosecurity Matter.

This area is considered a priority area as the impacts of invasive species are lesser known and the program will allow Council the ability to better understand the impacts of invasive biosecurity matter in this area.

Consultation with the State Government, through the Department of Primary Industries is required by the Act. A draft program was provided to the Department in July 2025 for consultation, with a response received on the 15 August 2025. Feedback from the Department was incorporated into this program.

BACKGROUND

The *Biosecurity Act 2014* is the primary piece of legislation in Queensland that provides a framework for managing biosecurity risks within the state, including invasive biosecurity matter.

Rockhampton Regional Council is impacted by invasive biosecurity matter including invasive plants and animals. The extent of this impact is not known in the proposed surveillance area. By implementing a surveillance program council can systematically monitor the area for invasive biosecurity matter.

Council adopted the 2022-2026 Biosecurity Plan in 2022, the implementation of this program contributes to Council meeting the key actions outlined in the Plan.

PREVIOUS DECISIONS

Council has previously approved Surveillance Programs under the *Biosecurity Act 2014* for the Fitzroy Floodplain area and the Bajool/ Marmor areas. The last program was approved in 2021.

BUDGET IMPLICATIONS

Staffing and associated costs to undertake the surveillance program is provided for in the current operational budget.

LEGISLATIVE CONTEXT

Local Government is responsible for the administration of parts of the *Biosecurity Act 2014*. The Act allows for a surveillance program to be approved by Council resolution.

LEGAL IMPLICATIONS

The implementation of this program is in compliance with the *Biosecurity Act 2014*.

STAFFING IMPLICATIONS

The surveillance program will be managed by the Property Pest Management Officer within current workloads.

Council land within the surveillance area will be a high priority for Pest Management Officers to treat within current workloads and budgets.

RISK ASSESSMENT

Operational risks in relation to workplace health and safety are managed through completed risk assessments and Councils policies and procedures.

There is a risk that the program will not be completed within program timeframe, if this occurs a new program can be approved in 2026.

CORPORATE/OPERATIONAL PLAN

There is no direct link between this project and the Corporate Plan goals. The control of invasive species does link indirectly to the commitment to deliver environmentally sustainable strategies and plans.

CONCLUSION

This report presents to Council a surveillance program for invasive biosecurity matter under the *Biosecurity Act 2014* for consideration and approval. The surveillance program will assist Council to fulfill its duties under the Act.

SURVEILLANCE PROGRAM FOR INVASIVE BIOSECURITY MATTER UNDER THE BIOSECURITY ACT 2014

2025-2026 Surveillance Program for Invasive Biosecurity Matter

Meeting Date: 9 September 2025

Attachment No: 1



Rockhampton Regional Council

Surveillance Program for Invasive Biosecurity Matter

2025-2026

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1 Biosecurity program

1.1 Program name

The surveillance program (biosecurity program) for invasive biosecurity matter that is restricted matter or prohibited matter will be known as the Rockhampton Regional Council Surveillance Program for Invasive Biosecurity Matter 2025-2026 (the program).

The biosecurity matter to which the program relates is all invasive biosecurity matter as defined by section 48(1) of the *Biosecurity Act 2014* (the Act).

2 Requirement for a surveillance program

2.1 Purpose and rationale

The Act imposes a general biosecurity obligation on each person to manage biosecurity risks under their control.

The Rockhampton Regional Council Biosecurity Plan 2022-2026 has used a risk-based approach to prioritise invasive plants and animals that occur or are likely to occur throughout our region. These species were then assigned a management objective in the biosecurity plan.

Section 233 of the Act provides for the establishment of surveillance programs. Surveillance programs are directed at any of the following:

- (a) Monitoring compliance with the Act in relation to a particular matter to which the Act applies;
- (b) Confirming the presence, or finding out the extent of the presence, in the Rockhampton Region of invasive biosecurity matter to which the program relates;
- (c) Confirm the absence, in the Rockhampton Region of invasive biosecurity matter to which the program relates;
- (d) Monitoring the effects of measures taken in response to a biosecurity risk;
- (e) Monitoring compliance with requirements about prohibited matter or restricted matter;
- (f) Monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The objectives of the Invasive Plant and Animal Biosecurity Program (the Program) are to:

- (a) Monitor compliance with the Act in relation to prohibited and restricted biosecurity matter; and
- (b) Confirm the presence and determine the extent of the presence in the Rockhampton Region of invasive biosecurity matter to which the program relates; and
- (c) Confirm the presence and determine the extent of the presence in the Rockhampton Region of biosecurity matter as declared in Rockhampton Regional Councils Local Law 3 (Community and Environmental Management) 2011 and Subordinate Local Law 3 (Community and Environmental Management) 2011.
- (d) Confirm the absence in the Rockhampton Region of invasive biosecurity matter to which the program relates; and
- (e) Monitor the effects of measures taken in response to biosecurity risks posed by invasive biosecurity matter.

2.2 Measures that are required to achieve the purpose

The key activities undertaken by the Program include but are not limited to:

- Surveillance activities to check for the absence, presence or extent of prohibited matter and restricted matter to which the program relates. Surveillance will primarily be conducted by entry of authorised person onto a place to conduct visual on ground inspections (including driving 4x4, ATV and walking using electronic and paper resources to record infestations of target weeds); and
- Using aerial surveillance by visual, photographic or electronic means using remote controlled unmanned aerial vehicles (UAV) or manned aircraft (helicopters) to ascertain the extent of some identified species; and
- Monitoring the effects of measures taken in response to a biosecurity risk posed by invasive biosecurity matter.
- Provide information and advice to property owners and occupiers regarding the level of risk posed by the identified restricted or prohibited matter and appropriate control measures.
- Enforce Biosecurity Orders if issued.

2.3 Powers of Authorised Officers

Entry of place

The Act provides that authorised officers appointed under the Act may, at reasonable times, enter a place situated in the area to which a biosecurity program applies, to take any action authorised by the biosecurity program¹. These activities must be done in a timely and efficient manner to ensure that the measures are as effective as possible. The Program authorises entry into places to allow these measures to be undertaken.

In accordance with the Act a reasonable attempt will be made to locate an occupier² and obtain the occupier's consent to the entry prior to an authorised officer entering a place to undertake activities under the Program. Nevertheless, an authorised officer may enter the place if³—

- a) The authorised officer is unable to locate an occupier after making a reasonable attempt to do so; or
- b) the occupier refuses to consent to the entry.

If after entering a place an authorised officer finds an occupier present or the occupier refuses to consent to the entry—an authorised officer will make reasonable attempts to produce an identity card for inspection and inform the occupier of the reason for entering and provide the authorisation under the Act to enter without the permission of the occupier.

An authorised officer under the biosecurity program must make a reasonable attempt to inform the occupier of any steps taken, or to be taken, and if steps have been taken or are to be taken, that it is an offence to do anything that interferes with a step taken or to be taken.

¹ See section 261 (Power to enter a place under biosecurity program) of the Act.

² The Act defines an **occupier**, of a place, generally to include the person who apparently occupies the place (or, if more than 1 person apparently occupies the place, any of the persons); any person at the place who is apparently acting with the authority of a person who apparently occupies the place; or if no-one apparently occupies the place, any person who is an owner of the place.

³ See section 270 (Entry of place under sections 261 and 262) of the Act.

If the authorised officer does not find an occupier present at the place, the authorised officer must leave a notice in a conspicuous position and in a reasonably secure way. This notice must state the date and time of entry and information addressing the reason for entry, authorisation to enter a place and the steps undertaken by the authorised officer after entry.

Power to carry out aerial controls measures

The power to carry out aerial control measures is authorised by a biosecurity program under the Act⁴.

This means that an authorised officer may carry out or direct another person to carry out aerial control measures for invasive biosecurity matter in relation to a place to which the Program relates.

Obligations

A person must not interfere with the authorised person's surveillance of land when they are confirming the absence, presence or extent of the invasive biosecurity matter within the program area.

General powers of authorised officers

Nothing in the program or its associated authorisation limits the powers of authorised officers under Chapter 10 of the Act.

2.4 Consultation

Consultation was undertaken with the chief executive, Department of Primary Industries as required by section 239(2) of the Act.

⁴ See section 294 (Power to carry out aerial control measures under biosecurity program) of the Act. Section 294(6) of the Act defines **aerial control measure**, for biosecurity matter, to mean an activity done from the air by an airborne machine or a person in an aircraft, to achieve a purpose of a biosecurity program and includes the following—

- surveying and monitoring the biosecurity matter;
- distributing an agricultural chemical to control the biosecurity matter.

3 Authorisation of a surveillance program in the Rockhampton Regional Council area

AUTHORISATION STATEMENT

The Rockhampton Regional Council acting pursuant to section 235 of the *Biosecurity Act 2014* (the Act), authorises the Surveillance Program for Invasive Biosecurity Matter (the Program) in parts of the Rockhampton Regional Council area, on the basis that we are satisfied that:

- (a) Invasive Biosecurity Matter poses a significant risk to biosecurity considerations in the identified Rockhampton Regional Council area; and
- (b) Surveillance activities are required to determine the presence or absence of the Invasive Biosecurity Matter in the Rockhampton Regional Council area; and
- (c) Surveillance activities are required to determine the extent of the presence of the Invasive Biosecurity Matter in the Rockhampton Regional Council area; and
- (d) Surveillance activities are required to monitor the effects of measures taken previously in response to the biosecurity risk posed by the Invasive Biosecurity Matter.

Evan Pardon
Chief Executive Officer
Rockhampton Regional Council

Biosecurity matter

The biosecurity matter to which the Program relates is Invasive Biosecurity Matter (both restricted and prohibited matter) as defined in section 48(1) and 48(2) of the Act.

Emphasis will be given to invasive biosecurity matter as outlined in Council's Biosecurity Plan 2022-2026.

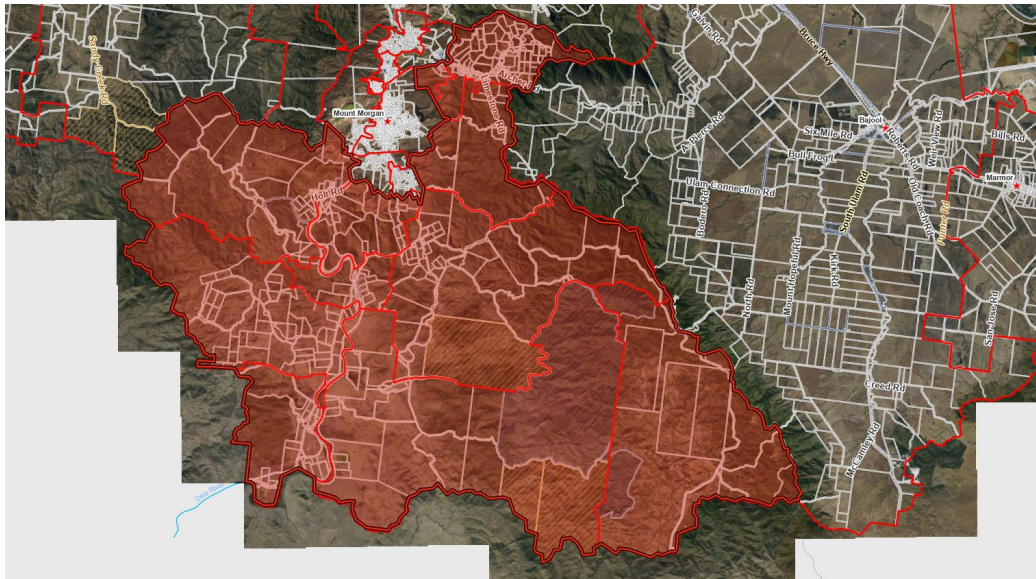
Purpose of the program

The purpose of the program is:

- (a) Monitoring compliance with the Act in relation to invasive biosecurity matter; and
- (b) Confirm the presence or determine the extent of invasive biosecurity matter within Rockhampton Regional Council area to which the program relates; and
- (c) Confirm the absence in the Rockhampton Regional Council area of invasive biosecurity matter to which the program relates; and
- (d) Monitor the effects of measures taken in response to a biosecurity risk posed by Invasive Biosecurity Matter; and

Area Affected by the Program

The Program is authorised to parts of the Rockhampton Regional Council area, including the localities of Struck Oil, Johnsons Hill, Limestone, Nine Mile, Fletcher Creek, Walmul, Oakey Creek, Trotter Creek, Boulder Creek, Wura and parts of Bajool as per the attached map.



Individual properties throughout the program area will be selected for compliance monitoring based on

- Observable presence of invasive biosecurity matter from public areas
- Those properties previously with or adjacent to infestations of invasive biosecurity matter
- Properties where there is a reasonable risk that invasive biosecurity matter may occur (eg downstream of a place where invasive biosecurity matter has been confirmed)
- The receipt of a complaint.

Powers of Authorised Officers

An authorised officer employed by Rockhampton Regional Council and appointed under the *Biosecurity Act 2014*, will have the power to enter a place—other than a residence⁵—without a warrant and without the occupier's consent within the State of Queensland under the Program⁶.

An authorised officer can exercise the powers of an authorised officer under the Act in relation to the Program, if the authorised officer is appointed by the chief executive⁸.

An authorised officer may make a requirement (a **help requirement**) of an occupier of the place or a person at the place to give the authorised officer reasonable help to exercise a general power⁹.

⁵ The Act defines a **residence** to mean a premises or a part of a premises that is a residence with the meaning of section 259(2) and 259(3).

⁶ See section 259 (General powers to enter places) of the Act.

⁷ See section 261 (Power to enter a place under biosecurity program) of the Act.

⁸ See section 255 (3) (Powers of particular authorised officers limited) of the Act.

⁹ See section 297 (Power to require reasonable help) of the Act.

An authorised officer has general powers after entering a place to do any of the following¹⁰:

| General powers in the Act | Measures an authorised officer may take under the Program |
|--|--|
| Search any part of the place | <i>Direct an occupier of the place to take reasonable steps within a reasonable time to remove or eradicate the biosecurity matter to which the program relates.</i> |
| Inspect ¹¹ , examine ¹² or film ¹³ any part of the place or anything at the place | <i>Searching a place to check for the presence or absence of invasive biosecurity matter.</i> |
| Take for examination a thing, or a sample of or from a thing, at the place | <i>Inspect, examine and film to assist with tracing of carriers to and from a place.</i> |
| Place an identifying mark in or on anything at the place | <i>Take samples for the purposes of diagnostic analysis, to ascertain the presence or absence of invasive biosecurity matter.</i> |
| Place a sign or notice at the place | <i>Producing a written and/or electronic note(s) to support program activities.</i> |
| Produce an image or writing at the place from an electronic document or, to the extent it is not practicable, take a thing containing an electronic document to another place to produce an image or writing | <i>Taking GPS coordinates to ensure accuracy of location details of carriers or invasive biosecurity matter.</i> |
| Take to, into or onto the place and use any person, detection animal, equipment and materials the authorised officer reasonably requires for exercising the authorised officer's powers under this division | <i>Provide advice and information to assist landholders/ occupiers to meet their general biosecurity obligation.</i> |
| Destroy biosecurity matter or a carrier if: <ul style="list-style-type: none"> the authorised officer believes on reasonable grounds the biosecurity matter or carrier presents a significant biosecurity risk; and the owner of the biosecurity matter or carrier consents to its destruction | <i>Destroy biosecurity matter or a carrier the authorised officer believes on reasonable grounds the biosecurity matter or carrier poses a significant biosecurity risk.</i> |
| Remain at the place for the time necessary to achieve the purpose of the entry | <i>Identify carriers such as vehicles, or machinery with tags, notices, flags or signs for any purpose consistent with the program.</i> |
| The authorised officer may take a necessary step to allow the exercise of a general power | <i>Under the program, these measures include surveillance by visual, photogenic or electronic observations of the place. This</i> |
| If the authorised officer takes a document from the place to copy it, the authorised officer must copy and return the document to the place as soon as practicable | |

¹⁰ See section 296 (General powers) of the Act.

¹¹ Section 296(5) defines **inspect**, a thing, to include open the thing and examine its contents.

¹² Section 296(5) defines **examine** to include analyse, test, account, measure, weigh, grade, gauge and identify.

¹³ Section 296(5) defines **film** to include photograph, videotape and record an image in another way.

| | |
|---|--|
| If the authorised officer takes from the place an article or device reasonably capable of producing a document from an electronic document to produce the document, the authorised officer must produce the document and return the article or device to the place as soon as practicable | <i>surveillance may be undertaken by manned aeroplanes or helicopter or un-manned aerial vehicles (UAVs)</i> |
|---|--|

In addition to the general powers of authorised officers, should entry be made under this program the following specific powers may be used to ensure compliance with the Act.

Power to seize

An authorised officer who enters a place without the consent of an occupier of the place and without a warrant under section 273(2) may seize a thing at the place if the authorised person reasonably believes that the thing is evidence of an offence against the Act.

Power to support seizure

To enable a thing to be seized, an authorised officer may require a person in control of it:

- To take it to a stated reasonable place by a stated reasonable time; and
- If necessary, to remain in control of it at the stated place for a stated reasonable time.

The requirement – must be made by written notice; or if for any reason it is not practicable to give a written notice, may be made verbally and confirmed by a written notice as soon as practicable.

Having seized a thing under this division, an authorised officer may either leave it at the place where it was seized (the place of seizure) and take reasonable action to restrict access to it; or move it from the place of seizure.

Obligations imposed on a person under the program

The following obligations may be imposed on a person who is an occupier of a place to which the Program relates:

- Allow access to property to survey for invasive biosecurity matter
- Not interfere with camera or traps or any other equipment placed to detect invasive biosecurity matter.

Commencement and duration of the program

The Program will commence on 29 September 2025 and will continue for until 31 December 2026. The duration of the program is considered to be reasonably necessary to achieve the Program's purpose.

Consultation with relevant parties

As required by the Act¹⁴, the chief executive officer of Rockhampton Regional Council has consulted, prior to the authorisation of the Program, with the chief executive of Department of Primary Industries.

¹⁴ See section 239 (Consultation about proposed biosecurity program) of the Act.

Notification of relevant parties of requirements

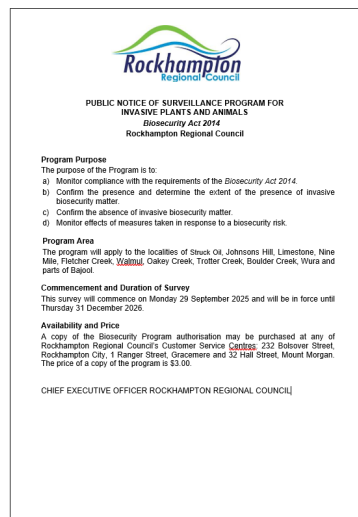
As required by the Act¹⁵, the chief executive officer of Rockhampton Regional Council will give public notice of the Program 14 days before the Program starts by:

- Giving the notice to each government department or government owned corporation responsible for land in the area to which the Program relates; and
- Publishing the notice on the Rockhampton Regional Council website.

Additionally, Rockhampton Regional Council will provide written notification to each private landholder for land in the area to which the Program relates.

A copy of the Program (including its Authorisation) will be available for inspection or purchase¹⁶ at the Rockhampton Regional Council public office at: 232 Bolsover Street Rockhampton, 1 Ranger Street Gracemere and 32 Hall Street Mount Morgan. A copy of the program is also available to be viewed and printed at no cost on Rockhampton Regional Council webpage <https://www.rockhamptonregion.qld.gov.au/Home>

4 Public Notice



¹⁵ See section 240 (Notice of proposed biosecurity program) of the Act.

¹⁶ See section 241 (Access to authorisation) of the Act.

11.3 ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT PLAN

File No: 1464

Attachments: 1. Rockhampton Regional Council Animal Management Plan [↓](#)

Authorising Officer: Angela Arnold - Acting Manager Planning and Regulatory Services
Damon Morrison - Acting General Manager Community Services

Author: Jon Buckenham - Coordinator Local Laws

SUMMARY

From a review of Council's Animal Management Strategy, Officers have developed the new Animal Management Plan to align with NSW and Victorian Councils as well as other larger Queensland Councils. The Animal Management Plan sets out strategies, key objectives, activities, and tasks to drive Councils animal management operations and promote how animals will harmoniously form part of our community.

OFFICER'S RECOMMENDATION

THAT Council adopt the Animal Management Plan 2025-2030.

COMMENTARY

A review of the Animal Management Strategy resulted in the decision to transition from the Council's current strategy model to a Domestic Animal Management Plan model utilised by NSW and Victoria and other major Queensland Councils. This approach offers enhanced guidance for animal management operations and better integration with Council's Strategic and Operational Plans.

Officers conducted a detailed review of Council's Animal Management Strategy including consultation with the community and internal and external stakeholders. This identified a collection of key issues affecting the region.

The feedback from the community and stakeholders provided direction for the Animal Management Plan and resulted in 3 strategies. These are:

1. Engaged & Trusted
2. Community Safety
3. Effective & Efficient Investigations

Each strategy is supported by key objectives, which are implemented through activities and broken down into tasks with timelines and evaluation measures.

BACKGROUND

Council has previously adopted an Animal Management Strategy which provides strategies to improve Animal Management in the region. Development of the new Animal Management Plan has been completed with greater community consultation and Council engagement to identify the key issues within the region and allows long term planning to work towards better management of the key issues.

PREVIOUS DECISIONS

Council had previously adopted the Animal Management Strategy 2020-2023.

BUDGET IMPLICATIONS

As part of the Animal Management Plan there are tasks to seek budget allocation which would be sought each financial year.

LEGISLATIVE CONTEXT

Council has delegations under a variety of State Legislation as well as Council Local Laws to investigate and provide Animal Management services. There is no legislative requirement to implement an Animal Management Plan or Strategy.

LEGAL IMPLICATIONS

There are no legal implications.

STAFFING IMPLICATIONS

No immediate staffing implications although as identified within the Animal Management Plan, resourcing will be reviewed and any additional FTE's will be approved through the appropriate processes.

RISK ASSESSMENT

The risk of implementing the Animal Management Plan is low.

CORPORATE/OPERATIONAL PLAN

The Animal Management Plan supports Councils Corporate plan through;

Goal 2.1 Our places and spaces enhance the liveability and diversity of our communities

Goal 2.2 We support our communities through our activities and programs

Goal 3.4 We support our Region's economy through our projects and activities

CONCLUSION

The new Animal Management Plan 2025-2030 provides the direction of animal management over the next 5 years with clear tasks and objectives that will meet the strategies provided by the community.

ROCKHAMPTON REGIONAL COUNCIL ANIMAL MANAGEMENT PLAN

Rockhampton Regional Council Animal Management Plan

Meeting Date: 9 September 2025

Attachment No: 1

ANIMAL MANAGEMENT PLAN

2025 - 2030





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COUNCILLOR MESSAGE

Pets are an important part of the Rockhampton Region as they provide companionship, mateship and generally pets make our lives better. The Animal Management Plan provides how we, as a community, will work towards responsible pet ownership through prevention efforts, actively responding and quality investigation.

The way we responsibly manage our pets is unique to the Rockhampton Region as we must balance the expectations of our community along with the protection of our natural environment and wildlife, and the best interests of our pets.

The Animal Management Plan sets out the different roles both Council and the community play in achieving this balance through Prevention, Responding and Investigating.

Prevention through education, communication, inclusive spaces and the community taking responsibility for their pets is the major focus of the Animal Management Plan as we believe that through good education comes good decisions and responsible pet ownership.



Grant Mathers
Planning and Regulation Councillor
Division 3



SUMMARY

The Animal Management Plan is aimed at promoting and encouraging responsible pet ownership by explaining Council's current services and projecting forward to establish objectives designed to improve and grow the way Council delivers animal management.

These objectives and guidelines aim to create a place where pets and the community can live together, in harmony, without adversely impacting the environment or amenity.

