



SPECIAL MEETING

AGENDA

22 MARCH 2023

Your attendance is required at a Special meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 22 March 2023 commencing at 9:00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
20 March 2023

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

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Grant Mathers previously granted leave of absence from 17 March 2023 to 27 March 2023.

Councillor Drew Wickerson previously granted leave of absence to attend the Local Government Heritage Conference in Maryborough 22 March 2023 to 23 March 2023.

4 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

5 OFFICERS' REPORTS

5.1 MOUNT MORGAN WATER SUPPLY SECURITY SOLE SUPPLIER

File No: 14781
Attachments: Nil
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Andrew Collins - Manager Project Delivery

SUMMARY

This report details a number of sole suppliers required to be engaged to complete the Cultural Heritage Assessment for the Gracemere to Mount Morgan Water Pipeline.

OFFICER'S RECOMMENDATION

THAT pursuant to s235(a) and (b) of the *Local Government Regulation 2012*, Council approves the use of the following nominated suppliers as specialist suppliers to carry out the Cultural Heritage Assessment for the Gracemere to Mount Morgan Water Pipeline:

1. Darumbal Enterprises Pty Ltd;
2. Ghungalou Aboriginal Corporation; and
3. Central Queensland Cultural Heritage Management.

COMMENTARY

Council is in the process of finalising the design and approvals for the Mount Morgan Water Pipeline Project. The pipeline route is via the current road reserve from Gracemere to Mount Morgan and passes through both the Darumbal and Gaangalu Peoples Nations, who share a common boundary on the Razor Back Road.

Under the Aboriginal Cultural Heritage Act 2003 (ACHA), Council is required to meet a cultural heritage duty of care. In satisfaction of the duty of care the Parties (Darumbal, Gaangalu and Council) have agreed that the Study Area should be the subject of an Initial Cultural Heritage Assessment (ICHA) and that some subsequent management measures agreed on the basis of the outcomes of the ICHA.

To allow for our obligation to be met under the Aboriginal Cultural Heritage Act 2003, Council needs to directly engage with the Registered Aboriginal Parties and their technical advising team.

The Registered Aboriginal Parties have identified the following Nominated Parties as their agents on financial matters associated with the ICHA's.

1. Darumbal Enterprises Pty Ltd
2. Ghungalou Aboriginal Corporation

The Aboriginal parties have nominated Central Queensland Cultural Heritage Management (CQCHM) as the technical advising team.

Draft Short form agreements in relation to the initial cultural heritage assessments for both nations have been received and are currently under review. It is planned to commence the initial cultural heritage assessment on Monday 27 March 2023 through to 1 April 2023.

To fulfil our obligations under the Aboriginal Cultural Heritage Act 2003 and satisfy the purchasing requirement of the *Local Government Regulation 2012*, it is not possible to engage or obtain competitive quotations from any other supplier.

Therefore, it is necessary, under Chapter 6 Part 3 Division 3 Clause 235 of the *Local Government Regulation 2012* to have Council resolve both or either “*that it is satisfied that there is only one supplier who is reasonably available*” and “*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*”.

BACKGROUND

Since March 2021, the Mount Morgan Community has been in Level 6 (emergency supply) restrictions and are relying on a carted water supply from Gracemere. Council is currently supplying in the order of 0.6 ML/day through the carting arrangements.

Tenders have been called for the installation of the pipeline and construction of Pump Stations and Reservoirs.

The design for the project is nearing completion.

PREVIOUS DECISIONS

Not applicable.

BUDGET IMPLICATIONS

Council’s current capital budget allocated for the project includes council costs and associated approvals.

LEGISLATIVE CONTEXT

Council is required to fulfil the requirements for both the following acts in delivering the project.

1. Chapter 6 Part 3 Division 3 Clause 235 of the *Local Government Regulation 2012*.
2. *Aboriginal Cultural Heritage Act 2003*

LEGAL IMPLICATIONS

There are no legal implications.

STAFFING IMPLICATIONS

A Project Control Group has been established to provide strong project governance ensuring approvals are appropriately managed.

RISK ASSESSMENT

Failing to have the Cultural Heritage resolved will result in delays to the project.

CORPORATE/OPERATIONAL PLAN

The measures reference in this report clearly align and support the objectives out lined in the Rockhampton Regional Councils Corporate Plan 2022-2027 and detailed below:

“OBJECTIVES”

FRW will enhance the community’s quality of life providing sustainable water, sewerage and environmental services, through innovation, technical expertise, business efficiency, excellence in customer service and commitment to the environment.

CONCLUSION

To ensure the Mount Morgan Water Pipeline Project is delivered within the requirements of the *Local Government Regulation 2012* and *Aboriginal Cultural Heritage Act 2003* Acts, it is recommended that Council supports this request for sole provider status in relation to Cultural Heritage Assessment for the project.

6 CLOSURE OF MEETING