



# **ORDINARY MEETING**

## **AGENDA**

**9 AUGUST 2016**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 9 August 2016 commencing at 9.00am for transaction of the enclosed business.*

A handwritten signature in black ink, appearing to be "C. R.", written over a horizontal line.

**CHIEF EXECUTIVE OFFICER**  
3 August 2016

Next Meeting Date: 23.08.16

**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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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	OPENING.....	1
2	PRESENT .....	1
3	APOLOGIES AND LEAVE OF ABSENCE .....	1
4	CONFIRMATION OF MINUTES .....	1
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA.....	1
6	BUSINESS OUTSTANDING .....	2
	NIL .....	2
7	PUBLIC FORUMS/DEPUTATIONS .....	3
	NIL .....	3
8	PRESENTATION OF PETITIONS .....	4
	NIL .....	4
9	COMMITTEE REPORTS .....	5
9.1	PLANNING AND REGULATORY COMMITTEE MEETING - 2 AUGUST 2016 .....	5
10	COUNCILLOR/DELEGATE REPORTS .....	10
	NIL .....	10
11	OFFICERS' REPORTS.....	11
11.1	PILBEAM DRIVE BETTERMENT UPDATE.....	11
11.2	BUILDING OUR REGIONS (ROUND 2): DETAILED APPLICATION STAGE .....	14
12	NOTICES OF MOTION.....	17
	NIL .....	17
13	QUESTIONS ON NOTICE .....	18
	NIL .....	18
14	URGENT BUSINESS/QUESTIONS .....	19
15	CLOSED SESSION .....	20
16.1	NATIVE TITLE – MOUNT MORGAN – 'TAKING OF NATIVE TITLE'.....	20
16.2	CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW PROCESS .....	20

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16.3	MONTHLY REPORT FROM CHIEF EXECUTIVE OFFICER FOR PERIOD ENDING MONDAY 1 AUGUST 2016.....	20
<b>16</b>	<b>CONFIDENTIAL REPORTS .....</b>	<b>21</b>
16.1	NATIVE TITLE – MOUNT MORGAN – 'TAKING OF NATIVE TITLE' .....	21
16.2	CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW PROCESS .....	22
16.3	MONTHLY REPORT FROM CHIEF EXECUTIVE OFFICER FOR PERIOD ENDING MONDAY 1 AUGUST 2016.....	23
<b>17</b>	<b>CLOSURE OF MEETING .....</b>	<b>24</b>

**1 OPENING**

The opening prayer to be presented by Reverend Lindsay Howie from St Paul's Cathedral.

**2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)  
Councillor R A Swadling  
Councillor N K Fisher  
Councillor A P Williams  
Councillor C E Smith  
Councillor C R Rutherford  
Councillor M D Wickerson  
Councillor S J Schwarten

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 July 2016  
Minutes of the Special Meeting held 2 August 2016

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

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

## **9 COMMITTEE REPORTS**

### **9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 2 AUGUST 2016**

#### **RECOMMENDATION**

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 2 August 2016 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

**Recommendation of the Planning and Regulatory Committee, 2 August 2016****9.1.1 DEPUTATION FROM FITZROY BASIN ASSOCIATION**

**File No:** 3084  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Robert Holmes - General Manager Regional Services

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**SUMMARY**

*Deputation from Fitzroy Basin Association to discuss a proposed environmental project which includes studies into the impact of run off on the environment in general as well as the Great Barrier Reef.*

**COMMITTEE RESOLUTION**

THAT the Deputation by the Fitzroy Basin Association be received.

**Recommendation of the Planning and Regulatory Committee, 2 August 2016****9.1.2 COMMUNITY STANDARDS AND COMPLIANCE MONTHLY OPERATIONS REPORT FOR JUNE 2016****File No: 1464****Attachments:**

- 1. Monthly Operations Report From Community Standards and Compliance Unit For June 2016**
- 2. Traffic Light Report for June 2016**
- 3. Financial Matters Report for June 2016**

**Authorising Officer: Peter Owens - Acting General Manager Community Services****Author: Peter Owens - Acting General Manager Community Services**

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**SUMMARY**

*The monthly Operations Report for Community Standards and Compliance Section as at 30 June 2016 is presented for Councillor's information.*

**COMMITTEE RESOLUTION**

THAT the Community Standards and Compliance Monthly Operations Report for June 2016 be 'received'.