In developing an Animal Management Plan that address the key priorities of the Rockhampton Regional Community, Council conducted community consultation, collecting feedback about the most important aspects of pet ownership in the Rockhampton Region.

The key themes the community highlighted for inclusion are:

- Engaged and trusted relationships through increased communication, education and training for the community to promote responsible pet ownership.
- Incentives to promote responsible pet ownership.
- Increased education and enforcement surrounding desexing, effective control of animals in public and suitable enclosures.
- Community safety through increased proactive programs, patrols and enforcement.
- Effective and efficient delivery of investigations into nuisance animals and dog attacks.

To meet the community's expectations, Council's strategy is:

- Engaged and trusted - working collaboratively in intelligence led intervention activities aimed at reducing opportunities for incidents and enhancing community safety.
- Community Safety - providing timely and coordinated services in order to address real or perceived issues.
- Effective and Efficient Investigations - examining and analysing incidents, to achieve a fair outcome for the community.

OUR COMMUNITY

Our Animal Management:

| | |
|------------------------------|-------------|
| Animal Management Facilities | 1 |
| Average Animals Impounded | 220 / month |
| Average Animal Complaints | 332 / month |
| Average Dog Attacks Recorded | 23 / month |
| Investigative Staff | 14 |

The Rockhampton Region:

| | |
|--------------------|----------------------|
| Population | 82,904 |
| Area | 6,585km ² |
| Private Dwellings | 35,000 |
| Registered Animals | 15,102 |

6  Animal Management Plan 2025 – 2030





ABOUT THE PLAN

Council recognises that pets play an important role in many peoples day – to – day lives in our community, providing companionship and benefiting overall health and wellbeing. Council strives to support pet owners and promote the health and social benefits of responsible pet ownership. This is done in conjunction with ensuring that our environment and lifestyle are protected from any potential negative impacts of domestic animals.

The Rockhampton Regional Council Animal Management Plan aims to ensure that people and pets can live harmoniously in our community. The Plan recognises and carefully balances the needs of pets, pet owners and those who don't own pets. The Plan is designed to respond strategically to community needs as a whole, and help protect the natural environment that makes the Rockhampton Region such a special place to live, work and invest.

The purpose of the Plan is to:

- empower responsible pet ownership through education.
- provide service excellence in animal management.
- ensure places and spaces are safe, sustainable, accessible and environmentally friendly.
- build capacity for council and the community to work together.
- guide and strengthen partnerships.
- cultivate creative and innovative approaches and technologies that support harmonious co-existence between people, pets and places.

The Plan provides the direction Council's animal management services and initiatives will follow over the next 5 years and our approach to measuring and reporting on our progress.

OUR CONSULTATION

The Animal Management Plan was developed by Council's Planning and Regulatory team and informed by the community and stakeholder consultation and independent research.

Informing the Strategy was a two-phased community and stakeholder consultation, with broad community consultation being undertaken in late 2023, with more direct stakeholder consultation being conducted in early 2024.

The engagements were undertaken in a variety of methods, which included:

- An online survey being conducted in conjunction with media promotion.
- In person sessions held at Pets in the Park events and other events.
- External Stakeholder workshop with local rescue organisations.
- Internal Council Officer workshops.
- Councillor briefings.

Feedback gathered through this consultation was collated and analysed to provide direction for the Animal Management Plan.

What the Community told us

Most important parts of responsible pet ownership:

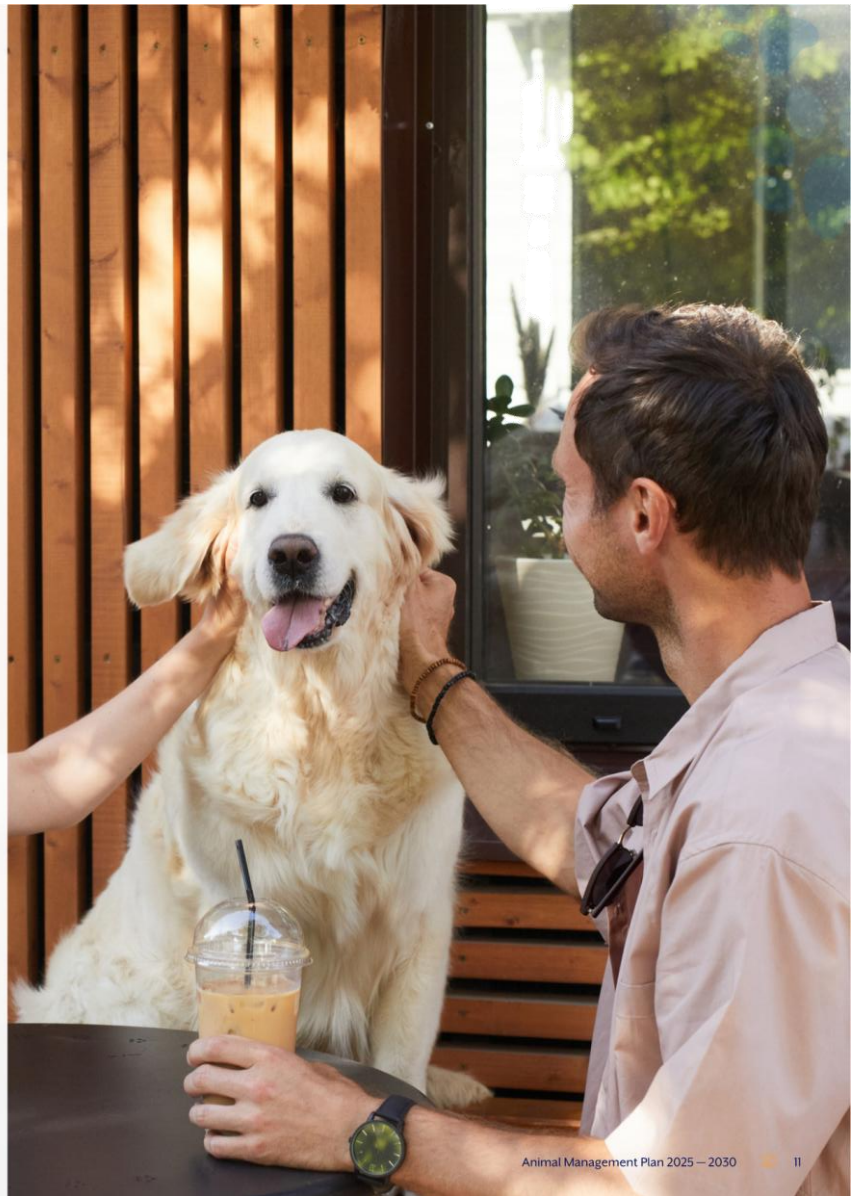
- Desexing animals.
- Animals under effective control in public.
- Suitable fencing for animals.
- Microchipping animals.
- Controlling barking dogs.

Key aspects of Animal Management that make the Rockhampton Region safer for the community:

- Inspection programs to identify animal management related offences.
- Incentives to promote responsible pet ownership.
- Community education about responsible pet ownership.
- Dog Attack investigations.

Combining the findings from the community and stakeholder engagement highlighted the following key themes and priorities:

- Engaged and trusted through increased communication, education and training for the community to promote responsible pet ownership as well as incentives to promote responsible pet ownership.
- Community Safety by increasing proactive programs, patrols and enforcement.
- Effective and efficient investigations into nuisance animals and dog attacks.





CURRENT PROGRAMS & ACTIVITIES

Council currently provides a variety of services to the community in the Animal Management area and strives to continue to improve our services into the future through this plan. Below are the current services provided by Council.

Promoting Responsible Pet Ownership

- Council website information.
- Social media posts – Facebook.
- Media releases and articles in local newspapers.
- Provide a range of educational materials and brochures to the community.
- School education programs.
- Pets in the Park program.

Dangerous, Menacing, Restricted and Prohibited Breed Dogs

- Annual inspections of dangerous/restricted dogs for compliance.
- Investigation of complaints.

Customer Service

- Officers provide services 6.00am to 6.00pm Monday to Friday, excluding public holidays.
- An after hours service is provided 24/7 by rostered Officers to respond to urgent requests. We do not pick up contained dogs after 6pm, or on weekends and public holidays. We ask people to hold the animal and we collect the following business day or place in drop kennels at AMC.
- Lodge animal requests online.
- Payment facilities online.
- Online forms.

Registration & Identification

- Annual registration renewal and follow up.
- Lifetime registration tags.
- Registration incentives for desexed and microchipped dogs.
- Online registration forms and payment options.
- Council microchipping days.
- Free registration and microchipping for animals rescued from the AMC.

Nuisance

- Helpful information available on Council's website.
- Lodge nuisance requests online.
- Council-loaned cat cages to confine nuisance cats.
- Collection of found animals.
- Routine patrols of parks and other identified areas.

Reducing unwanted litters and animals

- Discounted desexing through voucher system.
- Partnership with RSPCA Operation Wanted to provide discounted desexing.
- Council's Animal Management Centre works directly with rescue organisations to rehome animals.

Dog Attacks

- Dog attack complaint – immediate response.

OUR AUTHORISED OFFICERS



Council's Animal Management Services are delivered through the Local Laws team. The team work with the community and key partners to build relationships through providing advice, support and regulatory services.

Local Laws Officers work in designated zones or areas and, in addition to animal management, undertake a range of service delivery including Local Laws, parking and environmental investigations.

An emergency 24/7 after-hours telephone service operates via the Council's main telephone number. On-call rostered Local Laws Officers responds to urgent requests.

Local Laws Officers hold, or are working toward attaining, a Certificate IV in Animal Control and Regulation or equally relevant qualifications, or have appropriate and applicable qualifications and experience.

New staff are required to complete specific training including a Council induction on policies and procedures and introduction to Council's Animal Management procedures and programs.

Regular team training and refresher courses and ongoing on the job training and coaching is provided. Internal procedures and processes are regularly reviewed and updated.





OUR STRATEGY

In developing the strategies for animal management within the Rockhampton Region, Council analysed the consultation data to determine the strategies. Each of these three strategies drive key objectives to make Rockhampton Regional Council "One Great Region. Live. Visit. Invest."



ENGAGED & TRUSTED
Working collaboratively in intelligence led intervention activities aimed at reducing opportunities for incidents and enhancing community safety.
Key Objectives 1, 2 & 3



COMMUNITY SAFETY
Providing timely and coordinated services in order to address real or perceived issues.
Key Objectives 4 & 5



EFFECTIVE & EFFICIENT INVESTIGATIONS
Examining and analysing incidents, to achieve a fair outcome for the community.
Key Objective 6

OUR PLAN

Prevention is an effective approach to reducing breaches of laws and is recognised as an important component of building viable communities. Well-planned interventions can prevent breaches, promote community safety and make a significant contribution to the sustainable development of vibrant communities.

KEY OBJECTIVES

Key Objective 1 - Education

- Ensure clear and accurate information is provided to the community through annual fact sheet review.
- Development and promotion of Councils Pets in the Parks Program.
- Continued development of Councils School Education Programs.
- Raise community awareness about Council's animal services, responsible pet ownership, pet behaviour, and animal welfare.
- Develop PetExpo to be a key pet event in the Rockhampton Region that promotes pet related services and responsible pet ownership.

Key Objective 2 - Responsible Pet Ownership

- Provide impactful resources to the community to ensure an understanding of Responsible Pet Ownership.
- Promote and incentivise desexing and microchipping in the Region.
- Incentivise and assist responsible pet owners through registration initiatives.
- Provide education and proactive programs to promote suitable enclosures for animals.
- Explore and undertake opportunities to assist the community and dog owners with barking nuisances.
- Impress responsible pet ownership within the community through effective action relating to dog attacks.
- Work with the community through intervention strategies relating to attacks and wandering animals.

Key Objective 3 - Inclusive spaces

- Review of Council Off Leash Area's and required upgrades.
- Explore opportunities and allocate funding to upgrade dog parks.
- Explore development of a sensory park at Kershaw Gardens.

Key Objective 4 - Level of Service

- Develop baseline analytics.
- Review service levels and resourcing.
- Review the patrol process striving for improvements in proactive enforcement.
- Deliver excellent service to the community through customer service.
- Review cat enforcement and registration within the region.

Key Objective 5 - Improving laws

- Review Council's Local Laws.
- Lobby the State for consistent animal management laws.

Key Objective 6 - Enforcement

- Provide adequate training and development to Authorised Officers.
- Simplification of notices to increase community understanding and awareness of requirements.
- Identify and develop internal policies which provide guidance on investigations and appropriate responses to irresponsible pet ownership.
- Investigate and implement new technologies to assist officers and the community.
- Consistent and appropriate enforcement actions.



ENGAGED & TRUSTED

Work together to undertake intelligence led intervention activities to reduce opportunities for incidents, to enhance community safety.

Key Objective 1 - Education

| ACTIVITY | TASKS | COMMENCE | EVALUATION |
|---|---|---|--|
| Ensure clear and accurate information is provided to the community through annual fact sheet review. | <ul style="list-style-type: none"> Review all fact sheets each calendar year. | 2025-2030 | Undertake an annual review of all animal related fact sheets to ensure consistent messaging and accurate information. |
| Development and promotion of Councils Pets in the Parks Program. | <ul style="list-style-type: none"> Identify key locations and hot spots to provide Pets in the Park Programs in Rockhampton, Gracemere and Mount Morgan. Identify and plan events around key dates in the year. Develop an annual event calendar. | 2025-2030 2025-2030 2025-2030 | Implementation of an annual calendar of events that feeds into the communication plan. Undertake Pet in the Park events at all major communities in the region. |
| Continued development of Councils School Education Programs. | <ul style="list-style-type: none"> Yearly review of Education Programs to ensure accurate information and active engagement with students. Undertake school survey to identify resources are impactful. Develop promotional material. Incorporate advertising into the Local Laws Communication plan. Actively market the program direct to schools in the region. | 2025-2030 2027 2025 2025 2026 | Continued uptake of Councils School Education Programs. |
| Raise community awareness about Council's animal services, responsible pet ownership, pet behaviour, and animal welfare. | <ul style="list-style-type: none"> Develop yearly messages based around key dates in the year. Work with the media team to embed the messages into the wider Council media direction. Develop a Local Laws Communication Plan. | 2025-2030 2025-2030 2025-2030 | Development and implementation of a dedicated pet communications plan with regular and consistent messaging using a variety of platforms and methods shown to drive behaviour change. Ensure a variety of mediums to enable broad community reach. |
| Develop PetExpo to be a key pet event in the Rockhampton Region that promotes pet related services and responsible pet ownership. | <ul style="list-style-type: none"> Develop an event plan showing progression in scale of variety of pets included over the next 3 years. Review possible paid additions to the event to attract attendance. Include promotion in the Local Laws Communication Plan. Prepare a budget submission for the event. | 2025-2030 2026 2025-2030 2025-2030 | Continued development of PetExpo with increasing engagement from the community around Responsible Pet Ownership. |



Key Objective 2 - Responsible Pet Ownership

| ACTIVITY | TASKS | COMMENCE | EVALUATION |
|---|---|---|---|
| Provide impactful resources to the community to ensure an understanding of Responsible Pet Ownership. | <ul style="list-style-type: none"> Collaborate with the Department of Agriculture and Fisheries to develop a definition of Responsible Pet Ownership. Develop a general fact sheet to outline key responsibilities of pet owners in the region. Review all fact sheets each calendar year. Actively market Responsible Pet Ownership within the Local Laws Communication Plan. | 2026 2026 2025-2030 2025-2030 | Development of a definition for Responsible Pet Ownership in the Rockhampton Region. |
| Development of partnerships with animal related organisations. | <ul style="list-style-type: none"> Continued development and support of key Animal Welfare Agencies within the Rockhampton Region. Continued financial support of Animal Welfare Agencies through rehoming incentives Review of Council Surrendered and Unclaimed Animal Policy. | 2025-2030 2025-2030 2027 | Continued partnerships with animal related organisations. |
| Promote and incentivise desexing and microchipping in the Region. | <ul style="list-style-type: none"> Continue to provide a Council managed desexing subsidy for eligible residents. Explore increasing eligibility for desexing subsidy to include all owners. Engage with local rescue groups to collaborate on desexing scheme. Continue to provide discount on dog registration for desexed animals. Continue to provide annual microchipping event. Dedicate a Pets in the Park event to promoting desexing and microchipping annually. Actively market Desexing and Microchipping within the Local Laws Communication Plan. | 2025-2030 2026 2026 2025-2030 2025-2030 2025-2030 2025-2030 | Continued promotion and incentivising desexing and microchipping of pets in the Region through collaboration. |
| Incentivise and assist responsible pet owners through registration initiatives. | <ul style="list-style-type: none"> Discounted registration prior to renewal date. Discounted registration for microchipped and desexed dogs. Introduce a "free ride home" program. Partner with local veterinarians and other pet care providers to promote the benefits of pet registration. Annual inspection programs to educate and enforce registration and other requirements. Dedicate a Pets in the Park event to promoting registration annually. Actively market registration within the Local Laws 2025-2030 Communication Plan. | 2025-2030 2025-2030 2026 2026 2025-2030 2025-2030 2025-2030 | Increased understanding and engagement of residence with registration requirements as well as increased registration of dogs in the Rockhampton Region. |



Key Objective 2 - Responsible Pet Ownership Continued

| | | | |
|--|---|-----------|--|
| Provide education and proactive programs to promote suitable enclosures for animals. | Develop and review fact sheets and website information about suitable enclosures for cats and dogs. | 2025 | Continued promotion and education of suitable enclosures of pets in the Region. |
| | Investigate development of a resource for owners to identify the breed of their dog and be provided with potential suitable enclosure construction. | 2026 | |
| | Development of publicly available resources for cat owners to assist in providing suitable enclosures for cats. | 2026 | |
| | Review equipment and resources available to the public for assisting in wandering cats. | 2026 | |
| | Apply for appropriate budget for additional equipment and resources to assist in wandering cats. | 2026-2027 | |
| Explore and undertake opportunities to assist the community and dog owners with barking nuisances. | Dedicate a Pets in the Park event to promoting enclosures annually. | 2025-2030 | Development of innovative ways and information to assist the community with Barking Nuisances. |
| | Annual inspection programs to educate and enforce enclosure and other requirements. | 2025-2030 | |
| | Actively market adequate enclosures within the Local Laws Communication Plan. | 2025-2030 | |
| | Review current resources provided to the community in relation to barking nuisances. | 2025 | |
| | Dedicate a Pets in the Park event to promoting suitable solutions for barking each year. | 2025-2030 | |
| Impress responsible pet ownership within the community through effective action relating to dog attacks. | Review investigative process for barking dogs. | 2025-2026 | Improvement in enforcement action undertaken by the Local Laws unit. |
| | Investigate new technologies to assist in identification and enforcement of barking nuisances. | 2025-2030 | |
| | Actively promote activities identified to assist in reducing barking nuisances. | 2025-2030 | |
| | Actively market managing barking within the Local Laws Communication Plan. | 2025-2030 | |
| | Work collaboratively with the Department of Agriculture and Fisheries to develop guidance documents on actions under the Animal Management(Cats and Dogs) Act 2008. | 2025-2026 | |
| Work with the community through intervention strategies relating to attacks and wandering animals. | Undertake regular quality assurance to drive consistency and quality. | 2025-2030 | Intervention strategies incorporated into Local Laws. |
| | Take consistent and appropriate actions based on the circumstances of each individual investigation. | 2025-2030 | |
| | Local Laws Officers will work directly with owners of higher risk dogs to reduce escalation of behaviors leading to dog bites/attacks. | 2026 | |
| | Annual inspections of regulated dogs to ensure consistent standard of enclosures. | 2025-2030 | |
| | Annual inspection programs to educate and enforce enclosure and other requirements. | 2025-2030 | |
| | Promotion of prosecution outcomes for dog attacks as a deterrent. | 2025-2030 | |

Key Objective 3 - Inclusive Spaces

| ACTIVITY | TASKS | COMMENCE | EVALUATION |
|--|---|-----------|---|
| Review of Council Off Leash Area's and required upgrades. | Identify and develop minimum standard for Off Leash Area's in the Region. | 2025-2026 | Review of Off Leash Areas completed. |
| | Review emerging alternative Off Leash Dog areas. | 2025-2030 | |
| | Collaborate with internal stakeholders to review all current Off Leash Area's, with a full review of at minimum one Off Leash Area each year. | 2025-2030 | |
| | Undertake a community survey to identify communities needs in Off Leash Areas. | 2028 | |
| Explore opportunities and allocate funding to upgrade dog parks. | Identify at minimum one Off Leash Area per year that requires upgrades. | 2025-2030 | Appropriate funding allocated to upgrading Off Leash Area's and upgrades completed. |
| | Allocate adequate funding to undertake all required upgrades each year. | 2025-2030 | |
| | Undertake upgrades to ensure longevity of Off Leash Area. | 2025-2030 | |
| Explore development of a sensory park at Kershaw Gardens. | Review the current design of Kershaw Gardens fenced Off Leash Area. | 2025 | Development of sensory park at Kershaw Gardens. |
| | Consult with internal stakeholders to determine viability or inclusion of the area in the overall Kershaw Gardens Master Plan. | 2025 | |
| | Consult with internal stakeholders to determine a design and costings. | 2026 | |
| | Consult with internal stakeholders to determine available resourcing and ability to undertake project. | 2026 | |
| | Allocate adequate funding to undertake project. | 2026/2027 | |



COMMUNITY SAFETY

Provide a timely and coordinated response in order to address real or perceived issues to ensure community safety.


Key Objective 4 - Level of Service

| ACTIVITY | TASKS | COMMENCE | EVALUATION |
|---|--|---|---|
| Develop baseline analytics. | <ul style="list-style-type: none"> Identify key baseline analytics across the Animal Management Centre and Local Laws unit. Work in collaboration to explore and develop a suitable system to collate, display and report on baseline analytics. | 2025-2026 2026 | Development of baseline analytics for the Local Laws unit. |
| Review service levels and resourcing. | <ul style="list-style-type: none"> Develop key set of data points to determine historical and current base lines for both the Animal Management Centre and investigative services. Undertake an annual review to identify changes in services and possible resources required to meet communities expectations. Ensure adequate FTE, financial and physical resources are allocated to the unit to meet the community standards. | 2025 2025-2030 2025-2030 | Key analytics developed and regularly reviewed to ensure service levels are maintained. |
| Review the patrol process striving for improvements in proactive enforcement. | <ul style="list-style-type: none"> Undertake data collection in relation to proactive patrols. Review proactive patrols process to identify improvement and consistent results. Investigate technologies to assist in identification and enforcement of proactive patrols. Review resourcing requirements to encompass proactive patrols including weekends. Submit appropriate budgets for proactive patrols. | 2026 2026 2026 2026 2027 | Deliver proactive patrols to the community. |
| Deliver excellent service to the community through customer service. | <ul style="list-style-type: none"> Develop baseline analytics for customer interactions. Undertake an annual review of baseline analytics for customer interactions. | 2025 2025-2030 | Continued excellent service delivery from the Local Laws unit. |
| Review cat enforcement and registration within the region. | <ul style="list-style-type: none"> Undertake a review of cat registration decisions. Review key reasons for previous decision. Review of current cat enforcement undertaken. Review resourcing required to undertake any increase in cat enforcement. Submit business case and apply for budget for any increase in resourcing requirements Undertake a cost analysis in relation to cat registration and enforcement. Review result and provide report to Council for consideration. | 2026 2026 2026-2027 2026-2027 2026-2027 2027 2028 2028 | Cat enforcement and registration review undertaken for consideration. |

Key Objective 5 - Improving Laws

| ACTIVITY | TASKS | COMMENCE | EVALUATION |
|--|--|--|--|
| Review Council's Local Laws. | <ul style="list-style-type: none"> Continuously identify potential changes to Local Laws. Undertake a minor Local Law review with amendments identified. | 2025-2030 2028 | Undertake a minor Local Law review to ensure consistency with the community's needs. |
| Lobby the State for consistent animal management laws. | <ul style="list-style-type: none"> Continued membership of the Animal Management Act Technical Working Group. Continued engagement with LGAQ for improvement and consistency within QLD for animals. Review of NSW, VIC and SA animal legislation to identify possible improvements to QLD legislation. Provide report to Council for consideration and lobbying of the state. | 2025-2030 2025-2030 2029 2029 | Continued working with the State Government to work towards an improved system for managing animals. |






EFFECTIVE & EFFICIENT INVESTIGATIONS

Provide a timely and coordinated response in order to address real or perceived issues to ensure community safety.

Key Objective 6 - Enforcement

| ACTIVITY | TASKS | COMMENCE | EVALUATION |
|---|---|------------|---|
| Provide adequate training and development to Authorised Officers. | • Undertake skills analysis of the Local Laws and Animal Management authorised officers. | 2025 | Authorised Officers are adequately trained. |
| | • Identify key investigation skills required for Authorised Officers. | 2025 | |
| | • Work in conjunction with the Department of Agriculture and Fisheries to develop a Dog Attack investigation guideline and associated training. | 2025/ 2026 | |
| | • Develop and deliver an Authorised Officers training schedule. | 2025-2026 | |
| | • Review current process training provided to Authorised Officers. | 2026 | |
| | • Update process training as required. | 2025-2030 | |
| | • Undertake regular process training for Authorised Officers. | 2025-2030 | |
| | • Allocate appropriate budget for Authorised Officers to undertake a Certificate 4 in the appropriate field. | 2025-2030 | |
| Simplification of notices to increase community understanding and awareness of requirements. | • Undertake full review of notices issued by Local Laws. | 2025 | Development of notices and information to provide the community with simple to understand information about their requirements. |
| | • Align notices with Council's Enforcement Manual. | 2025 | |
| | • Increase awareness and understanding of authorised officers in regards to information required when providing reasons on formal notices. | 2025 | |
| | • Develop fact sheets to explain Compliance Notices. | 2025 | |
| Identify and develop internal policies which provide guidance on investigations and appropriate responses to irresponsible pet ownership. | • Undertake a full review of all policies and guidance documents to identify improvements. | 2026 | Development of a suite of documents that compliment the State and Local Laws and provide guidance to officers in consistent action. |
| | • Develop policies and guidance documents as required. | 2026 | |
| | • Embed policies and guidance documents into Authorised Officers training schedule. | 2026 | |
| Investigate and implement new technologies to assist officers and the community. | • Review emerging technologies to identify ways to improve investigations and community safety. | 2025-2030 | Continuing to implement technology that provides Council with the relevant evidence and information to make appropriate decision. |
| | • Develop a replacement schedule for current technologies to ensure devices are up to date. | 2025-2030 | |
| | • Allocate appropriate budget for technology replacement. | 2025-2030 | |
| | • Allocate appropriate budget for implementation of new technologies. | 2025-2030 | |
| Consistent and appropriate enforcement actions. | • Undertake an annual review of any legal actions taken by Local Laws Unit to determine improvements or consistency. | 2025-2030 | Council undertaking consistent and appropriate enforcement action to ensure the community is accountable for pets. |
| | • Seek legal review of dog attack investigations if serious offences under the Animal Management (Cats and Dogs) Act 2008 apply. | 2025-2030 | |
| | • Continue to pursue formal declaration and/or court persecutions for dogs involved in serious or repeated attacks. | 2025-2030 | |

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LEGISLATION & ANIMAL MANAGEMENT

The Animal Management (Cats and Dogs) Act 2008, is the primary legislative document that directs our animal management services. The Animal Management (Cats and Dogs) Act 2008 provides a mechanism for Council to address domestic dog and cat related matters and concerns. The legislation authorises Council to respond to or act on complaints/incidences, enforce compliance and collect revenue through fee-based services such as registration, to be expended in a manner that contributes to the promotion and encouragement of responsible pet ownership.

The Rockhampton Regional Council Local Law No. 2 (Animal Management) 2011 and subsequent Rockhampton Regional Council Subordinate Local Law No. 2 (Animal Management) 2011 allow Council to implement policy, guidelines and procedures regarding management of all domestic animals within the local government area.

The Rockhampton Regional Council Enforcement Strategy aligns with the Corporate Plan's goal of service excellence and advocates for voluntary compliance with the law articulating how Council will approach this. The Animal Management Plan supports this policy position with a strong focus on education, engagement and partnership.

The Animal Management Plan is applied in accordance with the following additional legislation and documents:

STATE GOVERNMENT

- Local Government Act 2009.
- Animal Management (Cats and Dogs) Act 2008.
- Animal Care and Protection Act 2001.
- Biosecurity Act 2014.
- Guide, Hearing and Assistance Dogs Act 2009.
- Disability Discrimination Act 1992.
- Waste Reduction and Recycling Act 2011.

LOCAL GOVERNMENT

- Subordinate Local Law No. 1.5 (Keeping of Animals) 2011.
- Rockhampton Regional Council Local Law No. 2 (Animal Management) 2011.
- Rockhampton Regional Council Subordinate Local Law No. 2 (Animal Management) 2011.

MEASURE & EVALUATE

The Rockhampton Regional Council Animal Management Plan provides evaluation measures to determine how we are achieving the plan. This approach endeavours to align outcomes with the strategies outlined within the Plan and enables progress to be monitored and evaluated.

Council is committed to service excellence in animal management and will undertake comprehensive data collection and assessment at the midterm during the plan. The midterm review of operational activities will allow for meaningful reporting and action plan improvement. Long term objectives will be reviewed over the life of the Plan.



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11.4 REQUEST FOR EXTENSION TO ROCKHAMPTON SHOWGROUNDS EVENT CURFEW - 2025 AUSTRALIAN EIGHT BALL CHAMPIONSHIPS

File No: 11039

Attachments:

1. Application for Extension of Hours - 2025 Australian Eight Ball Championships [↓](#)
2. 2025 Australian Eight Ball Championship Schedule [↓](#)

Authorising Officer: John Webb - Manager Communities and Culture
Damon Morrison - Acting General Manager Community Services

Author: Gina Enkuzis - Acting Coordinator Major Venues

SUMMARY

Queensland Eight Ball Federation Incorporated is requesting Council amend the existing curfew of Rockhampton Showgrounds to include the operation of the '2025 Australian Eight Ball Championships'.

OFFICER'S RECOMMENDATION

THAT Council approve the alteration of the Rockhampton Showgrounds event program curfew of 10.30pm to 11:30pm to include the operation of the '2025 Australian Eight Ball Championships' from Wednesday 12 November 2025 up to and including Saturday 22 November 2025 (11 days).

COMMENTARY

Queensland Eight Ball Federation Incorporation have requested alteration to the standard event curfew of 10.30pm to be extended to 11:30pm for 11 days to cover their '2025 Australian Eight Ball Championships' being held in the Robert Schwarten Pavilion from Wednesday 12 November 2025 up to and including Saturday 22 November 2025.

The Event is expected to host over 400 competitors from all over Australia and will be live streamed through media platforms to over 90 countries.

The tight timeframe (11 days) will see that the competition run from 8am until 11:00pm each day.

The event will be licenced and have alcohol available for consumption for spectators and competitors. Liquor service will cease at 11.00pm each night to allow final drinks to be consumed by the scheduled midnight finish.

The terms of Council's consent to a liquor license will also define service times and locations when outside the standard 10.30pm curfew.

The event is utilising the Robert Schwarten's internal PA system for background music and announcements, with no amplified devices or activity occurring external to the Robert Schwarten Pavilion.

BACKGROUND

Rockhampton Regional Council have a standard 10.30pm curfew for event programming in the Rockhampton Showgrounds. This has been in place since Council assumed operation of the site. The curfew is maintained with regular users such as the Rockhampton Saloon Car Club. In this instance race meet event activities at 10.30pm with only quiet operational activity and patron movement happening beyond 10.30pm.

PREVIOUS DECISIONS

Since 2015 significant events have been granted extensions beyond 10.30pm as follows -

Beef 2015 - Thursday 7 May 11pm, Friday 8 May 11pm, Saturday 9 May 11.30pm

Beef 2018 – Sunday 6 May 11pm, Friday 11 May 11pm, Saturday 11 May 11.30pm

One Hot Night (Busby Marou) – Friday 29 December 2018 11.30pm

Black Dog Ball – Saturday 7 October 2024 12.00am

Beef 2024 – Sunday May 5th up to and including Saturday May 11th 12.00am

There have been numerous relaxations for similar events including Beef prior to 2015.

A similar relaxation also occurred in March 2025 for the 2025 Budget Motels Australian National Championships.

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

The event operator and occupier of the Robert Swarten Pavilion is liable for adherence to noise regulation standards.

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

While legal and reputational risks will reside with Queensland Eight Ball Federation Incorporated there may be reputational risks to Council's perceived good governance if there are significant noise complaints within the community. Conversely there may be reputational risks with broader community and stakeholders if restrictions affect the perceived success of the event.

CORPORATE/OPERATIONAL PLAN

The facilitation of a successful '2025 Australian Eight Ball Championships' at the Rockhampton Showgrounds support the following –

Our community –

2.1.1 We ensure community assets are utilized and appropriate for the needs of the community.

2.1.1 We encourage diversity of community events and innovative use of our places and spaces.

Our Economy

3.2.1 we support projects that strengthen the region's economic development.

CONCLUSION

That Council review the application for relaxation of curfew for identified dates for Queensland Eight Ball Federation Incorporated's 2025 Australian Eight Ball Championships and considering the benefits of this event to the broader community balanced against the risks support the recommendation.

**REQUEST FOR EXTENSION TO
ROCKHAMPTON SHOWGROUNDS
EVENT CURFEW - 2025 AUSTRALIAN
EIGHT BALL CHAMPIONSHIPS**

**Application for Extension of Hours -
2025 Australian Eight Ball
Championships**

Meeting Date: 9 September 2025

Attachment No: 1

From: secretary@qpool.com.au
To: [Major Venues](#)
Subject: 2025 Australian Eight Ball Champions - November 9th – 23rd 2025
Date: Sunday, 10 August 2025 7:04:47 PM
Attachments: [Schedule 2025.png](#)

[External Email] This email was sent from outside the organisation – be cautious, especially with links and attachments.

Attn: Manager Communities and Culture

Ref: 2025 Australian Eight Ball Champions - November 9th – 23rd 2025

We would like to request an extension from 10:00 pm till 11:30 pm.

Team and Singles Matches are scheduled for a 8:00pm or 8:30pm start. Usually they are finished within 2 hours.

Team managers take about 30 minutes to finalize their match results with the event administrators.

I have included a draft schedule for the Nationals.

Kind Regards

Greg Dingle

President QEBF

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Secretary
The Queensland Eight Ball Federation Inc.
Po Box 353 Coolangatta, QLD Australia 4225
mobile: +61 424661444
email: secretary@qpool.com.au
www.qpool.com.au

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www.avast.com

REQUEST FOR EXTENSION TO ROCKHAMPTON SHOWGROUNDS EVENT CURFEW - 2025 AUSTRALIAN EIGHT BALL CHAMPIONSHIPS

2025 Australian Eight Ball Championship Schedule

Meeting Date: 9 September 2025

Attachment No: 2

| 2025 AUSTRALIAN EIGHT BALL CHAMPIONSHIPS | | | | | | | | | | | | | |  | | | | | | | |
|--|--|---|---|---|---|---|--|---|--|---|--|---|--|---|---|---|--|---|--|---|--|
| ROCKHAMPTON, QUEENSLAND | | | | | | | | | | | | | | | | | | | | | |
| Wednesday 12th November | | Thursday 13th November | | Friday 14th November | | Saturday 15th November | | Sunday 16th November | | Monday 17th November | | Tuesday 18th November | | Wednesday 19th November | | Thursday 20th November | | Friday 21st November | | Saturday 22nd November | |
| Time | Details | Time | Details | Time | Details | Time | Details | Time | Details | Time | Details | Time | Details | Time | Details | Time | Details | Time | Details | Time | Details |
| 9:00 | AEBF Plate - Women (128) AEBF Plate - Masters (128) | 9:00 | Opening Ceremony Team Photos | 9:00 | Pride in Sport 6-Red Challenge Open 6-Red - Rd 1 Masters 6-Red - Rd 1 | 9:00 | Aus Cup Singles (128) | 9:00 | Open Doubles (32) Women's Doubles (32) Masters Doubles (32) | 9:00 | Aus Cup Singles (32) Women's Doubles (32) O/60's Singles (32) | 9:00 | Open Doubles (16) Women's Doubles (16) Masters Doubles (16) | 9:00 | Open Teams - Rd 16 Women Teams - Rd 16 Masters Teams - Rd 16 Aus Cup Teams - Rd 14 | 10:00 | Open Teams - Semi Finals Women Teams - Semi Finals Masters Teams - Semi Finals Aus Cup Teams - Semi Finals O/SOW Teams - Semi Finals U/23's Teams - Semi Finals | 10:00 | Aus Cup Teams - Grand Final O/SOW Singles - Grand Final U/23's Teams - Grand Final | 10:00 | ACM - (Part 1) Election of Office Bearers Financial Report |
| 10:30 | AEBF Plate - Open (256) | 10:00 | Open Teams - Rd 01 Women Teams - Rd 01 Masters Teams - Rd 01 O/SOW Teams - Rd 01 | 10:30 | Open Teams - Rd 04 Women Teams - Rd 04 Masters Teams - Rd 04 O/60's Teams - Rd 04 U/23's Teams - Rd 04 | 11:00 | Aus Cup Singles (64) | 11:00 | Pride in Sport 6-Red Challenge Open 6-Red - Semi Finals Women's 6-Red - Semi Finals Masters 6-Red - Semi Finals | 11:00 | Open Singles (32) Women's Singles (32) O/60's Singles (32) cont' | 10:30 | Indigenous All Stars AEBF Plate - Open (SF) AEBF Plate - Women (SF) AEBF Plate - Masters (SF) | 11:00 | Open Teams - Rd 17 Women Teams - Rd 17 Masters Teams - Rd 17 Aus Cup Teams - Rd 14 cont' | 12:30 | Open Singles - Quarter Finals Women Singles - Quarter Finals Masters Singles - Quarter Finals Aus Cup Singles - Quarter Finals O/SOW Singles - Quarter Finals U/23's Singles - Quarter Finals | 12:00 | AEBF Executive Meeting | | |
| 11:30 | AEBF Plate - Open (128) | 12:00 | Open Teams - Rd 02 Women Teams - Rd 02 Masters Teams - Rd 02 O/SOW Teams - Rd 02 | 12:30 | Open Teams - Rd 05 Women Teams - Rd 05 Masters Teams - Rd 05 O/60's Teams - Rd 05 U/23's Teams - Rd 05 | 12:00 | Open Teams - Rd 07 Women's Doubles (32) Masters Doubles (32) O/SOW Singles (32) U/23's Singles (32) | 12:00 | Open Teams - Rd 08 Women Teams - Rd 08 Masters Teams - Rd 08 O/60's Teams - Rd 08 U/23's Teams - Rd 08 | 12:00 | Open Singles (16) Women's Singles (16) Masters Singles (16) O/SOW Singles (16) O/60's Singles (16) | 12:30 | Open Teams - Rd 13 Women Teams - Rd 13 Masters Teams - Rd 13 O/SOW Teams - Rd 13 U/23's Teams - Rd 13 | 13:00 | Open Doubles (32) Women's Doubles (32) Masters Doubles (32) O/SOW Teams - Rd 13 U/23's Singles - Quarter Finals | 16:00 | Women Teams - Grand Final Masters Teams - Grand Final | | | | |
| 13:30 | AEBF Plate - Open (64) AEBF Plate - Women (64) AEBF Plate - Masters (64) | 14:00 | Open Teams - Rd 03 Women Teams - Rd 03 Masters Teams - Rd 03 O/SOW Teams - Rd 03 | 14:30 | Open Teams - Rd 06 Women Teams - Rd 06 Masters Teams - Rd 06 O/60's Teams - Rd 06 U/23's Teams - Rd 06 | 14:00 | Open Teams - Rd 09 Women Teams - Rd 09 Masters Teams - Rd 09 O/SOW Teams - Rd 09 U/23's Teams - Rd 09 | 14:00 | Open Teams - Rd 10 Women Teams - Rd 10 Masters Teams - Rd 10 Aus Cup Teams - Rd 10 | 14:00 | Open Teams - Rd 10 Women Teams - Rd 10 Masters Teams - Rd 10 Aus Cup Teams - Rd 10 cont' | 14:30 | Open Teams - Rd 14 Women Teams - Rd 14 Masters Teams - Rd 14 O/SOW Teams - Rd 14 U/23's Teams - Rd 14 | 15:00 | Open Doubles (SF) Women's Doubles (SF) Masters Doubles (SF) O/SOW Teams - Rd 14 U/23's Teams - Rd 14 | 17:00 | Open Teams - Rd 15 Women Teams - Rd 15 Masters Teams - Rd 15 O/SOW Teams - Rd 15 U/23's Teams - Rd 15 | 18:00 | Pride in Sport 6-Red Challenge Open 6-Red - Grand Final Women's 6-Red - Grand Final Masters 6-Red - Grand Final | | |
| 15:30 | AEBF Plate - Open (32) AEBF Plate - Women (32) AEBF Plate - Masters (32) | 16:00 | Aus Cup Teams - Rd 01 U/23's Teams - Rd 01 O/SOW Teams - Rd 01 Masters Teams - Rd 01 | 16:30 | Aus Cup Teams - Rd 02 Women Teams - Rd 02 Masters Teams - Rd 02 O/SOW Teams - Rd 02 U/23's Teams - Rd 02 | 16:00 | Aus Cup Teams - Rd 05 Women Teams - Rd 05 Masters Teams - Rd 05 O/SOW Teams - Rd 05 U/23's Teams - Rd 05 | 16:00 | Aus Cup Teams - Rd 07 O/SOW Teams - Rd 07 Open Teams - Rd 07 | 16:00 | Aus Cup Teams - Rd 11 Women Teams - Rd 11 Masters Teams - Rd 11 Aus Cup Teams - Rd 11 cont' | 16:30 | Aus Cup Teams - Rd 15 Women Teams - Rd 15 Masters Teams - Rd 15 O/SOW Teams - Rd 15 U/23's Teams - Rd 15 | 17:00 | Aus Cup Teams - Rd 15 Women Teams - Rd 15 Masters Teams - Rd 15 O/SOW Teams - Rd 15 U/23's Teams - Rd 15 | 19:00 | Open Teams - Rd 18 Women Teams - Rd 18 Masters Teams - Rd 18 | 19:30 | Open Teams - Grand Final | | |
| 17:00 | AEBF Plate - Open (16) AEBF Plate - Women (16) AEBF Plate - Masters (16) | 18:00 | Aus Cup Teams - Rd 03 U/23's Teams - Rd 03 O/SOW Teams - Rd 03 Masters Teams - Rd 03 | 18:30 | Aus Cup Teams - Rd 06 Women Teams - Rd 06 Masters Teams - Rd 06 O/60's Teams - Rd 06 U/23's Teams - Rd 06 | 18:00 | Aus Cup Teams - Rd 09 Women Teams - Rd 09 Masters Teams - Rd 09 O/SOW Teams - Rd 09 U/23's Teams - Rd 09 | 18:00 | Aus Cup Teams - Rd 12 Women Teams - Rd 12 Masters Teams - Rd 12 O/60's Teams - Rd 12 U/23's Teams - Rd 12 | 18:00 | Aus Cup Teams - Rd 12 Women Teams - Rd 12 Masters Teams - Rd 12 O/SOW Teams - Rd 12 U/23's Teams - Rd 12 | 18:30 | Aus Cup Teams - Rd 13 Women Teams - Rd 13 Masters Teams - Rd 13 O/SOW Teams - Rd 13 U/23's Teams - Rd 13 | 20:30 | AEBF Plate - Open (GF) AEBF Plate - Women (GF) AEBF Plate - Masters (GF) | 20:00 | Open Teams - Preliminary Finals Women Teams - Preliminary Finals Masters Teams - Preliminary Finals Aus Cup Teams - Preliminary Finals O/SOW Teams - Preliminary Finals U/23's Teams - Preliminary Finals | | | | |
| 18:00 | AEBF Plate - Open (8) AEBF Plate - Women (8) AEBF Plate - Masters (8) | 20:00 | Aus Cup Teams - Rd 04 U/23's Teams - Rd 04 O/SOW Teams - Rd 04 Masters Teams - Rd 04 | 20:30 | Open Doubles (64) Women's Doubles (64) Masters Doubles (64) | 20:30 | Open Teams - Rd 13 Women Teams - Rd 13 Masters Teams - Rd 13 O/SOW Teams - Rd 13 U/23's Teams - Rd 13 | 20:00 | Aus Cup Teams - Rd 13 Women Teams - Rd 13 Masters Teams - Rd 13 O/SOW Teams - Rd 13 U/23's Teams - Rd 13 | 20:00 | Aus Cup Teams - Rd 13 Women Teams - Rd 13 Masters Teams - Rd 13 O/SOW Teams - Rd 13 U/23's Teams - Rd 13 | | | | | | | | | | |
|  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |

11.5 MEMORANDUM OF UNDERSTANDING WITH CQUNIVERSITY

File No: 15227

Attachments: 1. **MOU between RRC and CQU for the Planning and Development of Rockhampton Sports Precinct**[↓](#)

Authorising Officer: **Angus Russell - General Manager Advance Rockhampton**

Author: **Steven Ellis - Coordinator Community Master Planning**

SUMMARY

Council to consider entering into a Memorandum of Understanding (MOU) with CQUniversity to support collaboration between both parties throughout the development of Rockhampton Sports Precinct.

OFFICER'S RECOMMENDATION

THAT Council endorse the signing of the Memorandum of Understanding (MOU) between Rockhampton Regional Council and CQUniversity to support collaboration between both parties throughout the development of Rockhampton Sports Precinct.

COMMENTARY

The purpose of this Memorandum of Understanding (MOU) is to outline the objectives and items that require collaboration between CQUniversity (CQU) and Rockhampton Regional Council (RRC) in coming to an agreement for the planning and development of the Rockhampton Sports Precinct, proposed to be built on the eastern side of the CQUniversity Campus Land.

The intent of the arrangement is for CQU and RRC to work collaboratively for the duration of the development of the Precinct, to ensure alignment of CQU, RRC and the Precinct's objectives are achieved, while safeguarding the best outcomes for the community.

These include (but are not limited to):

- Establishing continuity of current and future uses and events for CQU upon transfer of land to RRC;
- Ensuring CQU interests for safety and continuity of access to the Campus are maintained throughout the development of the Sports Precinct;
- Ensuring the sports precinct and the campus are connected;
- Ensuring the smooth transfer of existing assets from CQU to RRC upon transfer of land; and
- Identifying any further binding agreements that are required.

PREVIOUS DECISIONS

No previous decision made on this matter.

BUDGET IMPLICATIONS

There are no budget implications associated with the preparation of the MOU, however future budget implications will arise upon the transfer of land and infrastructure to Council. These may include costs associated with ongoing maintenance, asset management and other operational responsibilities.

LEGISLATIVE CONTEXT

No legislative context to this item.

LEGAL IMPLICATIONS

This is not a legally binding agreement and its provisions do not create rights, obligations or duties for either party. If the parties do determine that they will enter into specific arrangements together, these will be the subject of separate contractual arrangements.

STAFFING IMPLICATIONS

There are future resource implication that relate to terms withing the MOU relating to the ongoing operations and management of the existing asset, uses and user relationships that will become Council's responsibility upon transfer of the land to Council.

CORPORATE/OPERATIONAL PLAN

This report relates to Operational Plan Reference 2.2.1.1 – Progress design development and approvals for the Rockhampton Sports Precinct.