**Recommendation of the Planning and Regulatory Committee, 2 August 2016****9.1.3 PLANNING SECTION MONTHLY OPERATIONS REPORT FOR JUNE 2016**

**File No:** 7028  
**Attachments:** 1. Monthly Report - June 2016  
**Authorising Officer:** Peter Owens - Acting General Manager Community Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

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**SUMMARY**

*The monthly operations report for the Planning Section as at 30 June 2016 is presented for Councillors information.*

**COMMITTEE RESOLUTION**

THAT the Planning Section report for June be received.

**Recommendation of the Planning and Regulatory Committee, 2 August 2016**

**9.1.4 INFORMATION ON PROGRESS OF POUND PROJECT**

**File No:** 3275  
**Attachments:** Nil  
**Authorising Officer:** Peter Owens - Acting General Manager Community Services  
**Author:** Cheryl Haughton - Manager Communities and Facilities

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**SUMMARY**

*An update on progress with the Pound project is provided for the information of Councillors.*

**COMMITTEE RESOLUTION**

THAT the report on progress with the Pound project be received.

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

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## 11 OFFICERS' REPORTS

### 11.1 PILBEAM DRIVE BETTERMENT UPDATE

<b>File No:</b>	<b>3676</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Robert Holmes - General Manager Regional Services</b>
<b>Author:</b>	<b>David Bremert - Manager Civil Operations</b>

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#### SUMMARY

*As part of the 2015/16 Cyclone Marcia Damage projects, Pilbeam Drive reconstruction was commenced. This project was funded through NDRRA and Council capital budget.*

*Council undertook an assessment of the slips along the road, identifying 24 slips that need rectification. A submission was presented to QRA for funding but was not successful.*

#### OFFICER'S RECOMMENDATION

1. THAT Council notes the additional funding requirement for Pilbeam Drive Reconstruction as per Table 2 in this report;
2. THAT Council advocate to both the Federal Member for Capricornia, Michelle Landry and State Member for Keppel, Brittany Lauga as well as the relevant Federal and State Ministers with a view to gaining funding support for the additional works;
3. THAT, notwithstanding Recommendation 2 above, consideration be given to allocating funding for this matter at the earliest budget review opportunity; and
4. THAT Council engage Earthtec to undertake the additional slip rectification works on Pilbeam Drive.

#### COMMENTARY

Pilbeam Drive is a sole access road to 42 properties, communication towers for the emergency services and a major tourist destination for the region.

Whilst undertaking the works on Pilbeam Drive, Civil Operations engaged two (2) independent geotechnical engineers to undertake an assessment of the slips that were present at that time.

Using the New South Wales Risk rating system for slips (used Australia wide), an assessment was undertaken for the slips. The system takes into account road users, likelihood, consequences (e.g. loss of life) and status of the road. The system classifies in three levels, being:

ARL 1 – is a slip that poses a danger annually, requires closure of road and high potential for loss of life.

ARL 2 – is a slip that poses a danger regularly, requires closure of road and medium potential for loss of life.

ARL 3 – is a slip that poses a danger bi annually, requires partial closure of road and medium potential for loss of life.

ARL 4 – is a slip that poses a danger on a notional 5 year cycle, requires partial closure of road and medium potential for loss of life.

ARL 5 – is a slip that poses a danger on a notional 10 year cycle, requires closure of road and medium potential for loss of life.

This assessment concentrated on the up slopes of the road to identify what treatment was necessary to rectify the slips.

**Table 1.**

Risk Rating	Number
ARL 1	7
ARL 2	14
ARL 3	3

This report was then submitted to QRA to seek NDRRA funding. Unfortunately, due to the assumption/perception that the slopes posed no danger to the asset (i.e.road) and that a number of the slips were present prior to the Cyclone NDRRA, funding was declined.

Within the current funding arrangements, Councils can use the allocated Betterment funds for the works with QRA approval. This has been discussed with QRA already and QRA have supported the moving of the Betterment funds.