CONCLUSION

That Council consider and endorse the signing of the MOU with CQUniversity.

MEMORANDUM OF UNDERSTANDING WITH CQUNIVERSITY

MOU between RRC and CQU for the Planning and Development of Rockhampton Sports Precinct

Meeting Date: 9 September 2025

Attachment No: 1



MEMORANDUM OF UNDERSTANDING

MOU – PLANNING AND DEVELOPMENT OF THE ROCKHAMPTON SPORTS PRECINCT

BETWEEN

CENTRAL QUEENSLAND UNIVERSITY– ABN 39 181 103 288

AND

ROCKHAMPTON REGIONAL COUNCIL - ABN 59 923 523 766

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MEMORANDUM OF UNDERSTANDING

This MOU is made on the date set out in Item 1 of the Reference Schedule.

BETWEEN:

RRC: Rockhampton Regional Council [ABN 59 923 523 766] of 232 Bolsover Street, Rockhampton QLD 4700

AND

CQU: Central Queensland University (trading as CQUniversity) [ABN 39 181 103 288] of 554/700 Yaamba Road, Norman Gardens QLD 4701

Background

- A. CQU are the trustees of land situated at 554/700 Yaamba Road, Norman Gardens (identified as Lot 70 on SP304746).
- B. The Rockhampton Sports Precinct is proposed to be developed on approximately 29 hectares of the Land, to be situated at the eastern side between Darambal Road and Foulkes Street intersection, as shown marked in the Campus Master Plan attached at Schedule A.
- C. The staging and full development of the Precinct is a long-term plan that is dependent on securing funding from both the State and Federal governments. The Draft Precinct Master Plan outlines the various elements of the Precinct, which, at this stage, are to be delivered in 6 components, being:
 - Netball Hard Courts
 - District Park
 - Indoor Centre
 - Grass Fields
 - Athletic centre
 - Service components (civil works, amenities and trees)
- D. The Queensland Government, through the Department of Sport, Racing and Olympic and Paralympic Games, have made a commitment to fund the development of Stage 1 of the Precinct, being 16 netball hardcourts, changeroom and clubhouse facility and district level park.
- E. The Parties have agreed to collaborate to assist with the planning and development of the Precinct throughout the delivery of all proposed stages and components.
- F. The Parties have further agreed to collaborate to maintain continuity of existing uses and users of the Campus which will be within the proposed Precinct Site.
- G. This MOU outlines the Parties commitments to work together with the development of the Precinct to ensure the best outcomes for CQU, RRC and the community.

Agreed Terms**1. Definitions and Interpretation****1.1 Definitions**

In this MOU:

“Campus” means the CQU campus situated at 554/700 Yaamba Road, Norman Gardens and includes all of the Land held by CQU as trustee.

“Childcare Centre” means the early childhood education and care facility currently operated on the Land, including all associated buildings, outdoor play areas, and access to infrastructure, roads and pathways leading to and from the facility. The Childcare Centre is located on the portion of the Land identified as Item 40 in the Overall Site Plan in Schedule B and is expressly excluded from the Precinct Site and any proposed land transfer to RRC.

“Completion Date” means the date specified in Item 4 of the Reference Schedule.

“Confidential Information” means in relation to a party, information that is by its nature confidential, is designated by that party as confidential or the other party knows or ought to know is confidential and includes:

- (a) Information comprised in or relation to any Intellectual Property rights of the party;
- (b) Information relating to the internal management and structure of the party or the personnel, policies, strategies, practices and procedures of the party;
- (c) Information of the party to which the other party has access that has any actual or potential commercial value to the first party or the person or corporation which supplied that information;
- (d) Information in the party's possession relating to the other party's clients or suppliers and like information;
- (e) The terms of this MOU and any negotiations in connections with or amendments to this MOU,

but excludes any information:

- (a) In the public domain at the Commencement Date;
- (b) That is or becomes generally available to the public other than as a result of a disclosure by the receiving party; or
- (c) That becomes available to the recipient on a non-confidential basis from a source other than the discloser which has represented to the recipient that it is entitled to such information.

“CQU” means Central Queensland University or CQUniversity.

“Draft Precinct Master Plan” means the draft overall site master plan attached in Schedule B which was prepared on behalf of RRC by Otium Planning Group Pty Ltd dated September 2023 and is intended to be updated from time to time by RRC.

“DSG” means the Rockhampton Sporting Precinct Development Steering Group as outlined in clause 6.

“Land” means the trust land situated at 554-700 Yaamba Road, Norman Gardens,

identified as Lot 70 on SP304746, with CQU being the trustee of this land which is held for Education Institution purposes.

“Law” means all acts or statutes for the time being enacted and all rules, regulations, by laws, notices, requisitions or orders made to or under any act or statute from time to time by any Authority.

“MOU” means this Memorandum of Understanding and includes any Schedules or attachments to this MOU.

“Parties” means the parties to this MOU and includes their employees and agents.

“Precinct” means the Rockhampton Sports Precinct

“Precinct Site” means the entire site where the Rockhampton Sports Precinct will be located on Norman Road on part of the land currently identified as Lot 70 on SP 304746. The proposed site is to be approximately 29 hectares between Darambal Road and Foulkes Street intersection as marked on the Campus Master Plan in Schedule A.

“RRC” means Rockhampton Regional Council.

“Rockhampton Sports Precinct” means the proposed sporting precinct to be located on the Precinct Site.

1.2 Interpretation

In this MOU:

- (a) headings are for convenience only and do not affect interpretation; and unless the context indicates a contrary intention:
- (b) a reference to a document (including this MOU) is to that document as varied, novated, ratified or replaced from time to time;
- (c) a word importing the singular includes the plural (and vice versa), and a word indicating gender includes every other gender;
- (d) a reference to a party, clause or schedule is a reference to a party, clause, or schedule to or of this MOU, and a reference to this MOU includes all schedules to it;
- (e) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- (f) "includes" in any form is not a word of limitation; and
- (g) A reference to writing or written includes email.

2. Term

This MOU will commence on the (Date TBC) and, unless lawfully terminated, ends on the Completion Date.

3. Scope and Intent

The purpose of this MOU is to outline the objectives and items that require collaboration between CQU and RRC in resolving and coming to agreement for the planning and development of the Precinct which is proposed to be built on the eastern side of the Land.

The intent of the arrangement is for CQU and RRC to work collaboratively for the duration

of the development of the Precinct, to ensure alignment of CQU, RRC and the Precincts objectives are achieved, and to safeguard the best outcomes for the community.

4. Non-Binding Agreement and Approvals

4.1 Non-Binding Agreement

This MOU is a statement of understanding and is not intended to create legal obligations or liabilities on either party.

4.2 Approvals

The Parties acknowledge that the terms and obligations outlined in this MOU are subject to each party seeking the necessary approvals within their own organisation, including but not limited to, Council resolutions or approvals from correctly delegated officers.

4.3 Local Government

CQU acknowledges that RRC is the local government for the Land, including the Precinct Site, and accepts and agrees that RRC must at all times uphold its rights, powers, duties and obligations as a responsible local or statutory authority and nothing in these terms or any subsequent agreements shall prejudice or affect RRC's rights, powers, duties and obligations in the exercise of its functions as a local or statutory authority.

4.4 Further Agreements

During the development of the Precinct and the Precinct Site the Parties may identify that subsequent binding agreements are required. Any potential binding agreements required by the Parties will be drafted and negotiated in good faith between the Parties. Schedule D sets out potential future binding agreements that the parties have identified.

4.5 CQU Interests

This agreement includes and acknowledges CQU interests and requirements for consideration during the development of the Precinct, these include but not limited to;

- (a) Safety to campus
- (b) Amenity
- (c) Access road development
- (d) Traffic control and management

It is anticipated with the planned residential and Precinct developments and growth of the Campus traffic in and around the Campus will increase. Throughout the future development of the Precinct Site, a collaborative approach is needed to ensure that traffic and pedestrian safety is effectively managed through the site and coordinated investment and funding of pedestrian and road infrastructure is considered.

RRC and CQU will work collaboratively with relevant government agencies to ensure that a proactive approach to the planning and delivery and funding of safe pedestrian and road infrastructure is included in the whole of site long-term planning and considered throughout the development of the Precinct Site.

5. Development

The Parties acknowledge that the proposed Precinct Site will be delivered in stages as funding becomes available. The proposed overall site plan is outlined in the Draft Precinct Master Plan in Schedule B.

The delivery of the Precinct is dependent on funding from both State and Federal Government and the Parties acknowledge that all proposed stages and components of the Precinct are subject to this funding.

Queensland Government has committed to funding Stage 1 of the project to deliver a 16-court netball precinct with amenities and a clubhouse and district level park.

Development will include delivery of stages and components outlined in the Draft Precinct Master Plan in Schedule B, along with any approved preliminary plans or further substantial development within the Precinct.

Development of the Precinct Site will exclude the portion of land utilised for the Childcare Centre, which will remain under the ownership and control of CQU.

6. Rockhampton Sporting Precinct Development Steering Group

The Parties will continue to participate in the Rockhampton Sporting Precinct Development Steering Group ("DSG").

The purpose of the DSG is to provide advice and recommendations to RRC and CQU to assist in decision making relevant to the proposed Precinct and Precinct Site development and to work toward harmonious relationship between the Campus and the Precinct.

The DSG will consist of members from both RRC and CQU. The following positions will be members of the DSG:

CQU

Members:

Chief Operating Officer

Director Facility Management

Position allowed to amend/appoint members:

Vice-Chancellor/President

RRC

Members:

General Manager Community Services

Executive Manager Advance Rockhampton

Position allows to amend/appoint members:

Chief Executive Officer

To allow for the changing needs in governance throughout the development of the precinct each party can amend or appoint their own members to the DSG through the position outlined above.

The DSG will meet regularly throughout the development phase of the Precinct and Precinct Site to engage on the following type of issues:

- Planning and design of the facilities in the Precinct Site;
- Major construction on the Precinct Site and, if required, the Campus;
- Clearing of vegetation;
- Opportunities for collaborations;

- Opportunities for sharing of carparking and facilities;
- Media & other communications;
- Manage ongoing operation and synergies between the Precinct and the Campus;
- Identify objectives that will require the two parties to form an agreement on the ongoing operations, management and usage of infrastructure and facilities.

7. Tenure Arrangements

The Land is currently held by CQU as trust land. The Parties have agreed to work to collaborate with the Queensland Government to establish freehold tenure arrangements over the Precinct Site with RRC identified as the owner. The Parties agree to work together to ensure any consents, surveys or other necessary steps to allow a change in tenure for the Precinct Site are completed promptly.

The Parties agree and acknowledge that the development of the Precinct is dependent on RRC becoming the freehold owner of the Precinct Site.

The Parties agree and acknowledge that the portion of the Land utilised for the Childcare Centre is excluded from any proposed land transfer to RRC. CQU will retain ownership and control of this portion of the Land.

8. Statutory Approvals

RRC will be responsible, at its own cost, for obtaining any necessary development approvals for the Precinct.

If required, CQU agrees to provide consent for a development approval to be lodged.

9. CQU's Usage of the Precinct Site

9.1 Current Usage

The Parties will work together, within their own current processes and policies, to assist CQU to retain continuity of the current use of open space facilities and services for the Campus and endeavour to honour any future bookings already in place over the proposed Precinct Site.

Schedule C outlines any current or ongoing uses and bookings along with any future uses and bookings for the proposed Precinct Site.

On the transfer of land, RRC will manage any current and/or future uses of the Precinct Site through its current process and policies.

RRC will, at least 90 days prior to the transfer of land to RRC, contact relevant current listed users of the Precinct Site listed in Schedule C and manage the process of transferring these users to Council systems.

9.2 Potential Future Use of Potential Facilities and other Partnership Opportunities

As the Precinct is developed and further facilities and stages are completed, the Parties will discuss in good faith any potential agreements for CQU's use of these facilities.

Both RRC and CQU acknowledge that committing to ongoing uses and fee structures of future unfunded components, such as the proposed indoor centre is not possible. However, throughout the development of the Precinct, and upon successfully acquiring

funding for development of planned components, RRC and CQU will continue discussions on how to align and support CQU services, education and training programs within the new facilities.

It is the intention of RRC that any commercial spaces created within the Precinct will be tendered out as required under Council's tender processes and all relevant Laws. Within the tender process, Council will look to highlight opportunities to partner and align with CQU services, education and training programs and related faculties.

10. Events

Where either RRC or CQU are holding any events, or are aware of an event occurring, on either the Precinct Site or Campus that are likely to affect the other Party (including the other Parties use and enjoyment of their own site) the Party holding the event is to provide written notice of the event at least 28 days prior to the event to allow both parties to work together to mitigate any potential disruption.

11. Replanting

RRC has agreed to a replanting target of 10 trees planted for each tree that is removed which has a diameter of over 300mm at chest height to enable the development of the Precinct Site.

RRC throughout the preliminary design will develop the Precinct Site development landscaping plan in consultation with CQU which will work to determine principles and how to achieve the replanting target.

The plan will outline the types and species of trees and plants that are best suited and will work to distribute the trees as per the hierarchy outlined below:

- Within the Precinct Site;
- Within the Campus and surrounds;
- Within the Region.

RRC will endeavour to minimise the impact of tree clearing to the Precinct Site during the staged development while taking into considering the following factors:

- Access;
- Safety;
- Buildability;
- Cost/value.

RRC will, before the commencement of development for each stage or component of the Precinct, consult with CQU on the extent of clearing and prepare any necessary communication to CQU students and faculty.

For clarity, there is no requirement for RRC to replant trees, or to replace a certain number of trees, within the Campus or surrounds or within the Region if the target is able to be met by replanting in the Precinct Site.

12. Aesthetics

The branding, look and feel of the Precinct Site will be RRC's responsibility and at RRC's full discretion. However, the Precinct Site aesthetically should look and feel as it is a part

of the whole CQU Campus rather than a standalone unconnected facility. To achieve continuity between the Precinct Site and the Campus the DSG will work to the following principles (where practical):

- Areas where the Campus and Precinct Site join will remain open and unfenced;
- Consolidation of signage and use of similar naming conventions for directions;
- Consideration to path of travel and connecting footpaths to and from the Precinct Site and Campus;
- Consideration for naming facilities, roads and sporting fields throughout the duration of the development of the precinct.

13. Communications and Statements

The DSG will continue to create and follow a communication protocol/plan to handle all communications and statements made by the Parties. The communication protocol should be developed and updated on a project-by-project basis to ensure it remains relevant.

14. Existing Facilities and Lease/Licence Agreements

RRC agrees that once freehold tenure is granted to RRC, RRC takes over ownership and responsibility of all facilities and infrastructure within the freehold boundary.

CQU will provide RRC with details of all Leases, Licences or similar that CQU currently have over the Precinct Site within 3 months of signing this MOU.

15. Infrastructure Agreement

Both Parties need to identify and agree to establish the measures required for operations and control of infrastructure and facilities taking into consideration the future plans the Precinct, Campus and any future residential development on the site. The Parties will act in good faith to establish any formal agreements which may be needed to manage the control infrastructure and facilities.

16. Confidentiality and Privacy

16.1 Confidential Information

Each party agrees not to disclose any Confidential Information under any circumstances without the prior consent of the other party, except:

- (a) to its staff and officers requiring that information for the conduct of their duties pursuant to this MOU;
- (b) to its accountants and legal advisors; or
- (c) as required or permitted by Law.

16.2 Privacy

Both Parties agree, in respect of any personal information held or collected as a result of this MOU, to comply with the privacy principals and all applicable Laws in regarding privacy.

17. Representations

CQU will not represent to any third parties that CQU has the ability to compel any activities in relation to the Precinct.

18. Laws

Each Party must comply with all applicable Laws in carrying out its obligations or commitments under this MOU.

19. Relationship of Parties

The parties agree that nothing in this MOU constitutes any relationship of principal and agent, partnership, or joint ventures between the parties.

20. Termination**20.1 Written Notice of Termination**

Either Party may terminate this MOU by providing 30 days written notice to the other Party.

21. Resolution of Disputes

- (a) For the purpose of this clause, a dispute will have arisen when either Party gives notice in writing to that effect to the other Party.
- (b) The Parties agree to settle any dispute arising in connection with this MOU in good faith by negotiation or mediation.
- (c) Any dispute will be referred to the Parties' contact person nominated in Item 2 & 3 in the Reference Schedule or other persons the Parties notify to each other in writing.
- (d) If a dispute is unable to be resolved between the parties, either party may terminate the MOU by providing 7 days written notice to the other Party.

22. Annual Review

The Parties will meet at least once per year to conduct an annual review of the development, working arrangements and this MOU. If necessary, the Parties will use this meeting to negotiate any variations or termination of the MOU in good faith.

23. General**23.1 Costs**

Each party is responsible for their own costs and expenses for negotiating, preparing, executing and performing this MOU.

23.2 Variation

This MOU may be varied at any time by an agreement in writing executed by both parties.

It will be sufficient evidence of any agreement to vary a schedule to the MOU if the parties execute and date a document purporting to be a substitute schedule.

23.3 Notices

Any notice or other communication to be given under this MOU must be in writing and may be delivered by hand, pre-paid post or e-mail transmission to the other party at its address set out in the Reference Schedule, or other persons the parties notify to each other.

23.4 Governing Law

This MOU is governed by and will be construed according to the laws of Queensland.

Reference Schedule

| | | | |
|--------|------------------------|---|---|
| Item 1 | Date of MOU | <insert date MOU signed> | |
| Item 2 | RRC | Name: | Rockhampton Regional Council |
| | | ABN: | 59 923 523 766 |
| | | Contact Person: | General Manager Community Services |
| | | Address: | PO Box 1860, Rockhampton Qld 4700 |
| | | Telephone: | (07) 4932 9000 |
| | | Email: | enquiries@rrc.qld.gov.au |
| Item 3 | CQU | Name: | Central Queensland University |
| | | ABN: | 39 181 103 288 |
| | | Contact Person: | Chief Operating Officer |
| | | Address: | 554/700 Yaamba Road, Norman Gardens QLD 4701 |
| | | Telephone: | 0418 773 173 |
| | | Email: | n.pearse@cqu.edu.au |
| Item 4 | Completion Date | 30 days after practical completion of the final stage of the Precinct or as agreed between the Parties. | |

Executed as an Memorandum of Understanding

Signed for and on behalf of Rockhampton Regional Council by its authorised delegate:

<Employee name>

Signature: _____

<Position title>

Date: _____

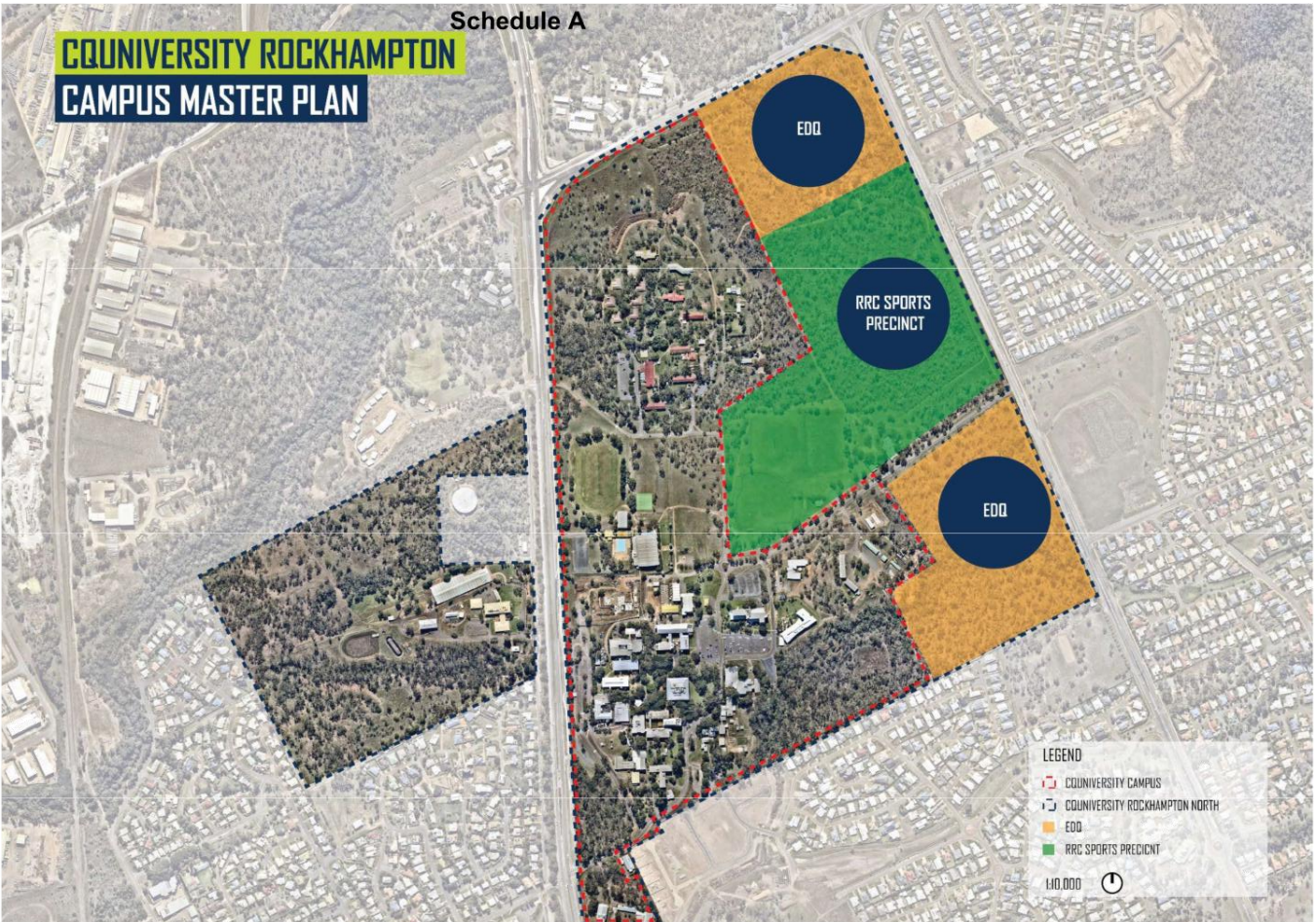
Signed for and on behalf of Central Queensland University as its duly authorised
delegate/representative:

<Name of Authorised Representative>

Signature: _____

Authorised Representative

Date: _____



OVERALL SITE PLAN

Schedule B

- LEGEND

 - 1 Main Precinct Hub: Entry/Foyer, Administration, Retail/Cafe, Specialised Indoor Sports Rooms, Community Spaces & Meeting Rooms, University Sports Science Area, Health & Fitness Centre and Allied Health Recovery Centre (PFL 36.5m AHCD) - Refer Architect's Plans
 - 2 Main Precinct Hub: Indoor Multi-Purpose Courts x 6 with 1 Show Court Included, Changing, Spectator Areas and Amenities (PFL 36.5m AHCD) - Refer Architect's Plans
 - 3 Outdoor Courts: 16 Courts
 - 4 Outdoor Courts: Amenities Building with Outdoor Covered Area (PFL 33.5m AHCD)
 - 5 Athletics Precincts: Track with Jumping and Throwing Event Spaces
 - 6 Athletics Precincts: Amenities Building with Timing at Finish Line (PFL 30.5m AHCD)
 - 7 Athletics Precincts: Covered Seating Spectator Area on Embankment
 - 8 Athletics Precincts: Storage Shed (PFL 28.5m AHCD)
 - 9 Playing Fields: Rectangular Fields 1 & 2 with Oval Overlay - To Include Ball Control Nets Where Required
 - 10 Playing Fields: Rectangular Fields 3 & 4 with Oval Overlay - To Include Ball Control Nets Where Required
 - 11 Playing Fields: Rectangular Fields 5 & 6 with Oval Overlay - To Include Ball Control Nets Where Required
 - 12 Playing Fields: Amenities Building 1 (Fields 3 & 4) (PFL 36.5m AHCD)
 - 13 Playing Fields: Amenities Building 2 (Fields 5 & 6) (PFL 30m AHCD)
 - 14 Emerging Sports: Area for Future Sports Use
 - 15 Recreation: Playground - Fenced with Shade Shelters and Park Furniture Facilities
 - 16 Recreation: Youth Space with Shade Shelters and Park Furniture Facilities
 - 17 Recreation: Fitness & Parkour with Shade Shelters and Park Furniture Facilities
 - 18 Recreation: Pickleball / Multi-Use Courts
 - 19 Recreation: Passive Park Areas
 - 20 Recreation: Kick-about Space (Within Fenced Playground Area)
 - 21 Recreation: Public Amenities (PFL 33.5m AHCD)
 - 22 Green Buffer - Vegetated 2.3m High Linear Bund
 - 23 Maintenance Compound (including machinery storage, chemical storage, water tanks, irrigation pumps, staff amenities)
 - 24 Vehicle Parking: Sealed Spaces - Refer Numbers on the Plan
 - 25 Vehicle Parking: Overflow (Unsealed) Spaces - Refer Numbers on the Plan
 - 26 Bus Seldown & Parking
 - 27 Possible Public Bus Stop
 - 28 Main Precinct Hub Drop Off
 - 29 Main Precinct Hub PWD Parking
 - 30 Collector Road - 12m Wide Pavement in a 20m Reserve: To service Through Traffic, Potential Connection to Adjoining Lands and Public Transport Route (Subject to Discussions with Translink)
 - 31 Internal Road - 7m Wide Pavement with Traffic Calming
 - 32 Upgrade to Norman Road Intersection with Right Turn Lane into Site - Subject to Detailed Traffic Assessment
 - 33 Upgrade to Norman Road Intersection at Darambal Road - Subject to Detailed Traffic Assessment
 - 34 New Intersection on Darambal Road (East) including Potential for Future Connection to Lands South of Darambal Road - Implementation of this Intersection is an Ultimate Configuration and Subject to Detailed Traffic Assessment
 - 35 New Intersection on Darambal Road (Mid) including Connection to University Areas South of Darambal Road - Implementation of this Intersection is an Ultimate Configuration and Subject to Detailed Traffic Assessment
 - 36 New Intersection on Darambal Road (West) including Improvements for Traffic Circulation within the University - Implementation of this Intersection is by CQU and Subject to Detailed Traffic Assessment
 - 37 Possible Roundabout for Future Potential Connection to University Lands to the North of the Sports Precinct - Implementation of this Intersection is an Ultimate Configuration and Subject to Detailed Traffic Assessment
 - 38 Raised Table Intersection / Traffic Calming - Refer Traffic Report
 - 39 Raised Table Pedestrian Crossing Location and Traffic Calming
 - 40 Existing Childcare Centre
 - 41 Existing Covered Seating Stadium with Improved Amenities below
 - 42 Existing Graduation Store to be Retained Until Implementation of Rectangular Fields 5 & 6
 - 43 Raised Mounding for Spectator Viewing
 - 44 Main Precinct Hub Plaza with Shade Trees, Seating, Planters and Water Feature
 - 45 Existing Footpath
-

Schedule C

CQU current/ongoing uses and future bookings for proposed Precinct Site

Current/Ongoing Uses (2025):

| Area of Use | Description of Uses | Responsible Person or Club | Frequency of Uses |
|--------------------------------|---|---|---|
| Cricket Oval Football Field | Capricorn School Sport Cross Country | Capricornia Representative School Sports <i>Anthony Spyve</i> | Annual Event |
| Cricket Oval | Sri Lankan Community Cricket Day | Suraj Madhushan | Annual Event |
| Cricket Oval | Land Search Workshop | State Emergency Services | Annual Event |
| Cricket Oval Canteen | Community Cricket Match | CQ Multicultural Association | Annual Event |
| Baseball Field | Drone Training | Aviation Australia | Frequent User |
| Baseball Field | Drone Training | Aviation Australia + Capricornia School of Distance Education | Annual Booking |
| Baseball Field | Drone Training | Aerospace Matt Bruggemann | Annual booking |
| Baseball Field | Narnia Kindergarten - Colour Run | Narnia Kindergarten - <i>Kirstin Walters</i> | Annual Event |
| Baseball Field | RACQ Rescue Helicopter Open Day | Cap Rescue - Sharyn Truelson | Annual Event |
| Baseball Field | Relay for Life | Cancer Council | Annual Event |
| Football Field | Training | Emu Park Senior Rugby League | Tuesday Nights April to September |
| Football Field | Training | Capras | Mon, Wed & Friday Nights February to April July to September |
| Football Field | Holi Event | Indian Association of Central Queensland - <i>Jitin Nagre</i> | Annual Booking |
| Football Field | CQID Community Event | CQID - <i>Malachi Johnson</i> | Annual Booking |
| Football Field | Wednesday School Sports | Heights College - <i>Josh Frost</i> | Wed 1:30pm to 14:30pm August to September |
| Football Field Canteen | CQNA Event | Central Queensland Nepalese Association - <i>Akai Limbu</i> | Annual Booking |
| Football Field and Canteen | IAoCQ Event | Indian Association of Central Queensland | Annual Booking |

Schedule D – Potential Binding Agreements to be Drafted

| Agreement | Purpose |
|----------------------|--|
| Infrastructure | Taking ownership of all assets on the site <ul style="list-style-type: none">- Services- Amenities- Sporting Fields and related assets- Graduation Building- Service levels- Future Road Reserves and Service Easements |
| Early Work Agreement | That an early works agreement be entered between CQU and RRC to allow for the commencement of works of Stage 1 of the Precinct prior to the land comprised of the Precinct Site being transferred to RRC. |
| Childcare Centre | The portion of the Land utilised for the Childcare Centre will remain property of CQU and will not form a part of the land transfer. |
| Letter of consent | A letter of Consent for lodgement of the DA and for the Development of the precinct Adjacent to the Campus |

11.6 SAFETY OCCUPATIONAL HYGIENIST - SPECIALISED SUPPLIER

File No: 4868
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Shannon Jennings - Acting General Manager Workforce and Governance
Author: Tony Hauenschild - Coordinator Safety, Training and Wellbeing

SUMMARY

This report seeks a Council resolution to endorse the engagement of a specialised supplier as it is deemed impractical for the Council to invite quotes or tenders due to previous engagement of the same supplier.

OFFICER'S RECOMMENDATION

THAT pursuant to s235(b) of the *Local Government Regulation 2012*, Council approves 5 Sticks Consulting as a specialised supplier to provide ongoing occupational hygiene monitoring program services.

COMMENTARY

5 Sticks Consulting have been engaged to undertake Council's Occupational Hygiene survey as part of our ongoing hygiene monitoring program, which commenced in 2021 at various sites across the organisation.

In previous years, the program has required smaller portions of work to be undertaken on an ad-hoc basis, based on the identified Similar Exposure Groups in accordance with relevant guidance documents. This year however, additional monitoring requirements were introduced under legislation that requires further testing and monitoring not previously undertaken as detailed in the 'Safe Work Australia – Guidance Note on the Interpretation of Workplace Exposure Standards for Airborne Contaminants', QGL02 and 'Safe Work Australia – Managing Noise and Preventing Hearing Loss at Work Code of Practice'.

Due to the specialist nature of Occupational Hygiene programs, it is very difficult to engage Occupational Hygiene specialists and there is a very limited number of companies available to undertake the required work. Continuation of the same supplier allows to build from baseline data gathered in previous years and ensure further data is gathered in a comparable manner.

As a result, we are seeking to approve 5 Sticks Consulting as a specialised supplier for the 2025-26 and 2026-27 financial years to undertake the identified hygiene monitoring as detailed in the 2 year health monitoring program at a cost of approximately \$50,000 over the 2 year period and ensure continuation of service with the current occupational hygiene provider.

5 Sticks Consulting have already been previously engaged by Council and have prepared and commenced implementing the proposed program.

PREVIOUS DECISIONS

There are no previous decisions.

BUDGET IMPLICATIONS

The costs will be met from the operational budgets of the impacted sections.

LEGISLATIVE CONTEXT

Under section 235(b) of the *Local Government Regulation 2012*:

“A local government may enter into a medium-sized contractual arrangement or large sized contractual arrangement without first inviting written quotes or tenders if –

b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or”

LEGAL IMPLICATIONS

Council is required to undertake the hygiene monitoring of staff as a legislative requirement under the *Work Health & Safety Act 2011*.

STAFFING IMPLICATIONS

Engagement and management of 5 Sticks Consulting will be managed within the Safety, Training & Wellbeing unit.

RISK ASSESSMENT

Council is at risk of legislative non-compliance or breach of the *Work Health and Safety Act 2011* if effective health monitoring and hygiene programs are not implemented.

CORPORATE/OPERATIONAL PLAN

Operational Plan 2025-26 – Goal 1.3.1.1 – Maintain a safety management system that minimises the risk to people and property.

CONCLUSION

It is recommended that Council approved 5 Sticks Consulting as a specialised supplier to provide occupational hygiene monitoring program services on an ongoing basis

11.7 COUNCILLOR INVESTIGATION POLICY

| | |
|-----------------------------|--|
| File No: | 11979 |
| Attachments: | 1. Councillor Investigation Policy ↓ 2. Councillor Investigation Policy - Tracked Changes ↓ |
| Authorising Officer: | Evan Pardon - Chief Executive Officer |
| Author: | Shannon Jennings - Acting General Manager Workforce and Governance |

SUMMARY

Presenting proposed amendments to the Councillor Investigation Policy for Council's consideration and adoption.

OFFICER'S RECOMMENDATION

THAT:

1. Council adopts the Councillor Investigation Policy set out in Attachment 1 to the report in accordance with s150AE of the *Local Government Act 2009*; and
2. Council approves a review timeline of the Councillor Investigation Policy of two years.

COMMENTARY

In accordance with s150AE of the *Local Government Act 2009*, Council must adopt, by resolution, an investigation policy about how it deals with suspected conduct breaches of Councillors referred, by the assessor, to the local government.

In May 2025, the Department of Local Government, Water and Volunteers provided an updated example of the Local Government Investigation Policy to assist local governments in updating and preparing their own policies.

Officers have undertaken a review of the Councillor Investigation Policy in accordance with the amendments to the legislation and the example policy provided by the Department. The amended Councillor Investigation Policy (Attachment 1) is presented to Council for consideration and adoption. Attachment 2 shows the marked-up changes made to the policy previously adopted by Council.

BACKGROUND

The *Local Government (Councillor Conduct) and Other Legislation Amendment Act 2023* received assent on 22 November 2023 and made significant amendments to the *Local Government Act 2009* in relation to Councillor conduct breaches and the investigation of those breaches.

PREVIOUS DECISIONS

The Councillor Investigation Policy was previously adopted by Council on 27 October 2020.

The proposed amendments to the Councillor Investigation Policy were presented to Council on 12 August 2025. At that meeting it was resolved "THAT the matter lay on the table pending discussion at a Briefing Session."

A briefing session was held on 2 September 2025 with Councillors to discuss the proposed amendments to the Councillor Investigation Policy.

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Section 150AE of the *Local Government Act 2009* states that a local government must adopt, by resolution, a policy (an **investigation policy**) about how it deals with the suspected conduct breaches of councillors referred, by the assessor, to the local government to be dealt with.

LEGAL IMPLICATIONS

Failure to adopt an investigation policy as required under s150AE of the *Local Government Act 2009* will result in legislative non-compliance.

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

Failure to adopt a policy that meets the requirements of the *Local Government Act 2009* will result in legislative non-compliance.

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2022-2027 – Goal 1.1:

- We have effective governance with accountable decision-making practices.

CONCLUSION

Amendments to the Councillor Investigation Policy have been prepared and the amended Policy is provided to Council for consideration and adoption.

COUNCILLOR INVESTIGATION POLICY

Councillor Investigation Policy

Meeting Date: 9 September 2025

Attachment No: 1

COUNCILLOR INVESTIGATION POLICY

STATUTORY POLICY



1 Scope

This policy applies to complaints about suspected conduct breaches of a Councillor/s which have been referred to Rockhampton Regional Council from the Independent Assessor. This policy does not apply to more serious Councillor conduct, such as misconduct or corrupt conduct.

2 Purpose

The purpose of this policy is to satisfy legislative obligations by establishing an investigation policy about how it deals with suspected conduct breaches of Councillors.

3 Related Documents

3.1 Primary

Local Government Act 2009

3.2 Secondary

Crime and Corruption Act 2001

Criminal Code Act 1899

Information Privacy Act 2009

Integrity Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Public Sector Ethics Act 1994

Code of Conduct for Councillors in Queensland

Complaints Management Policy

Councillor Acceptable Request Guidelines Policy

Councillor Conduct Register

Council Meeting Procedures Policy

Corrupt Conduct Policy and Procedure

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

Public Interest Disclosure Policy and Procedure

Purchasing Policy – Acquisition of Goods and Services

4 Definitions

To assist in interpretation, the following definitions apply:

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| Act | <i>Local Government Act 2009</i> |
| Assessor | As defined in the Act, the Independent Assessor appointed under section 150CV. |
| Behavioural Standard | The standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the Act. |
| CCC | Crime and Corruption Commission |
| CEO | Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position. |
| Conduct | As defined in the Act, includes: (a) Failing to act; and (b) A conspiracy, or attempt, to engage in conduct. |
| Corrupt Conduct | As defined in the <i>Crime and Corruption Act 2001</i> , conduct of a person, regardless of whether the person holds or held an appointment, that fulfils each of the following elements: (a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a Unit of Public Administration (UPA) or a person holding an appointment; (b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that: (i) Is not honest or is not impartial; or (ii) Involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) Involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that fulfils each of the following elements: (a) Impairs, or could impair, public confidence in public administration; and (b) Involves, or could involve any of the following: (i) Collusive tendering; (ii) Fraudulent applications for licences, permits or other authorities under an Act with a purpose or object of any of the following (however described) – protecting health or safety of persons; protecting the environment or protecting or managing the use of the State's natural, cultural, mining or energy resources; (iii) Dishonestly obtaining, or helping someone to dishonestly obtain, benefits from the payment or application of public funds or the disposition of State assets; (iv) Evading State taxes, levies, duties or otherwise fraudulently causing a loss of State revenue; (v) Fraudulently obtaining or retaining an appointment; and (c) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating a person's services, if the person is or were the holder of an appointment. |
| Council | Rockhampton Regional Council |

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| Councillor/s | The Mayor and Councillors of Council, within the meaning of the Act. |
| Councillor Conduct Register | The register required to be kept by Council as set out in section 150DX and 150DY of the Act. |
| Conduct Breach | <p>As defined in the Act:</p> <p>(1) The conduct of a Councillor is a conduct breach if the conduct contravenes:</p> <p>(a) A behavioural standard; or</p> <p>(b) A policy, procedure or resolution of Council.</p> <p>(2) Also, the conduct of a Councillor is a conduct breach if:</p> <p>(a) The conduct contravenes an order of the Chairperson of a Council meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or</p> <p>(b) It is part of a course of conduct at Council meetings leading to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year.</p> <p>(3) For subsection (2)(b):</p> <p>(a) The conduct that led to the orders being made, taken together, is the conduct breach; and</p> <p>(b) Orders for the Councillor's unsuitable meeting conduct include any orders made against the Councillor as the chairperson of a Council meeting.</p> <p>(4) However, a conduct breach does not include conduct that is:</p> <p>(a) Unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or</p> <p>(b) Misconduct; or</p> <p>(c) Corrupt conduct.</p> |
| Councillor Misconduct | <p>As defined in the Act:</p> <p>(1) The conduct of a Councillor is misconduct if the conduct:</p> <p>(a) Adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions, or the exercise of the Councillor's powers; or</p> <p>(b) Is or involves:</p> <p>(i) Non-compliance with an Act by the Councillor; or</p> <p>(ii) A misuse of information or material acquired in, or in connection with, the performance of the Councillor's functions, whether the misuse is for the benefit of the councillor or for the benefit, or to the detriment, of another person; or</p> <p>(c) Contravenes any of the following:</p> <p>(i) An order of Council or the conduct tribunal;</p> <p>(ii) A policy of Council about the reimbursement of expenses;</p> <p>(iii) Sections 150R(2), 150EK, 150EL, 150EPA, 150EQ, 150EW, 150EZ, 170(4), 171(3), 201A, 201B or 201C of the Act.</p> <p>(2) Also, the conduct of a Councillor is misconduct if the conduct is:</p> <p>(a) Part of a course of conduct leading to Council deciding to take action under section 150AG to discipline the Councillor for conduct breaches on three occasions within a period of one year; or</p> <p>(b) Of the same type stated in an order of Council that if the Councillor engages in the same type of conduct again, it will be dealt with as misconduct.</p> <p>(3) For subsection (2)(a), the conduct that led to the three occasions of disciplinary action, taken together, is the misconduct.</p> |

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| | (4) It does not matter if the conduct happened outside the State. |
| Delegated Officer | An employee appointed to a position with the relevant sub-delegation under the Act. |
| Investigation Policy | This policy as required by section 150AE of the Act. |
| Investigator | The person responsible under this policy for carrying out the investigation of the suspected conduct breach of a Councillor or Mayor. |
| Local Government Meeting | A meeting of: (a) A local government; or (b) A committee of a local government. |
| Mayor | An elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act. |
| Natural Justice | A set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues. |
| Referral Notice | The notice the Assessor refers to the local government about a Councillor/s conduct as required by section 150AC of the Act. |
| Regulation | <i>Local Government Regulation 2012</i> |
| Tribunal | The Councillor Conduct Tribunal as established under section 150DK of the Act. |
| Unsuitable Meeting Conduct | As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard. |
| UPA | Unit of Public Administration As defined in the <i>Crime and Corruption Act 2001</i> , includes the following: (a) The Legislative Assembly, and the parliamentary service; (b) The Executive Council; (c) A department; (d) The police service; (e) A local government; (f) A corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act; (g) A noncorporate entity, established or maintained under an Act, that is: (i.) Funded to any extent with State moneys; or (ii.) Financially assisted by the State; (h) A State court, of whatever jurisdiction, and its registry and other administrative offices; and (i) Another entity prescribed under a regulation. |

5 Policy Statement

Council is committed to providing a contemporary and statutory compliant process for dealing with complaints relating to a suspected conduct breach of a Councillor.

Council acknowledges the right of a person to lodge a complaint and is committed to upholding its duty of care by aiming to provide an effective process to all complaints received.

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5.1 Confidentiality

Matters of a suspected conduct breach of a Councillor are confidential to the Council during the investigation period, except to give the:

- (a) Subject Councillor information about the suspected conduct, including details about the evidence of the conduct
- (b) Subject Councillor the preliminary findings of the investigation before preparing an investigation report about the investigation
- (c) Subject Councillor, the complainant and the Assessor a notice if an investigation is not started or is discontinued.

It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to Council. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to Council may be contrary to section 171(3) of the Act and be dealt with as misconduct.

Council will release information about the matter including a summary investigation report, investigation report and report on matters to Council meetings, on Council's website and in the Annual Report in accordance with the Act, the Regulation and this policy.

5.2 Natural Justice

Any investigation of a suspected conduct breach of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness, refers to three key principles:

- (a) The person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- (b) The investigator should be objective and impartial (absence of bias); and
- (c) Any action taken or decision made is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected conduct breach matter will receive information about the suspected conduct breach, including:

- (a) Information about the suspected conduct breach and details about the evidence of the suspected conduct breach;
- (b) A notice if an investigation is not started or is discontinued including the reasons for the decision;
- (c) The preliminary findings of the investigation before the preparation of an investigation report about the investigation outcome;
- (d) Affording the subject Councillor the opportunity to respond to the preliminary findings by the giving of evidence or a written submission;
- (e) Ensuring the evidence and written submission from the subject Councillor is considered in preparing the investigation report, and
- (f) Ensuring a summary of any evidence and a full copy of any written submission by the subject Councillor is provided in the investigation report.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

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5.3 Assessor's Referral

Council will receive from the Assessor a referral notice about the suspected conduct breach of a Councillor/s.

The referral notice will include details of the conduct and any complaint received about the conduct, state why the Assessor reasonably suspects that the Councillor has engaged in a conduct breach, and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

Council must deal with the matter and the investigation must be conducted in a way that is consistent with this policy.

5.4 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected conduct breach of a Councillor from the Assessor, the CEO will forward a copy of that referral notice to the Mayor and all Councillors, including the Councillor who is the subject of the complaint, as a confidential document.

Should the Mayor or a Councillor; other than the subject of the complaint or the complainant; disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council Meeting Procedures Policy.

5.5 Conflicts of Interest

The Councillor who is the subject of the complaint and the complainant, if the complainant is a Councillor, have a declarable conflict of interest and should manage it in a way that is consistent with the requirements of the Council Meeting Procedures Policy.

5.6 Investigator

The Mayor will manage the investigation process and may undertake the investigation themselves to investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the Councillor engaged in a conduct breach and how the conduct may be dealt with.

If the Mayor believes it is in the best interests of the investigation, or if the Councillor conduct complaint is complex, they may direct the CEO to engage an external suitably qualified investigator. In such matters the external investigator will investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the subject Councillor engaged in a conduct breach and how the conduct may be dealt with in accordance with this policy.

If the conduct complaint is about the Mayor or the Mayor otherwise has a conflict of interest in the matter, the Deputy Mayor will be the investigator, manage the investigation process and may undertake the investigation. If the Deputy Mayor also has a conflict of interest, an investigator will be appointed by resolution of Council.

5.7 Decision Not to Start, or to Discontinue an Investigation

On receipt of a referral notice about the suspected conduct breach of a Councillor from the Assessor, Council may decide not to start or to discontinue the investigation in accordance with section 150AEA of the Act if:

- (a) The complainant withdraws the complaint or consents to the investigation not being started or being discontinued, or
- (b) The complainant does not comply with a request from Council for further information, or
- (c) There is insufficient information to investigate the conduct; or
- (d) The office of the Councillor becomes vacant for any reason after receiving the referral notice, during the investigation process.

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If the investigator considers there are circumstances for not starting or discontinuing an investigation, the matter will be placed on the agenda for the next available Council meeting.

Council may decide by resolution not to start, or to discontinue, a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision.

5.8 Timeliness

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor, if the Mayor is not the investigator, to seek an extension of time.

5.9 Assistance for the Investigator

If the Mayor, or another Councillor appointed by Council resolution, is the investigator of a matter of a suspected conduct breach, the Mayor or Councillor may use section 170A of the Act to seek assistance during the investigation. The CEO or the People and Capability unit via the CEO may provide assistance as required.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors/specialists in accordance with Council's Purchasing Policy.

The Assessor may make a recommendation for an external investigator to be engaged to undertake the investigation. The Assessor may provide a panel of external investigators for the Council to engage to undertake the investigation.

5.10 Possible Misconduct or Corrupt Conduct

If during the course of an investigation the Investigator obtains information which indicates a Councillor may have engaged in misconduct, the Investigator must cease the investigation and advise the CEO. The CEO or a delegated officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the Investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the Investigator must cease the investigation and advise the CEO. The CEO or a delegated officer will then notify the CCC of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or the CCC to be a conduct breach.

5.11 Completion of Investigation

5.11.1 Preliminary Statement of Findings

The investigator, or the CEO on the investigator's behalf, must prepare a Preliminary Statement of Findings and must give the Preliminary Statement of Findings to the subject Councillor before preparing the Investigation Report.

The Investigator must allow the subject Councillor to give evidence or a written submission about the suspected conduct breach and preliminary findings.