Below is summary of all the potential betterment funding options:

**Table 2.**

Betterment Works	Dollars	Status
Works on Slip 9 & 22	\$480,000	completed
Upslopes with ARL1 rating	\$231,000	Commenced
Upslopes with ARL2 rating	\$1,519,000	
Upslopes with ARL3 rating	\$200,000	
Slip 19a	\$500,000	
Installation of concrete table drain	\$625,000	
Fees	\$200,000	Committed
Contingency	\$355,000	Committed
<b>Total Required Betterment Works</b>	<b>\$4,310,000</b>	

The Betterment budget for the project is:

**Table 3.**

Funding source	Amount
NDRRA Betterment Funding	\$2,000,000
Council Contribution	\$200,000
Council Additional Contribution in 2016/17 budget	\$450,000
<b>Total funding</b>	<b>\$2,650,000</b>

This leaves a shortfall of funds to carry out all of the Betterment Works of \$1,660,000.

### **BUDGET IMPLICATIONS**

This increase of \$1,660,000 cannot be absorbed within current allocations without delaying or deleting other projects across the whole of Council capital program.

### **STAFFING IMPLICATIONS**

It is proposed that the rectification works on Pilbeam Drive will be undertaken by the current contractor, Earthtec.

**RISK ASSESSMENT**

Council has received the assessment of the slips on Pilbeam Drive and has an obligation to rectify the slips in accordance with the risk assessment. If Council does not schedule the works, Council could be liable for damages if someone is injured by falling rocks.

Note, that should the Council not fund the repairs as requested in this report, then a program for the rectification works will need to be implemented over a reasonable timeframe with that timeframe not exceeding five (5) years. Council is also reminded that this is work of a specialized nature and Council's workforce is not geared up to undertake such works.

As mentioned previously, Pilbeam Drive is the sole access to the emergency service communication towers for the region. If these are damaged the only access to rectify them is Pilbeam Drive or by air which also presents logistical issues.

**CONCLUSION**

The 24 slips that have been identified are on Pilbeam Drive and these slips have been scoped and risk assessed.

It has been identified that all slips have a risk rating ranging from ARL1 to ARL3 based on the RMS Guide to Slope Risk.

These slips need to be rectified in accordance with the rating and available budget.

It is also recommended that the Council should seek additional funds from Federal or State Governments to cover the \$1,660,000 shortfall for these works. Should these approaches be unsuccessful, then Council will need to review its capital program to fund these additional works.

Should Council not fund the repairs as suggested in the report, a program for the rectification works will need to be implemented over a reasonable timeframe (5 year period).

**11.2 BUILDING OUR REGIONS (ROUND 2): DETAILED APPLICATION STAGE**

<b>File No:</b>	<b>1018</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Ross Cheesman - Deputy CEO/General Manager Corporate Services</b>
<b>Author:</b>	<b>Penelope-Jane Fry - Grants Officer</b>

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**SUMMARY**

*This report recommends the following two shortlisted prioritised projects be submitted as detailed applications for the "Building our Regions (Round 2) Regional Capital Fund":*

- *Rockhampton CBD Smart Technologies and Working Hub*
- *First Turkey Mountain Bike Reserve*

**OFFICER'S RECOMMENDATION**

THAT the Council resolves to:

- support the submission of the detailed applications for both projects shortlisted within Round 2 of the Building our Regions program in the following priority order -
  1. Rockhampton CBD Smart Technologies and Working Hub; and
  2. First Turkey Mountain Bike Reserve
- commit to delivering the projects and approves any applicant financial and/or in-kind contributions if Building our Regions funding is awarded; and
- commit to the management and costs associated with the ongoing operation and maintenance of the infrastructure (excluding the mountain bike trails specifically) if Building our Regions funding is awarded.

**COMMENTARY**

Submissions for Stage 2 of the Queensland Government Building Our Regions (Round 2) 'Regional Capital Fund' will close on 19 August 2016, when 'detailed applications' are due.

Rockhampton Regional Council submitted the following two projects during Stage 1 as 'Expressions of Interest' in the order of priority:

1. Rockhampton CBD Technologies & Smart Working Hub
2. First Turkey Mountain Bike Trails

On 20 July 2016, both projects were shortlisted to proceed to this final stage.

**BACKGROUND****Fund Purpose**

The purpose of the Building Our Regions funding program is to address the following issues:

- Provision of critical infrastructure.
- Economic & jobs growth.
- Improved livability in the regions.