The investigator must consider any evidence or written submission given by the Councillor in preparing the investigation report and include a summary of the evidence and full copy of any written submission in the investigation report.

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5.11.2 Summary Investigation Report

The investigator, or the CEO on the investigator's behalf, must prepare a summary of the investigation report that must include:

- (a) The name of the councillor whose conduct has been investigated;
- (b) Description of the alleged conduct;
- (c) A statement of the facts established by the investigation;
- (d) A description of how natural justice was afforded to the Councillor during the conduct of the investigation;
- (e) A summary of the findings of the investigation; and
- (f) Any recommendations made by the investigator who investigated the conduct.

The summary investigation report must be made publicly available in the same manner the Council agenda is made publicly available before the meeting where the investigation report will be considered on or before the day and time prescribed by section 254C of the Regulation.

The published summary investigation report must not contain any names or identifying information about the complainant or other persons who provided information for the purposes of the investigation, including being interviewed, other than the Councillor subject of the complaint, unless the complainant is a Councillor or the CEO whose identity was disclosed at the meeting at which the investigation report was considered, or any other information Council is entitled or required to keep confidential under a law.

5.11.3 Investigation Report

The investigator must prepare an investigation report that includes:

- (a) The findings of the investigation;
- (b) A summary of the evidence;
- (c) A full copy of any written submission given by the Councillor, and
- (d) Recommendations for consideration by Council.

The investigation report must be made publicly available within 10 business days after the meeting at which Council decided whether the Councillor engaged in a conduct breach.

The published full investigation report must not contain any names or identifying information about the complainant or other persons who provided information for the purposes of the investigation, including any transcript of interview, statement or affidavit by a witness or person interviewed, or any other information Council is entitled or required to keep confidential under a law, unless the complainant is a Councillor or the CEO and their identity as the complainant was disclosed at the meeting at which the investigation report was considered.

5.12 Making a Decision About the Investigation

Council must decide by resolution whether the subject Councillor has engaged in a conduct breach.

When debating the matter any Councillors who have a declarable conflict of interest, must declare the conflict of interest. All other Councillors are eligible Councillors at the meeting.

Eligible Councillors may decide by resolution if the subject Councillor may remain in the meeting during the debate to answer questions to assist Council in making a decision.

Eligible Councillors may resolve that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during discussion and or voting on the matter.

If the eligible Councillors do not make a quorum due to the number of conflicted Councillors or another reason, the matter is to be deferred to another date when a quorum will be present; or the matter is to be delegated consistent with section 257 of the Act.

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If the Council decides at the completion of the investigation that the Councillor has engaged in a conduct breach, the Council may:

- (a) Order that no action be taken against the Councillor; or
- (b) Make an order outlining action the Councillor must undertake in accordance with section 150AH(b) of the Act.

Under section 254J(3)(j) of the Regulation, Council may resolve that the meeting be closed to the public for the Councillors to discuss the investigation report and any recommendations.

In accordance with section 254J(6) of the Regulation, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

5.13 Notification About the Outcome of the Investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to:

- (a) The Assessor; and
- (b) The person who made the complaint about the Councillor's conduct that was the subject of the investigation; and
- (c) The subject Councillor who was investigated.

5.14 Councillor Conduct Register

The CEO must ensure decisions about a suspected conduct breach of a Councillor/s be entered into the Councillor Conduct Register.

Where a complaint has been resolved under paragraph 5.7 of this policy, the CEO or a delegated officer will update the register to reflect that the complaint was withdrawn.

5.15 Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or the investigation of a suspected conduct breach of a Councillor including any costs of:

- (a) The President of the Tribunal undertaking an investigation for Council;
- (b) An independent investigator engaged on behalf of, or by, the Tribunal;
- (c) An independent investigator engaged on behalf of Council;
- (d) A mediator engaged under this policy;
- (e) Travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- (f) Seeking legal advice; and
- (g) Engaging an expert.

Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's sustained conduct breach. Any costs incurred by complainants or the subject Councillors will not be met by Council.

5.16 Publication

This policy is made available to the public via Council's website.

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6 Review Timelines

This policy is reviewed when any of the following occur:

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

7 Document Management

| | |
|------------------------|--|
| Sponsor | Chief Executive Officer |
| Business Owner | Chief Executive Officer |
| Policy Owner | General Manager Workforce and Governance |
| Policy Quality Control | Legal and Governance |



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COUNCILLOR INVESTIGATION POLICY

Councillor Investigation Policy - Tracked Changes

Meeting Date: 9 September 2025

Attachment No: 2

COUNCILLOR INVESTIGATION POLICY

STATUTORY POLICY



1 Scope

This policy applies to complaints about ~~suspected alleged inappropriate~~ conduct ~~breaches~~ of a Councillor/s which have been referred to Rockhampton Regional Council from the Independent Assessor. This policy does not apply to more serious Councillor conduct, such as misconduct or corrupt conduct.

2 Purpose

The purpose of this policy is to satisfy legislative obligations by establishing an investigation policy about how it deals with suspected ~~inappropriate~~ conduct ~~breaches~~ of Councillors.

3 Related Documents

3.1 Primary

Local Government Act 2009

3.2 Secondary

Crime and Corruption Act 2001

Criminal Code Act 1899

Information Privacy Act 2009

Integrity Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

[Public Sector Ethics Act 1994](#)

Code of Conduct for Councillors in Queensland

Complaints Management Policy

Councillor Acceptable Request Guidelines Policy

Councillor Conduct Register

Council Meeting Procedures Policy

Corrupt Conduct Policy and Procedure

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

Public Interest Disclosure Policy and Procedure

Purchasing Policy – Acquisition of Goods and Services

4 Definitions

To assist in interpretation, the following definitions apply:

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| Act | <i>Local Government Act 2009</i> |
| Assessor | As defined in the Act. the Independent Assessor appointed under section 150CV- of the Act. |
| Behavioural Standard | The standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the Act. |
| CCC | Crime and Corruption Commission |
| CEO | Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position. |
| Conduct | As defined in the Act, includes: (a) Failing to act; and (b) A conspiracy, or attempt, to engage in conduct. |
| Corrupt Conduct | As defined in the <i>Crime and Corruption Act 2001</i> , conduct of a person, regardless of whether the person holds or held an appointment, that fulfils each of the following elements: (a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a Unit of Public Administration (UPA) or a person holding an appointment; (b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that: (i) Is not honest or is not impartial; or (ii) Involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) Involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that fulfils each of the following elements: (a) Impairs, or could impair, public confidence in public administration; and (b) Involves, or could involve any of the following: (i) Collusive tendering; (ii) Fraudulent applications for licences, permits or other authorities under an Act with a purpose or object of any of the following (however described) – protecting health or safety of persons; protecting the environment or protecting or managing the use of the State's natural, cultural, mining or energy resources; (iii) Dishonestly obtaining, or helping someone to dishonestly obtain, benefits from the payment or application of public funds or the disposition of State assets; (iv) Evading State taxes, levies, duties or otherwise fraudulently causing a loss of State revenue; (v) Fraudulently obtaining or retaining an appointment; and (c) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating a person's services, if the person is or were the holder of an appointment. |

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| Council | Rockhampton Regional Council |
| Councillor/s | The Mayor and Councillors of Council, within the meaning of the Act. |
| Councillor Conduct Register | The register required to be kept by Council as set out in section 150DX and 150DY of the Act. |
| Councillor Inappropriate Conduct Breach | <p>As defined in the Local Government Act 2009:</p> <p>(1) The conduct of a Councillor is inappropriate-a conduct breach if the conduct contravenes:</p> <p>(a) A behavioural standard; or</p> <p>(b) A policy, procedure or resolution of Council.</p> <p>(2) Also, the conduct of a Councillor is inappropriate-a conduct breach if:</p> <p>(a) The conduct contravenes an order of the Chairperson of a Council meeting for the Councillor to leave and stay away from the place at which the meeting is being held; or</p> <p>(b) It is part of a course of conduct at Council meetings leading to orders for the Councillor's unsuitable meeting conduct being made on three occasions within a period of one year.</p> <p>(3) For subsection (2)(b):</p> <p>a. The conduct that led to the orders being made, taken together, is the inappropriate-conduct breach; and</p> <p>a.b. Orders for the Councillor's unsuitable meeting conduct include any orders made against the Councillor as the chairperson of a Council meeting.</p> <p>(3)(4) However, inappropriate-a conduct breach does not include conduct that is:</p> <p>(a) Unsuitable meeting conduct, to the extent the conduct is not conduct mentioned in subsection (2); or</p> <p>(b) Misconduct; or</p> <p>(c) Corrupt conduct.</p> |
| Councillor Misconduct | <p>As defined in the Local Government Act 2009:</p> <p>(1) The conduct of a Councillor is misconduct if the conduct:</p> <p>(a) Adversely affects, directly or indirectly, the honest and impartial performance of the Councillor's functions, or the exercise of the Councillor's powers; or</p> <p>(b) Is or involves:</p> <p>(i) Non-compliance with an Act by the CouncillorA breach of the trust placed in the Councillor, either knowingly or recklessly; or</p> <p>(ii) A misuse of information or material acquired in, or in connection with, the performance of the Councillor's functions, whether the misuse is for the benefit of the councillor or for the benefit, or to the detriment, of another person; or</p> <p>(c) Contravenes any of the following:</p> <p>(i) An order of Council or the conduct tribunal;</p> <p>(ii) The acceptable requests guidelines of Council under section 170A;</p> <p>(iii)(ii) A policy of Council about the reimbursement of expenses;</p> <p>(iv)(iii) Sections 150R(2), 150EK, 150EL, 150EPA, 150EQ, 150EW, 150EZ, 170(43), 171(3), 201A, 201B or 201C of the Act.</p> |

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| | <p>(2) Also, the conduct of a Councillor is misconduct if the conduct is:</p> <p>(a) Part of a course of conduct leading to Council deciding to take action under section 150AG to discipline the Councillor for inappropriate conduct <u>breaches</u> on three occasions within a period of one year; or</p> <p>(b) Of the same type stated in an order of Council that if the Councillor engages in the same type of conduct again, it will be dealt with as misconduct.</p> <p>(3) For subsection (2)(a), the conduct that led to the three occasions of disciplinary action, taken together, is the misconduct.</p> <p>(4) It does not matter if the conduct happened outside the State.</p> |
| <u>Delegated Officer</u> | <u>An employee appointed to a position with the relevant sub-delegation under the Act.</u> |
| Investigation Policy | This policy as required by section 150AE of the Act. |
| Investigator | The person responsible under this policy for carrying out the investigation of the suspected inappropriate conduct <u>breach</u> of a Councillor or Mayor. |
| Local Government Meeting | A meeting of: (a) A local government; or (b) A committee of a local government. |
| Mayor | An elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the Act. |
| Natural Justice | A set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues. |
| Referral Notice | The notice the Assessor refers to the local government about a Councillor/s conduct as required by section 150AC of the Act. |
| Regulation | <i>Local Government Regulation 2012</i> |
| Tribunal | The Councillor Conduct Tribunal as established under section 150DK of the Act. |
| Unsuitable Meeting Conduct | As defined in the Act, the conduct of a Councillor is unsuitable meeting conduct if the conduct: (a) Happens during a local government meeting; and (b) Contravenes a behavioural standard. |
| UPA | Unit of Public Administration As defined in the <i>Crime and Corruption Act 2001</i> , includes the following: (a) The Legislative Assembly, and the parliamentary service; (b) The Executive Council; (c) A department; (d) The police service; (e) A local government; (f) A corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act; (g) A noncorporate entity, established or maintained under an Act, that is: (i.) Funded to any extent with State moneys; or (ii.) Financially assisted by the State; (h) A State court, of whatever jurisdiction, and its registry and other administrative offices; and |

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| (i) Another entity prescribed under a regulation. |
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5 Policy Statement

Council is committed to providing a contemporary and statutory compliant process for dealing with complaints relating to [a suspected inappropriate conduct breach](#) of a Councillor.

Council acknowledges the right of a person to lodge a complaint and is committed to upholding its duty of care by aiming to provide an effective process to all complaints received.

5.1 Confidentiality

Matters of [a suspected inappropriate conduct breach](#) of a Councillor are confidential [to the Council during the investigation period, except to give the:](#)

~~except as otherwise specifically provided for either in the Act or this policy.~~

[\(a\) Subject Councillor information about the suspected conduct, including details about the evidence of the conduct](#)

[\(b\) Subject Councillor the preliminary findings of the investigation before preparing an investigation report about the investigation](#)

~~(a)(c)~~ [Subject Councillor, the complainant and the Assessor a notice if an investigation is not started or is discontinued.](#)

It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to Council. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to Council may be contrary to section 171(3) of the Act and be dealt with as misconduct.

[Council will release information about the matter including a summary investigation report, investigation report and report on matters to Council meetings, on Council's website and in the Annual Report in accordance with the Act, the Regulation and this policy.](#)

5.2 Natural Justice

Any investigation of [a suspected inappropriate conduct breach](#) of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

Natural justice or procedural fairness, refers to three key principles:

(a) The person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);

(b) The investigator should be objective and impartial (absence of bias); and

(c) Any action taken [or decision made](#) is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected ~~inappropriate conduct~~ [breach](#) matter [will receive information about the suspected conduct breach, including:](#)

[\(a\) Information about the suspected conduct breach and details about the evidence of the suspected conduct breach;](#)

[\(b\) A notice if an investigation is not started or is discontinued including the reasons for the decision;](#)

[\(c\) The preliminary findings of the investigation before the preparation of an investigation report about the investigation outcome;](#)

[\(d\) Affording the subject Councillor the opportunity to respond to the preliminary findings by the giving of evidence or a written submission;](#)

~~(a)(e)~~ [Ensuring the evidence and written submission from the subject Councillor is considered in preparing the investigation report, and](#)

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~~(b)(f) Ensuring a summary of any evidence and a full copy of any written submission by the subject Councillor is provided in the investigation report. must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing, with the investigation report provided to the Councillors as part of the meeting agenda.~~

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

5.3 Assessor's Referral

Council will receive from the Assessor a referral notice about the suspected ~~inappropriate~~ conduct ~~breach~~ of a Councillor/s.

The referral notice will include details of the conduct and any complaint received about the conduct, state why the Assessor reasonably suspects that the Councillor has engaged in ~~a inappropriate~~ conduct ~~breach~~, and include information about the facts and circumstances that form the basis of the Assessor's reasonable suspicion.

~~The referral notice may be accompanied by a recommendation from the Assessor about how the Council may investigate or deal with the conduct. The recommendation from the Assessor may be inconsistent with this policy.~~

~~Council must deal with the matter and the investigation must be conducted in a way that is consistent with this policy. The investigation must be conducted in a way consistent with:~~

~~Any recommendation of the Assessor;~~

~~To the extent that this policy is not inconsistent with the recommendation of the Assessor—this policy; or~~

~~In another way the Council decides by resolution.~~

~~A resolution under part (c) above must state the decision and the reasons for the decision.~~

5.4 Receipt of Assessor's Referral

On receipt of a referral notice about the suspected ~~inappropriate~~ conduct ~~breach~~ of a Councillor from the Assessor, the CEO ~~or a delegated officer~~ will forward a copy of that referral notice to the Mayor and all Councillors, ~~other than including~~ the Councillor who is the subject of the complaint, ~~or the complainant if the complainant is a Councillor~~, as a confidential document.

Should the Mayor or a Councillor; other than the subject of the complaint or the complainant; disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council Meeting Procedures Policy.

5.5 Conflicts of Interest

~~The Councillor who is the subject of the complaint and the complainant, if the complainant is a Councillor, have a declarable conflict of interest and should manage it in a way that is consistent with the requirements of the Council Meeting Procedures Policy.~~

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5.5.6 Investigator

~~Unless otherwise resolved by Council, the Mayor will manage the investigation process and may undertake the investigation themselves to investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the Councillor engaged in a conduct breach and how the conduct may be dealt with of suspected inappropriate conduct of other Councillors.~~

~~If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation, or if the Councillor conduct complaint is complex, they may direct the CEO to engage an external suitably qualified investigator. In such matters the external investigator will investigate the suspected conduct breach and prepare an investigation report with recommendations about whether the subject Councillor engaged in a conduct breach and how the conduct may be dealt with in accordance with this policy, to refer the matter for external investigation, then the CEO must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.~~

~~If the conduct complaint is about the Mayor or the Mayor otherwise has a conflict of interest in the matter, the Deputy Mayor will be the investigator, manage the investigation process and may undertake the investigation. If the Deputy Mayor also has a conflict of interest, an investigator will be appointed by resolution of Council. If the suspected inappropriate conduct involves:~~

~~(a) An allegation about the conduct of the Mayor, or~~

~~(b) The Mayor as the complainant, then~~

~~the CEO must refer the suspected inappropriate conduct to the President of the Tribunal, or another entity, to investigate and make recommendations to the Council about dealing with the conduct.~~

5.6 Early Resolution

~~Before beginning an investigation, the investigator must consider whether the matter is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.~~

~~A matter is only appropriate for early resolution if the parties to the matter voluntarily agree to explore early resolution.~~

~~The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.~~

~~If the matter cannot be resolved, the matter will then be investigated as outlined in this policy.~~

~~If the matter is resolved prior to investigation, the investigator will advise the CEO of this outcome. In turn, the CEO will advise the Mayor; if the Mayor is not the investigator; and all Councillors that the matter has been resolved. The CEO or a delegated officer will also update the Councillor Conduct Register accordingly.~~

5.7 Decision Not to Start, or to Discontinue an Investigation

~~On receipt of a referral notice about the suspected conduct breach of a Councillor from the Assessor, Council may decide not to start or to discontinue the investigation in accordance with section 150A EA of the Act if:~~

~~(a) The complainant withdraws the complaint or consents to the investigation not being started or being discontinued, or~~

~~(b) The complainant does not comply with a request from Council for further information, or~~

~~(c) There is insufficient information to investigate the conduct; or~~

~~(d) The office of the Councillor becomes vacant for any reason after receiving the referral notice, during the investigation process.~~

~~If the investigator considers there are circumstances for not starting or discontinuing an investigation, the matter will be placed on the agenda for the next available Council meeting.~~

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Council may decide by resolution not to start, or to discontinue, a suspected conduct breach matter. The resolution must state the decision and the reasons for the decision.

5-75.8 Timeliness

The investigator will make all reasonable endeavours to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor⁷⁴ if the Mayor is not the investigator⁷⁴ to seek an extension of time.

5-85.9 Assistance for the Investigator

If the Mayor, or another Councillor appointed by Council resolution, is the investigator of a matter of a suspected ~~inappropriate~~ conduct breach, the Mayor or Councillor may use section 170A of the Act to seek assistance during the investigation. The CEO or the ~~Workforce Relations~~People and ~~Ethics~~Capability unit via the CEO may provide assistance as required.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors/specialists in accordance with Council's Purchasing Policy.

The Assessor may make a recommendation for an external investigator to be engaged to undertake the investigation. The Assessor may provide a panel of external investigators for the Council to engage to undertake the investigation.

5-95.10 Possible Misconduct or Corrupt Conduct

If during the course of an investigation the Investigator obtains information which indicates a Councillor may have engaged in misconduct, the Investigator must cease the investigation and advise the CEO. The CEO or a delegated officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the Investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the Investigator must cease the investigation and advise the CEO. The CEO or a delegated officer will then notify the CCC of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or the CCC to be ~~inappropriate-a~~ conduct breach.

5-105.11 Completion of Investigation

5.11.1 Preliminary Statement of Findings

The investigator, or the CEO on the investigator's behalf, must prepare a Preliminary Statement of Findings and must give the Preliminary Statement of Findings to the subject Councillor before preparing the Investigation Report.

The Investigator must allow the subject Councillor to give evidence or a written submission about the suspected conduct breach and preliminary findings.

The investigator must consider any evidence or written submission given by the Councillor in preparing the investigation report and include a summary of the evidence and full copy of any written submission in the investigation report.

5.11.2 Summary Investigation Report

The investigator, or the CEO on the investigator's behalf, must prepare a summary of the investigation report that must include:

(a) The name of the councillor whose conduct has been investigated;

(b) Description of the alleged conduct;

{a}(c) A statement of the facts established by the investigation;

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(d) A description of how natural justice was afforded to the Councillor during the conduct of the investigation;

(e) A summary of the findings of the investigation; and

(f) Any recommendations made by the investigator who investigated the conduct.

The summary investigation report must be made publicly available in the same manner the Council agenda is made publicly available before the meeting where the investigation report will be considered on or before the day and time prescribed by section 254C of the Regulation.

The published summary investigation report must not contain any names or identifying information about the complainant or other persons who provided information for the purposes of the investigation, including being interviewed, other than the Councillor subject of the complaint, unless the complainant is a Councillor or the CEO whose identity was disclosed at the meeting at which the investigation report was considered, or any other information Council is entitled or required to keep confidential under a law. On the completion of an investigation, the investigator or the CEO on the investigator's behalf will provide a report to the Council outlining as appropriate:

(b) The investigation process;

(c) Any witnesses interviewed;

(d) Documents or other evidence obtained;

(e) A statement of the relevant facts ascertained;

(f) Confirmation that the subject Councillor has been provided with an opportunity to respond to the complaint and evidence gathered;

(g) The investigation findings;

(h) A statement of any relevant previous disciplinary history;

(i) Any recommendation about dealing with the conduct; and

(j) A record of investigation costs.

5.11.3 Investigation Report

The investigator must prepare an investigation report that includes:

(a) The findings of the investigation;

(b) A summary of the evidence;

(c) A full copy of any written submission given by the Councillor, and

(d) Recommendations for consideration by Council.

The investigation report must be made publicly available within 10 business days after the meeting at which Council decided whether the Councillor engaged in a conduct breach.

The published full investigation report must not contain any names or identifying information about the complainant or other persons who provided information for the purposes of the investigation, including any transcript of interview, statement or affidavit by a witness or person interviewed, or any other information Council is entitled or required to keep confidential under a law, unless the complainant is a Councillor or the CEO and their identity as the complainant was disclosed at the meeting at which the investigation report was considered.

If there is a risk to the health and safety of the complainant, under section 254 of the Regulation, Council may resolve that the meeting be closed to the public for the Councillors to consider the investigation report and any recommendations.

The Council, with the exception of the Councillor the subject of the investigation and the complainant, if another Councillor, will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take

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~~under section 150AH of the Act.~~

~~In accordance with section 254J(6) of the Regulation, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.~~

~~The CEO is also required to ensure the details are entered into the Councillor Conduct Register.~~

5.12 Disciplinary Action Against Councillors Making a Decision About the Investigation

~~Council must decide by resolution whether the subject Councillor has engaged in a conduct breach.~~

~~When debating the matter any Councillors who have a declarable conflict of interest, must declare the conflict of interest. All other Councillors are eligible Councillors at the meeting.~~

~~Eligible Councillors may decide by resolution if the subject Councillor may remain in the meeting during the debate to answer questions to assist Council in making a decision.~~

~~Eligible Councillors may resolve that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during discussion and or voting on the matter.~~

~~If the Eligible Councillors do not make a quorum due to the number of conflicted Councillors or another reason, the matter is to be deferred to another date when a quorum will be present; or the matter is to be delegated consistent with section 257 of the Act.~~

If the Council decides at the completion of the investigation that the Councillor has engaged in ~~inappropriate~~ a conduct ~~breach~~, the Council may:

~~(k)(a)~~ (a) Order that no action be taken against the Councillor; or

(b) Make an order outlining action the Councillor must undertake in accordance with section 150AH ~~(+)~~ (b) of the Act.

Under section 254J(3)(j) of the Regulation, Council may resolve that the meeting be closed to the public for the Councillors to discuss the investigation report and any recommendations.

In accordance with section 254J(6) of the Regulation, the resolution in relation to what action is to be taken as a result of the investigation must be made after the meeting has been re-opened to the public and the decision recorded in the meeting minutes.

5.13 Notification About the Outcome of the Investigation

After an investigation is finalised, the Council must give notice about the outcome of the investigation to:

(a) The Assessor; and

(b) -The person who made the complaint about the Councillor/s' conduct that was the subject of the investigation; and

~~(c)~~ (c) The subject Councillor who was investigated.

5.14 Councillor Conduct Register

The CEO must ensure decisions about a suspected ~~inappropriate~~ conduct ~~breach~~ of a Councillor/s be entered into the Councillor Conduct Register.

Where a complaint has been resolved under paragraph 5.76 of this policy, the CEO or a delegated officer will update the register to reflect that the complaint was withdrawn.

5.15 Expenses

Council must pay any reasonable expenses of Council associated with the informal early resolution or the investigation of a suspected ~~inappropriate~~ conduct ~~breach~~ of a Councillor including any costs of:

(a) The President of the Tribunal undertaking an investigation for Council;

(b) An independent investigator engaged on behalf of, or by the Tribunal;

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- (c) An independent investigator engaged on behalf of Council;
- (d) A mediator engaged under this policy;
- (e) Travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- (f) Seeking legal advice; and
- (g) Engaging an expert.

Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's ~~sustained inappropriate~~ conduct breach. Any costs incurred by complainants or the subject Councillors will not be met by Council.

5.145.16 Publication

This policy is made available to the public via Council's website.

6 Review Timelines

This policy is reviewed when any of the following occur:

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

7 Document Management

| | |
|------------------------|---|
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| Policy Owner | <u>Executive General</u> Manager Workforce and Governance |
| Policy Quality Control | Legal and Governance |



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**11.8 LEGAL PROCEEDINGS - COMMENCEMENT, CESSATION & OTHER MATTERS
POLICY AMENDMENT****File No:** 11979**Attachments:**

1. Proposed Amended Legal Proceedings - Commencement and Cessation Policy [↓](#)
2. Existing Legal Proceedings - Commencement, Cessation and Other Matters Policy [↓](#)

Authorising Officer: Shannon Jennings - Acting General Manager Workforce and Governance
Evan Pardon - Chief Executive Officer**Author:** Kerrie Barrett - Acting Coordinator Legal and Governance

SUMMARY

Presenting proposed amendments, including a proposed title change to the Legal Proceedings – Commencement, Cessation and Other Matters Policy for Council's consideration and adoption.

OFFICER'S RECOMMENDATION

1. THAT Council adopts the Legal Proceedings – Commencement and Cessation Policy set out in Attachment 1 to the report.
2. THAT Council approves a review timeline of the Legal Proceedings – Commencement and Cessation Policy of four years, or earlier as determined by the General Manager, CEO or Council.

COMMENTARY

A comprehensive review of Council's current Legal Proceedings – Commencement, Cessation and Other Matters Policy (Attachment 2), last reviewed in 2014, has been completed. A review of this policy is necessary to reflect legislative changes, evolving governance standards and to address operational inefficiencies stemming from the current policy requirements, which have hindered timely and effective legal decision making.

The proposed amendments align with and rely on model litigant principles, Council's existing enforcement and delegation framework, and aims to enhance operational efficiency and provide clarity to ensure decisions are made under appropriate delegations and in the public interest.

PREVIOUS DECISIONS

The Legal Proceedings – Commencement, Cessation and Other Matters Policy was originally adopted by Council on 25 September 2012.

An amendment to the Policy was later adopted on 26 March 2013 authorising the CEO to undertake appropriate legal action in circumstances where there is a potential risk to public environment health and safety.

A further minor amendment, which did not alter the intent of the Policy, was approved by the CEO on 18 March 2014.

The proposed changes to the policy have been informally discussed with Council during Briefing Sessions held on 15 October 2024 and most recently on 19 August 2025.

BUDGET IMPLICATIONS

Nil.

LEGISLATIVE CONTEXT

The proposed policy incorporates recent legislative changes and is consistent with the Queensland Government Model Litigant Principles, which emphasize fairness, integrity, and responsible use of public resources in legal proceedings.

LEGAL IMPLICATIONS

Nil.

CORPORATE/OPERATIONAL PLAN

Corporate Plan 2022-2027 – Goal 1.1: We have effective governance with accountable decision-making practices.

CONCLUSION

The reviewed policy seeks to modernise Council's approach to legal proceedings by balancing operational efficiency with accountability and fairness. The proposed amendments clarify existing frameworks, delegation pathways, reduce procedural delays, and reinforce Council's commitment to responsible governance.

**LEGAL PROCEEDINGS -
COMMENCEMENT, CESSATION &
OTHER MATTERS POLICY
AMENDMENT**

**Proposed Amended Legal Proceedings
- Commencement and Cessation Policy**

Meeting Date: 9 September 2025

Attachment No: 1

LEGAL PROCEEDINGS – COMMENCEMENT AND CESSATION POLICY

ADMINISTRATIVE POLICY



1 Scope

This policy applies to Rockhampton Regional Council legal proceedings including prosecutions or actions addressing alleged offences or non-compliance in a judicial court under Council's local laws and any state legislation for which Council has the responsibility to administer.

This policy does not apply to legal processes and matters dealt with by a tribunal or commission (for example, QCAT), or by agents acting on behalf of Council for matters such as recovery of overdue rates and charges, and insurance claims. Such matters are governed by separate policy documents and/or statutory processes.

2 Purpose

The purpose of this policy is to ensure delegated powers are exercised in a manner that demonstrates Council's commitment to model litigant principles and that the community and public interest is a dominant factor in exercising the discretion to commence or discontinue legal proceedings.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Human Rights Act 2019

Justices Act 1886

Local Government Act 2009

Queensland Civil and Administrative Tribunal Act 2009

Rockhampton Regional Council Local Laws

Code of Conduct

Debt Recovery Policy

Delegation and Authorisation Policy

Delegations Corporate Register

Enforcement Policy

External Delegations Registers

Infringement Notice Policy and Procedure

Queensland Government Model Litigant Principles

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4 Definitions

To assist in interpretation, the following definitions apply:

| | |
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| Act | <i>Local Government Act 2009</i> |
| CEO | Chief Executive Officer A person who holds an appointment under section 194 of the Act. This includes a person acting in this position. |
| Council | Rockhampton Regional Council |
| Delegated Officer | An employee appointed to a position sub-delegated the relevant legislative power. |
| Employee | Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the Act. |
| Judicial Court | Includes, but not limited to, a Magistrates Court, District Court, Supreme Court, Planning and Environment Court, Land Court, Court of Appeal, Federal Court and High Court and excludes a tribunal or commission. |
| Litigation | Any proceeding before a court, tribunal, coronial inquiry or other enquiry (other than criminal prosecutions, or appeals relating to criminal matters) and includes any arbitration or alternative dispute resolution process in connection with any such proceedings |
| Local Government Act | As defined in the Act, a law under which a local government performs the local government's responsibilities, including for example: (c) This Act; and (d) A local law; and (e) The Building Act; and (f) The Planning Act; and (g) A planning scheme; and (h) The Plumbing and Drainage Act; and (i) The <i>Water Act 2000</i> ; and (j) The <i>Water Supply (Safety and Reliability) Act 2008</i> . |
| Manager | An employee appointed to a position with a corporate band 3 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register. |
| Principles | The principles in paragraph 5.4 of this policy. |
| QCAT | Queensland Civil and Administrative Tribunal |

5 Policy Statement

Legal proceedings involving Council must be heavily scrutinised to ensure such actions are justified and prosecutions or actions are only commenced or discontinued when it is in the community interest to do so.

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5.1 Enforcement Approach

Council's approach to its significant regulatory responsibilities is based on promoting voluntary compliance by members of the public and deterring non-compliance. Council is committed to discharging its regulatory responsibilities in a manner that is lawful, ethical, fair, efficient, consistent and community focused. Where enforcement action is required, Council's response will be proportionate to the severity of the non-compliance. Council's approach to enforcement is outlined in more detail in Council's Enforcement Policy.

5.2 Legal Proceedings Delegations and Limitations

The Act allows Council to delegate, by resolution, the exercise of its powers for matters under an act. Certain delegations relate to the various levels of enforcement action (for example, decisions to issue stop work orders, serve notices or orders, and initiate a prosecution) as set out in Council's External Delegation Registers. These registers detail what decision making powers Council has delegated (and, where relevant, CEO has sub-delegated to a position) under legislation and include any limitations to the exercise of power.

Examples of limitations that Council may resolve to apply to the exercise of a power include:

- (a) The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large; and
- (b) The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).

5.3 The Decision to Commence a Legal Proceeding

5.3.1 Alternate Enforcement Options

Prosecution or actions in a judicial court, where either Council initiates the prosecution or action or where Council institutes proceedings to defend a claim made against or a decision made by Council, is the most serious enforcement option available to Council and is a resource-intensive and costly process.

Before a decision to commence legal proceedings is taken, consideration must be given to Council's Enforcement Policy and the use of other relevant means of enforcement including warning/demand letters, infringement notices and statutory notices and compliance or remediation orders. Any decision by a delegated officer to act other than in accordance with the Enforcement Policy must have approval from the relevant manager.

Where Council is the party intending to initiate a legal proceeding, Council's Enforcement Policy provides delegated officers with direction in relation to the circumstances likely to warrant a prosecution or other action and the considerations that must be applied to enable a decision.

Where Council is initiating an action as a result of an alleged offender electing to have an infringement notice matter decided in a judicial court or is required to defend a decision other policy documents may also provide direction.

Where a delegated officer considers legal proceedings necessary, the delegated officer will only exercise the power to initiate the legal proceedings after consulting with their manager and Council's Legal unit for advice. Council's Legal unit will consider and advise:

- (a) If sufficient admissible and reliable evidence exists;
- (b) Whether, giving consideration to the factors within the Enforcement Policy, the Principles in paragraph 5.4 and other policy documents if applicable, the legal proceedings is in Council's and the public interest; and
- (c) The realistic prospect of success against the alleged offender.

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5.3.2 Commencing/Discontinuing Legal Proceedings

A delegated officer is authorised to commence or discontinue a legal proceeding in a judicial court provided:

- (a) The officer holds the appropriate delegated power and any limitations for such power do not hinder such a decision;
- (b) Paragraph 5.3.1 above has been satisfied, and
- (c) The decision does not conflict with Council's Delegation and Authorisation Policy that requires decisions that appear to the delegated officer to be of particular public interest, sensitivity or special importance to be referred to senior management, the CEO or Council for determination.

Delegated officers involved in the undertaking of such proceedings will conduct themselves at all times in a manner consistent with the principles within this policy.

Legal proceedings that have been commenced or discontinued will be reported to Council and updates will be provided regularly.

5.3.3 Risk to Health and Safety of the Public and Environment

In the event of a potential serious risk to the health and safety of the public and/or environment, the CEO is authorised, where delegated, to undertake appropriate legal proceedings including prosecutions in a judicial court despite not complying with paragraphs 5.3.1 and 5.3.2 without first referring to or obtaining a resolution from Council where, in the CEO's opinion, the matter is urgent and such departure is warranted in the public interest. Should such an event occur, the CEO will report the action to Council.

5.4 Model Litigant Principles**5.4.1 Scope of Principles**

Council is committed to acting as a model litigant in the conduct of legal proceedings.

The principles provide the ethical framework on how Council and delegated officers deal with all legal proceedings concerning Council. The principles are not intended to override any legislation requirements.

5.4.2 The Principles

The principles include:

- (a) Council, through its delegated officers, must conduct themselves as model litigants in the conduct of all litigation, by adhering to the following principles of fairness:
 - (ii) Acting consistently in the handling of claims and litigation;
 - (iii) Dealing with claims promptly and not causing unnecessary delay in the handling of claims and litigation;
 - (iv) Endeavouring to avoid, prevent and limit the scope of legal proceedings wherever possible, including by giving consideration in all cases to alternative dispute resolution before initiating legal proceedings, and by participating in alternative dispute resolution processes where appropriate;
 - (v) Where it is not possible to avoid litigation, keeping the costs of litigation to a minimum;
 - (vi) Paying legitimate claims without litigation, including making partial settlements of claims, or interim payments, where liability has been established and it is clear that the Council's liability is at least as much as the amount to be paid;
 - (vii) Not seeking to take advantage of an impecunious opponent;

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- (viii) Not contesting matters which it accepts as correct, in particular by:
 - (A) Not requiring a party to prove a matter which the delegated officer knows to be true;
 - (B) Not relying on purely technical defences where the Council will suffer no prejudice by not doing so;
 - (C) Not contesting liability if delegated officer knows that the dispute is really about quantum,
- (ix) Not instituting and pursuing appeals unless the delegated officer believes it has reasonable prospects for success, or the appeal is otherwise justified in the public interest.
- (b) Council, through its delegated officers, must behave as a model litigant in the conduct of all litigation, including significant litigation, by adhering to the following principles of firmness:
 - (i) Appropriately testing all claims;
 - (ii) Contesting all spurious or vexatious claims;
 - (iii) Claiming legal professional privilege where appropriate;
 - (iv) Claiming public interest immunity to protect confidential information;
 - (v) Seeking security costs where appropriate and pursuing costs when it is successful in litigation, which will assist in deterring vexatious proceedings from being instituted against it;
 - (vi) Not seeking to take advantage of an impecunious opponent;
 - (vii) Relying on available statutes of limitation, which have been enacted to protect a defendant from unfair prejudice; and
- (c) Alternative dispute resolution:
 - (i) Council, through its delegated officers, is only to commence court proceedings if it has considered other methods of dispute resolution (for example, alternative dispute resolution or settlement negotiations);
 - (ii) When participating in alternative dispute resolution, Council must ensure that its representatives:
 - (A) Participate fully and effectively; and
 - (B) Have authority to settle the matter so as to facilitate appropriate and timely resolution of a dispute.

5.5 Human Rights Considerations

In developing this policy, Council has considered any potential relevant human rights in accordance with the requirements of the *Human Rights Act 2019*. It is considered that decisions made in accordance with this policy may impact or limit a number of human rights, including recognition and equality before the law, property rights or privacy and reputation. Any limitation to these rights are reasonable and demonstrably justified in the circumstances in accordance with section 13 of the *Human Rights Act 2019*.

Delegated officers will endeavour to act and make decisions under this policy in a manner that is compatible with human rights. In particular, delegated officers will identify relevant rights, consider the impact and determine whether the limit is reasonable and justified.

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6 Review Timelines

This policy is reviewed when any of the following occur:

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

7 Document Management

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| Policy Owner | General Manager Workforce and Governance |
| Policy Quality Control | Legal and Governance |



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**LEGAL PROCEEDINGS -
COMMENCEMENT, CESSATION &
OTHER MATTERS POLICY
AMENDMENT**

**Existing Legal Proceedings -
Commencement, Cessation and Other
Matters Policy**

Meeting Date: 9 September 2025

Attachment No: 2



LEGAL PROCEEDINGS – COMMENCEMENT, CESSATION AND OTHER MATTERS POLICY (ADMINISTRATIVE POLICY)

1. Scope:

This Policy is applicable to all Rockhampton Regional Council (RRC) employees and relates to the approval of commencement and cessation of legal proceedings in a judicial court whereby Council is the body prosecuting the legal action.

This Policy does not apply to legal processes and matters dealt with by Queensland Civil and Administrative Tribunal (QCAT) or legal defences. Commissions such as the Queensland Industrial Relations Commission, Anti-discrimination Commission and quasi-judicial enquiries, are excluded from the scope of this policy.

2. Purpose:

The purpose of this Policy is to:

- provide the ethical framework for dealing with legal matters including model litigant principles; and
- guide Council and employees commencing or ceasing judicial legal matters whereby Council is the body prosecuting the action.

3. Related Documents:

Primary

Nil

Secondary

Local Government Act 2009

Queensland Civil and Administrative Tribunal Act 2009

Butterworths Australian Legal Dictionary

4. Definitions:

To assist in interpretation, the following definitions shall apply:

| | |
|------------|--|
| Action | Any proceeding in a court (Butterworths Australian Legal Dictionary) |
| CEO | Chief Executive Officer of Rockhampton Regional Council |
| Council | Rockhampton Regional Council |
| Employee | Means local government employee: (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> . |
| Litigation | Litigation involves a series of steps that may lead to a court trial and |

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| | ultimately a resolution of the matter. Litigation covers the process of bringing and pursuing a lawsuit, and encompasses the entire procedure. A lawsuit is a case or controversy authorised by law, to be decided in a court of justice, brought by one person or entity against another person or entity for the purpose of enforcing a right or redressing a grievance. The term litigation is sometimes used to be distinguishable from alternative dispute resolution (ADR) methods, such as mediation or arbitration. |
| Proceeding | An action commenced in a court, whether between parties or not, including an appeal (Butterworths Australian Legal Dictionary). |
| QCAT | Queensland Civil and Administrative Tribunal. Legislation precludes any administrative prosecution or defence action from the judicial environment and is therefore not captured. |
| Quasi Judicial | The action taken and discretion exercised by public administrative agencies or bodies that are obliged to investigate or ascertain facts and draw conclusions from them as the foundation for official actions. |
| Spurious | Not genuine or true. |

5. Policy Statement:

Council continually considers whether a dispute is susceptible to alternative dispute resolution (eg. mediation or arbitration) and promotes or agrees to alternative dispute resolutions wherever appropriate.

5.1 Excluded from the scope of this Policy

Legal processes able to be engaged without reference to Council

5.1.1 Alternative Legal Process Adjudication

QCAT is empowered under the *Queensland Civil and Administrative Tribunal Act 2009* to review decisions and disputes as identified below. These matters are no longer determined by a judicial court and are therefore excluded from the scope of this policy:

1. Administrative decisions
 - Animal care and regulation;
 - Blue card applications; and
 - Right to information requests
2. Building disputes
 - Building activities
 - a. Domestic and commercial building work; and
 - b. Disciplinary procedures against building certifiers and contractors
 - Review of decisions of the Building Services Authority
3. Dividing fence disputes
4. Minor civil disputes
 - Residential tenancy disputes;
 - Debt disputes;
 - Property damage disputes – motor vehicles; and
5. Tree disputes

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5.1.2 Commissions

Commissions such as the Queensland Industrial Relations Commission, Anti-discrimination commission and quasi-judicial enquiries such as a Flood Inquiry are excluded from the scope of this policy.

5.1.3 Legal Action Commenced to Defend

Often Council does not prosecute an action but is required to defend a decision taken by Council. All legal actions to defend are excluded from the scope of this policy.

5.2 Included in the scope of this policy**5.2.1 Legal Administrative Actions**

These administrative actions can be engaged by delegated Council officers without reference to Council for resolution. However, should such administrative actions progress to the point whereby prosecution in a judicial court is likely, the commencement of such action cannot be engaged upon without resolution of Council.

A number of administrative actions are performed prior to a matter being placed before a judicial court, namely the power to:

- Direct
- Determine
- Notify
- Order
- Instruct
- Declare
- Issue
- Publish

5.2.2 Legal Matters requiring Council Resolution**5.2.2.1 Commencing Prosecution Action**

The action of authorising the commencement of prosecuting legal action in a judicial court cannot be engaged upon without resolution of Council, except in the following matters:

- The CEO is authorised to undertake appropriate legal action when there is a potential of risk to the health and safety to the public and environment. The action is to be reported to the next available Council or Performance and Service Committee meeting.

5.2.2.2 Cessation of Action

Any instances requiring the possible cessation of a legal action commenced within a judicial environment is to be referred to Council for decision.

5.3 Model Litigant Principles

These principles do not override any legislation requirements; they provide the ethical framework on how all legal matters are dealt with by Council and relevant Council employees.

5.3.1 The Council, through its suitably qualified Council employees, acts fairly in the management of all claims or actions against the Council (but is not precluded from acting firmly in pursuit of its rights), including:

- (a) acting consistently;

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- (b) not taking purely technical points when no prejudice has been suffered;
- (c) avoiding undue delay;
- (d) not requiring the other party to prove facts which the Council knows to be true (nevertheless, properly testing claims against it);
- (e) not concede to spurious demands;
- (f) generally pursuing costs awarded in the Council's favour;
- (g) paying legitimate claims without litigation, including making partial settlements of claims or interim payments, where it is clear that liability is at least as much as the amount to be paid;
- (h) endeavouring to avoid litigation, wherever possible;
- (i) where it is not possible to avoid litigation, keeping the costs of litigation to a minimum;
- (j) not taking advantage of a claimant who lacks the resources to litigate a legitimate claim;
- (k) not undertaking and pursuing appeals unless the Council believes that it has reasonable prospects for success or the appeal is otherwise justified in the Council's interest;
- (l) appropriately test all claims;
- (m) claim legal professional privilege where appropriate.

5.3.2 The fundamental criterion for settling a claim against the Council is that the settlement be in accordance with legal principle and practice.

In particular:

- (a) there must be at least a meaningful prospect of Council liability (i.e. clearly spurious claims should not be settled merely to avoid the cost of defending them); and
- (b) the amount of the settlement should reflect the prospects of the claim succeeding in Court, and the prejudice to the Council (by way of costs or otherwise) of continuing to defend the claim.

6. Review Timelines:

This Policy is reviewed when any of the following occur:

1. The related information is amended or replaced; or
2. Other circumstances as determined from time to time by the Council.

7. Responsibilities:

| | |
|------------------------|------------------------------------|
| Sponsor | Chief Executive Officer |
| Business Owner | General Manager Corporate Services |
| Policy Owner | Manager Workforce and Strategy |
| Policy Quality Control | Corporate Improvement and Strategy |

EVAN PARDON
CHIEF EXECUTIVE OFFICER

Corporate Improvement and Strategy Team use only

Adopted/Approved: Adopted 26 March 2013
Version: 2
Reviewed Date: 18 March 2014

Department: Corporate Services
Section: Workforce and Strategy
Page No.: Page 4 of 4

11.9 PROPOSED TRUSTEE PERMIT TO YURIKA PTY LTD FOR ELECTRIC VEHICLE CHARGING STATION, 296 BOUNDARY ROAD, PARKHURST (HERITAGE VILLAGE CARPARK)**File No:** 374**Attachments:**
1. Aerial Map & Photos[↓](#)
2. Management Plan[↓](#)**Authorising Officer:** Megan Younger - Manager Corporate and Technology Services
Marnie Taylor - General Manager Organisational Services**Author:** Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Coordinator Property & Insurance reporting on a request from Yurika Pty Ltd to enter into a trustee permit to install and operate a 2 bay Alternating Current (AC) Electric Vehicle Charging Station on Council trust land located at 296 Boundary Road, Parkhurst (Rockhampton Heritage Village Carpark).

OFFICER'S RECOMMENDATION

THAT Council:

1. Authorises the Chief Executive Officer (Coordinator Property & Insurance) to grant a trustee permit to Yurika Pty Ltd over approximately 2 carparks within the Heritage Village carpark at 296 Boundary Road, Parkhurst (part Lot 220 on SP304744), for the construction and operation of an Electric Vehicle Charging Station, for a period of up to 3 years; and
2. Authorises the Coordinator Property & Insurance to negotiate the terms and conditions of the trustee permit as outlined in the report, in preparation for execution by the delegated Officer.

COMMENTARY

Yurika Pty Ltd ("Yurika") have been working with Council Officers to find a suitable location to install a 2 bay Alternating Current ("AC") Electric Vehicle Charging Station ("EV Station") in Rockhampton.

Yurika have been successful in receiving grant funding from the Queensland Government for the EV destination and kerbside charging initiative trial. The trial seeks to provide low-cost charging infrastructure in regional areas, supporting local EV use and encouraging longer visits to business and tourist destinations. The trial period is for 2 years, at no cost to Council and at the end of the trial period the equipment can be removed, or ownership transferred to Council to operate itself or via a 3rd party.

Trial Outline

Yurika has been engaged to deliver the EV charging infrastructure and will manage the following for each selected site:

- Installation of 2 x 22kW AC chargers, including all aspects of supply, design, construction, commissioning, and operational management.
- Enabling technology systems such as an on-site customer interface and app development.
- Energy supply via an occupation agreement with Yurika for a trial period of 2 years.
- Complete management of hardware and software, including operations and maintenance.

- Provision of all relevant design, construction, and compliance documentation.
- Network Augmentation if required to facilitate installation.
- Customer queries, complaints, and feedback.
- Maintenance and repair works, ensuring reliable operation.

After reviewing many sites, Yurika have determined the most suitable location is within the Heritage Village carpark at 296 Boundary Road, Parkhurst. Council is the appointed Trustee of the Heritage Village trust land which is a reserve for community facility purposes. The location of this EV Station would use approximately 2 car parks within the site.

This site has been selected for its ability to support community use and visitation at the Rockhampton Heritage Village, whilst providing users with access to the Parkhurst Town Centre and Tavern, and the Bruce Highway. Manager Communities and Culture is supportive of the request.

The EV Station will provide 22kW AC charging, which is considered slow charging, similar to a home charging setup. It's designed to support longer stops at a destination. A 40kW Nissan Leaf will typically take up to 6 hours to fully charge, whilst a Tesla Model 3 Standard Range Plus will take nearly 5 hours.

For the duration of the trial, Yurika will provide Council with details of all usage data, revenue, costs and feedback. At the end of the trial, Council will have a good understanding of the operational costs to run the EV Station and can make an informed decision on its future at this site.

The proposed tenure required for the EV Station is a trustee permit for up to 3 years, which allows for the installation timeframe and the 2-year operational trial period. As this is a State Government trial initiative, nil fee is proposed. Yurika will be responsible for all costs associated with the proposed trustee permit, including but not limited to registration and survey costs. Yurika will also be responsible for all costs associated with the installation and operation of the EV Station, including the management of any complaints.

PREVIOUS DECISIONS

Nil

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Trustees take actions to manage and maintain the trust land entrusted to them and work with communities to use the land. Trustees may also choose to grant leases and permits to third parties to help them achieve the purpose of the land, e.g. leasing clubhouses to sporting groups. Recent changes to the *Land Act 1994* make it easier for many trustees to self-assess and deliver benefits to the community. Trustees can use this tool to help them determine if and when they can make certain decisions without seeking approval from the Department of Natural Resources. For inconsistent actions, a management plan is required to be in place that identifies the potential impacts for inconsistency, and states how the trustee permit would not diminish the purpose of the trust land.

Given that an EV Station may potentially be viewed as being inconsistent with the purpose of community facility trust land, the attached management plan has been prepared as a precautionary measure.

The *Land Act 1994* also states that a trustee permit can have a maximum term of 3 years.

The *Local Government Regulation 2012* requires that a trustee permit of this nature cannot have a total permit fee which exceeds \$10,000 for the total term, otherwise a tender process is required.

The proposed trustee permit for up to 3 years at nil fee and the attached management plan satisfies the relevant legislative requirements.

LEGAL IMPLICATIONS

If approved by Council, a trustee permit will be entered into for this arrangement and registered on the title of the land.

STAFFING IMPLICATIONS

Staffing resources within the Property & Insurance unit can adequately manage the proposed trustee permit.

RISK ASSESSMENT

LGM have advised that Council's Property Protection policy does not have any special or additional requirements imposed in relation to EV Stations. However, LGM advises that the potential for contamination arising from toxic smoke and other gases resulting from carpark fires is noted, and depending on the particular circumstances, damage that is occasioned as a result of pollution or contamination may not fall within the ambit of the cover provided pursuant to Council's membership of LGM Assets.

LGM advise that where EV charging stations are located outdoors, they should ideally be located at least 10m from combustible walls or at least 7.5m from unprotected openings in non-combustible walls.

The location of the proposed EV Station is located approximately 30m from the Shearing Shed building.

OPERATIONAL PLAN

Goal 4.2 – We pursue innovative and sustainable practices

This initiative supports key actions under Council's Sustainability Strategy (Towards 2030):

- 1.1. Support local residents to adopt sustainable behaviours that help them to save money and reduce household emissions.
- 1.4. Link individuals with sustainable transport and active recreation opportunities that connect with key local destinations and open spaces.
- 3.2. Actively pursue opportunities associated with sustainable industries and infrastructure that deliver local social, environmental and economic benefits for the Region.
- 3.4. Grow local visitation and tourism opportunities that celebrate our natural assets and contribute to the liveability of the Region.

CONCLUSION

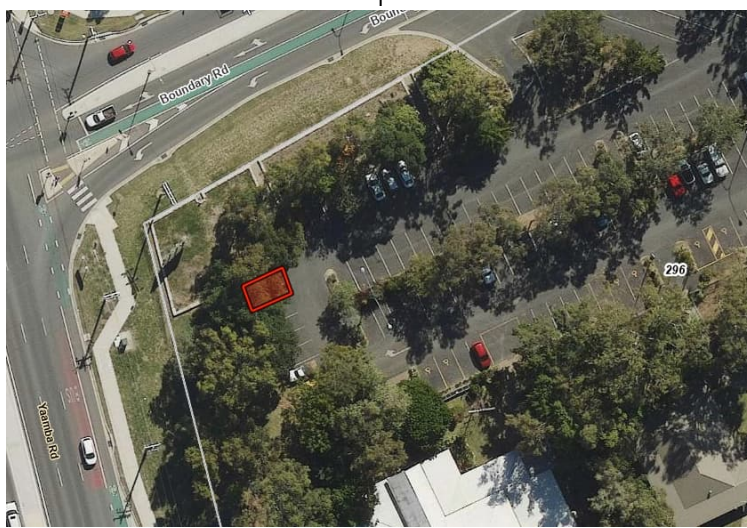
It is recommended that Council approve a trustee permit to Yurika Pty Ltd over part of the Heritage Village carpark at 296 Boundary Road, Parkhurst, for the construction and operation of an EV Station.

**PROPOSED TRUSTEE PERMIT TO
YURIKA PTY LTD FOR ELECTRIC
VEHICLE CHARGING STATION,
296 BOUNDARY ROAD, PARKHURST
(HERITAGE VILLAGE CARPARK)**

Aerial Map & Photos

Meeting Date: 9 September 2025

Attachment No: 1

Approximate area of proposed trustee permit**Example of EV Station**

**PROPOSED TRUSTEE PERMIT TO
YURIKA PTY LTD FOR ELECTRIC
VEHICLE CHARGING STATION,
296 BOUNDARY ROAD, PARKHURST
(HERITAGE VILLAGE CARPARK)**

Management Plan

Meeting Date: 9 September 2025

Attachment No: 2

ROCKHAMPTON REGIONAL COUNCIL

rrc.qld.gov.au

MANAGEMENT PLAN

**ROCKHAMPTON HERITAGE VILLAGE
RESERVE FOR COMMUNITY FACILITY
PURPOSES
296 BOUNDARY ROAD, PARKHURST
LOT 220 ON SP304744**



Learn more rrc.qld.gov.au



Reserve for Community Facility Purposes

1. INTRODUCTION

This management plan applies to the trust land known as the Rockhampton Heritage Village.

Subject Land: Lot 220 on SP304744

Management Plan Duration:

Duration: Ongoing

Review: Review of the management plan will occur:

- when the trustee is considering a request for an inconsistent use; or
- with any substantial change to the inconsistent use/activities of the Reserve.

Minor amendments may be made by the trustee to improve operational efficiency of the plan with the amended management plan being recorded by Rockhampton Regional Council as trustee.

2. TRUSTEE DETAILS

| | |
|---------------------------|--|
| Trustee's Name | Rockhampton Regional Council |
| Trustee's Address | PO Box 1860 Rockhampton Qld 4700 |
| Trustee's Phone No | 07 4932 9000 |
| Trustee's Email | enquiries@rrc.qld.gov.au |

3. EXISTING TENURE OF THE SUBJECT LAND

| | |
|--------------------------------|--|
| Trust Land Description: | Reserve for Community Facility purposes |
| Lot / Plan: | Lot 220 on SP304744 |
| Locality: | Parkhurst |
| Local Government: | Rockhampton Regional Council |
| Area of Land: | 10.8 Ha (about) |
| Conditions of Tenure: | The trust land has been placed under the control of Rockhampton Regional Council as trustee and is to be managed in accordance with the principles of the <i>Land Act 1994</i> and the <i>Land Regulation 2020</i> . |

4. EXISTING 'USES'

4.1 Primary & Secondary

The trust land is primarily used as a tourist attraction as the Rockhampton Heritage Village ("the Heritage Village") by the trustee. The Heritage Village and is maintained and operated by the trustee. The Heritage Village is a township museum set back in time showcasing the rich, colourful history of the Rockhampton district from 1850 to 1950.

It is identified as a 'must-see' tourist attraction for all visitors to the region. Set out over 10 hectares of bushland incorporating a charming township and timber cutters camp with original recreated homesteads, buildings and businesses, together with great examples of vintage machinery and a range of friendly farm animals.

The site holds community markets incorporating a range of fresh local produce, bric-a-brac items and other community market stalls. School holiday activities are held during all primary school holidays with the exception of the Christmas period.

The facilities provide valuable community space for all style of events including fundraisers, conferences, weddings and receptions and much more.

4.2 Interests

The existing tenure interests for the trust land are:

1. TRUSTEE LEASE No 722973641
1ST (CQ) LIGHT HORSE REGIMENT - ROCKHAMPTON HISTORICAL
SQUADRON & MUSEUM (INC).
OF LEASE A ON SP290201
TERM: 01/10/2023 TO 30/09/2026 OPTION NIL
2. TRUSTEE LEASE No 722991986
AUSTRALIAN COUNTRY HOSPITAL HERITAGE ASSOCIATION INC
OF LEASE E ON SP307491
TERM: 01/10/2023 TO 30/09/2026 OPTION NIL
3. TRUSTEE LEASE No 723020318
CENTRAL QUEENSLAND AND AMATEUR RADIO ASSOCIATION INC
OF THE WHOLE OF THE 2ND STOREY (LEASE D)
TERM: 01/10/2023 TO 30/09/2026 OPTION NIL

4.3 Native Title Status

On 21 June 2016, the Federal Court of Australia handed down their decision that recognises the Darumbal People of Central Queensland as the traditional owners of the claim area which covers approximately 2,500 square kilometres of land in and around Rockhampton, Yeppoon and Marlborough. The Federal Court decision recognises the Darumbal People's exclusive native title over parts of the land as well as their non-exclusive native title rights to access, hunt, fish and gather, conduct ceremonies and detach on the remainder of these lands.

5. PROPOSED USE/S OF THE SUBJECT LAND

5.1 Proposed Use/s of the Subject Land

In addition to the existing uses, it is proposed that the trustee grants a trustee permit for the purpose of installation and operation of Electric Vehicle (EV) Charging Stations, which may be considered inconsistent with the designated purpose of Community Facility of the trust land under the Act.

6. MANAGING INCONSISTENT USES

Trustees can approve actions that may be inconsistent with the dedicated purpose of a Reserve where there is a management plan in place that addresses the inconsistency, and the lease, permit or action does not diminish the purpose of the trust land and does not adversely affect the public interest.

6.1 Assessment of Diminishment of Purpose

The proposed use will:

- 1) occupy only a small portion of the car park to install two EV charging bays which will continue to be publicly accessible carparking area, restricted to the use by electric vehicles while charging;
- 2) not interfere with the primary community facility use; and
- 3) enhance accessibility and sustainability.

The Council is of the view that the proposed inconsistent action would not diminish the purpose of the trust land as the scale of use does not permanently overshadow or reduce the ability of the trust land to achieve its purpose rather it is considered that the proposed action enhances the existing uses on the land.

6.2 Assessment of Public Interest

The proposed trustee permit for EV Charging Stations will:

- 1) support environmental and transport sustainability;
- 2) provide a service beneficial to the community; and
- 3) not obstruct or restrict public access or enjoyment of the trust land.

In terms of the public interest, the Council has considered the scale and nature of the impacts in conjunction with the community interests and has determined that with appropriate management controls and permit conditions the action would not adversely affect the public interest or community values.

6.3 Mitigation and Management Strategies

The trustee permit conditions will restrict the use to the installation and operation of EV Charging Station only. The infrastructure will be low impact, and removable at the end of the trustee permit by the permittee. All ongoing maintenance and safety compliance will be the responsibility of the permittee.

The proposed trustee permit will comply with this Management Plan and all relevant provisions of the Act.

5.3 Exclusivity and Restrictions

The Heritage Village is fenced, primarily with a commercial type security fence, except for the car park area. The proposed trustee permit for EV Charging Stations will be restricted for Electric Vehicle parking only in accordance with standard Queensland Government special parking signage shown in appendix C.

5.4 Community Consultation

Consultation has occurred with internal Council stakeholders to determine current and future requirements for the Reserve for the purposes of completing this Management Plan.

If any application is received for improvements/additional secondary uses, consideration of the proposal will be given in accordance with the Management Plan and the need for public consultation.

7. MONITORING AND REVISION

The Management Plan is intended to provide strategic guidance for stakeholders undertaking land use activities and Council in its management and decision-making processes. Whilst this document guides land use, it does not replace statutory approval processes. The Management Plan will be reviewed and improved to ensure that it remains relevant and effective.

8. SUMMARY

In terms of the Act, as a statutory body, Council as trustees are no longer required to obtain the written approval of the Minister for uses that are consistent, or inconsistent, with the dedicated purpose of the trust land, subject to those inconsistent uses not diminishing the purpose of the Reserve.

The management plan needs to include the following to meet the minimum requirements of the Act (see sections 52AB, 57(6), 60(3) and 64(3) of the Act as relevant):

- 1) Clearly identifies any inconsistent action, trustee lease or trustee permit subject to the management plan.
- 2) For an inconsistent trustee permit, identifies the potential impacts of the trustee permit being inconsistent with the purpose of the trust land.
- 3) States how the inconsistent action, trustee lease or trustee permit would not diminish the purpose of the trust land.
- 4) For an inconsistent action or trustee lease, states how the action or trustee lease would not adversely affect the public interest.

The action, trustee lease or trustee permit also needs to comply with this management plan.

9. APPENDICES

Appendix A – Survey Plan of Lot 220 on SP304744

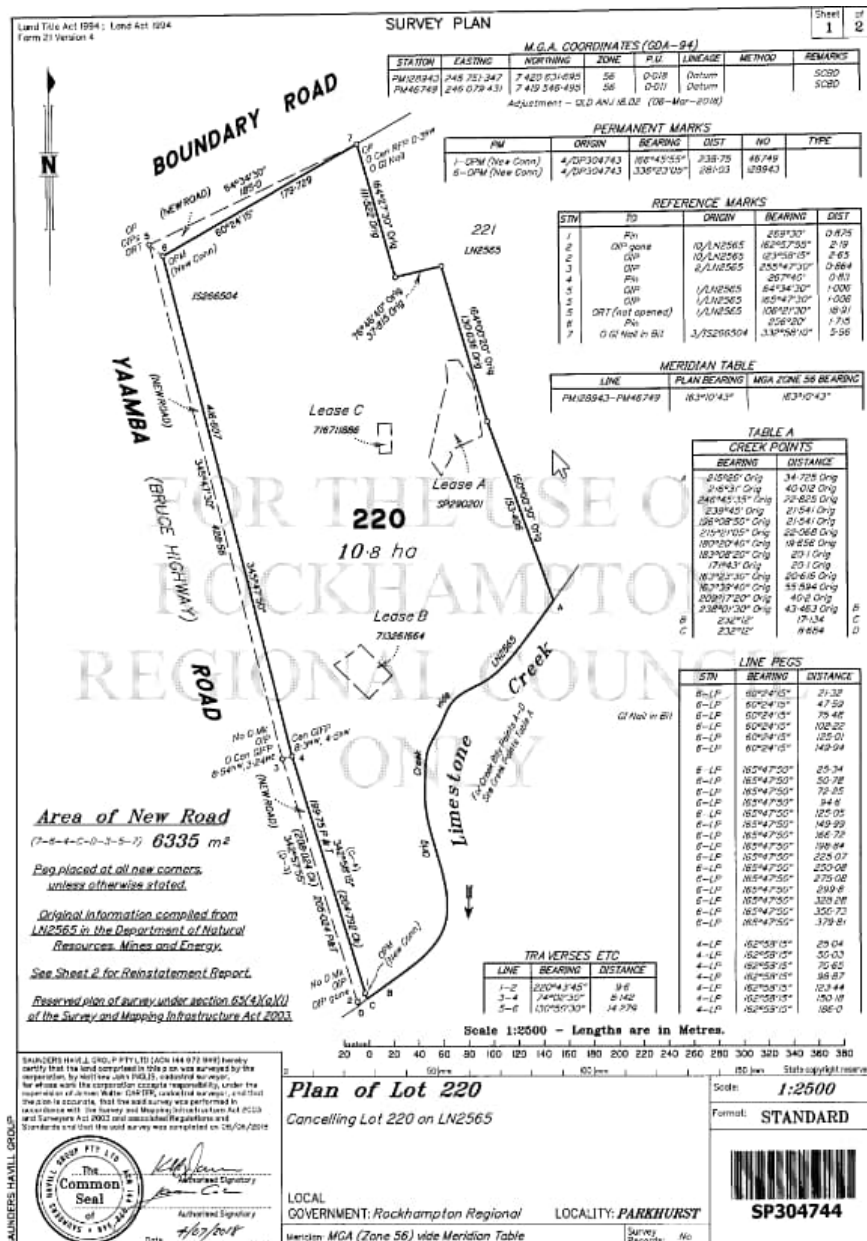
Appendix B – Aerial photo showing location of trust land and surrounding parcels

Appendix C – Approximate area of proposed trustee permit

Appendix D – EV Signage Plan

APPENDIX A

[copy of survey plan]



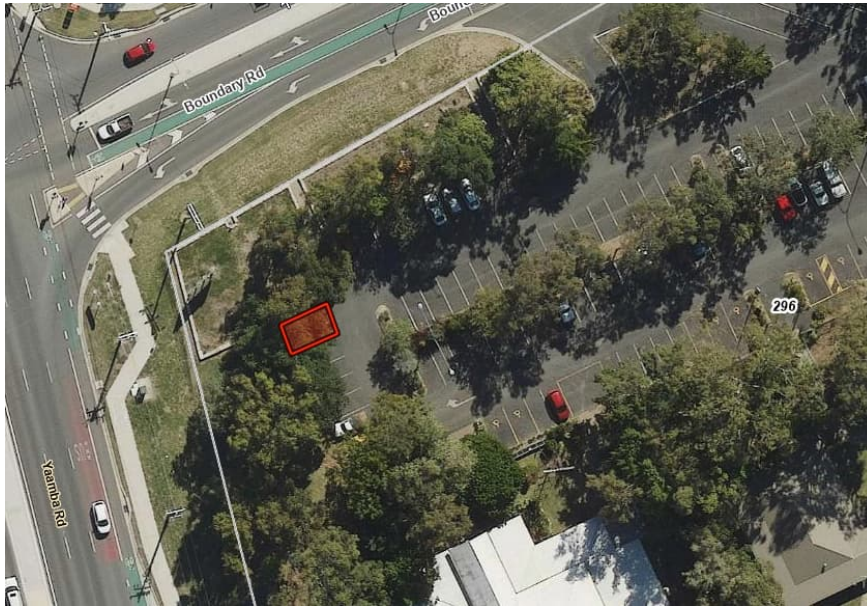
APPENDIX B

[aerial photo of trust land and surrounding parcels]



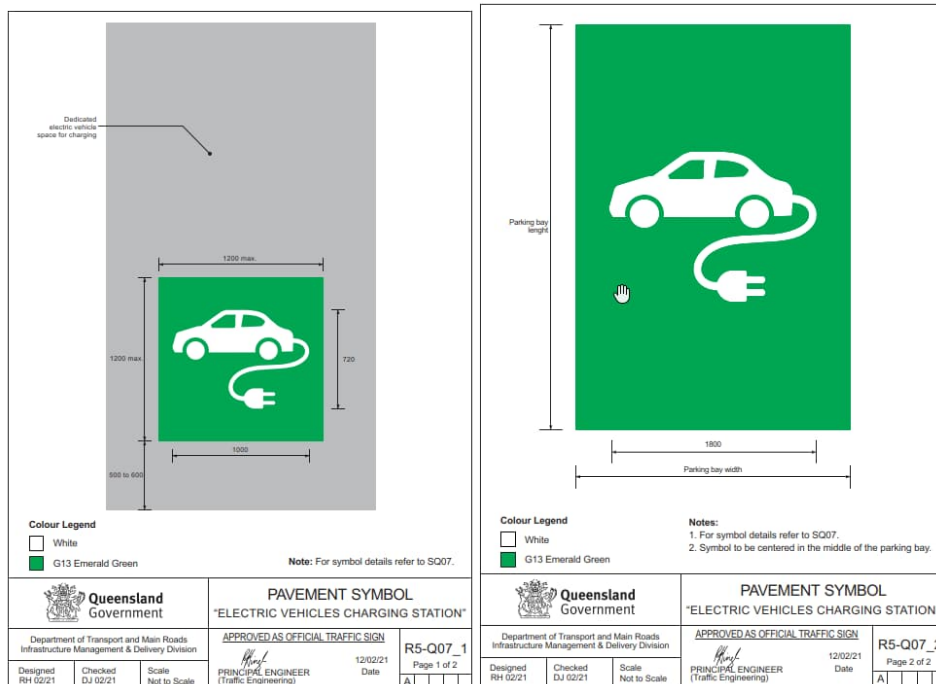
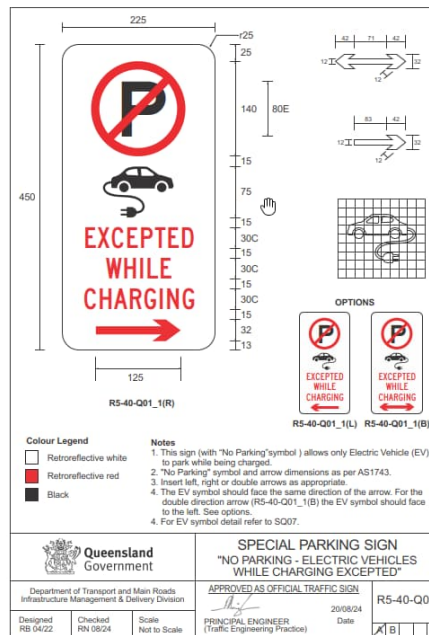
APPENDIX C

[Approximate area of proposed trustee permit]



APPENDIX D

[EV Signage Plan]



12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

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

15 CLOSED SESSION

RECOMMENDATION

THAT Council move into Closed Session pursuant to section 254J(1) of the *Local Government Regulation 2012* and 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 Potential Legal Action

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

16.2 Chief Executive Officer - Performance Review

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

16 CONFIDENTIAL REPORTS

16.1 POTENTIAL LEGAL ACTION

File No: 15099

Attachments: Nil

Authorising Officer: Marnie Taylor - General Manager Organisational Services

Author: Marcus Vycke - Manager Airport

In accordance with section 254J(3)(e) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

SUMMARY

The purpose of this report is to provide an update to Councillors on a potential legal matter and to seek resolution from Council to proceed with the recommendation in the report.

16.2 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW**File No:** 6947**Attachments:** Nil**Authorising Officer:** Travis Pegrem - Coordinator People and Capability**Author:** Travis Pegrem - Coordinator People and Capability

In accordance with section 254J(3)(a) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss the appointment, discipline or dismissal of the chief executive officer.

SUMMARY

This report is presented to Councillors to consider the performance review process for the Chief Executive Officer.

17 CLOSURE OF MEETING