**Projects & Application Eligibility**

Rockhampton Regional Council will be eligible for the Regional Capital Fund grant monies within the Building our Regions funding program, subject to the following:

- Ineligible projects include projects that are intended to commence construction prior to official notification of funding approval, which is currently scheduled for 'Late 2016'.
  - Detailed submissions must be prepared, which comply with the [Program Guidelines](#).
-

- For the projects to be eligible for funding, a mandatory attachment to each detailed submission is a copy of a Council Resolution indicating that the local government:
  1. supports submission of the detailed application (ensuring that the project name is included)
  2. is committed to delivering the project and approves any applicant financial and/or in-kind contributions; and
  3. is committed to the management and costs associated with the ongoing operation and maintenance of the infrastructure.

The criteria and weightings for the Detailed Applications stage of the assessment are:

- |                                     |       |
|-------------------------------------|-------|
| 1. Project demand                   | (20%) |
| 2. Proposed solution                | (25%) |
| 3. Value for Money/Project benefits | (40%) |
| 4. Leverage                         | (15%) |

### **Projects Proposed for Detailed Application submissions for Building Our Regions**

Two projects are proposed for detailed submissions for this round of the Building Our Regions Fund. A description of each project is provided below:

- **Rockhampton CBD Technologies & Smart Working Hub**

The funding application would aim to deliver a \$508,000 'Smart Hub' business incubator fit-out for 212 Quay and \$4.04 million in 'Riverfront and Smart CBD Technologies' infrastructure. These are two key elements of the *Rockhampton Region: the smart way forward* strategy that will enable the region to become a Smart Regional Centre.

The project will deliver the following:

- a. a Smart Working Hub business incubator at 212 Quay St
- b. free public Wi-Fi throughout the CBD
- c. smart CCTV, lighting and digital signage; and
- d. parking sensors.

The estimated cost of the project is \$4,548,000 which would require a Rockhampton Regional Council contribution of \$2,278,000 (50.08%) to match the \$2,270,000 sought from the Fund.

Adequate financial provisions for Council's co-contribution to this project have already been committed for 2016/17 and 2017/18 within Council's Budget. This project is considered 'shovel ready' and meets the criteria for a viable application.

- **First Turkey Mountain Bike Trails**

The funding application would aim to fund infrastructure that would serve as a catalyst for Rockhampton to be able to host new types of regional mountain bike events.

The project will deliver the following key elements of the Mount Archer Activation Master Plan:

- a. Develop the remaining planned mountain bike trails to support new events;
- b. Build a compost toilet in the First Turkey Mountain Bike Reserve;
- c. Build a causeway across Moores Creek for emergency services access; and
- d. Provide an outdoor learning centre area along the Zamia Tail and Moores Creek, which will also serve as a staging location for Mountain Bike events.

Rockhampton Regional Council will be responsible for maintaining items b, c & d. The Rockhampton Mountain Bike Club is providing a commitment in writing to maintain the mountain bike trails (item 'a' above).

While the costs for the project elements are being revised through updated quotes, the total cash cost estimate for the project is \$500,000, which would require a

Rockhampton Regional Council contribution of \$250,000 (50%). The project will also require in-kind contributions as follows:

- |   |                             |
|---|-----------------------------|
| 1. Rockhampton Regional Council:          | \$6,725                     |
| 2. Queensland Parts and Wildlife Service: | \$25,000 (Committed in EOI) |
| 3. Rockhampton Mountain Bike Club:        | \$5,000 (Committed in EOI)  |

Overall, adequate financial provisions for Council's co-contribution to this project have already been committed for 2016/17 and 2017/18 within Council's Budget. It is 'shovel ready' and meets the criteria to lodge as a viable application.

### **BUDGET IMPLICATIONS**

If the Building Our Regions Fund funding is awarded for either or both of the projects, Council would be required to contribute (in cash & in-kind) as per the above co-contribution(s). The period of impact to the budget would span from the 2016/17 to the 2018/19 Financial Year.

Ongoing maintenance and operating costs for the infrastructure would be borne by Rockhampton Regional Council within routine budget mechanisms.

### **CORPORATE/OPERATIONAL PLAN**

The projects both support Council's key Economic/Regional Development Outcome of the Corporate Plan, which is to "Grow a strong, resilient and diversified economy".

### **CONCLUSION**

Applications for Round Two of the Queensland Government Building Our Regions 'Regional Capital Fund' will close on 19<sup>th</sup> August 2016, when detailed submissions are due.

Rockhampton Regional Council has been invited to submit detailed submissions for the following two prioritised projects that were shortlisted in the initial 'Expression of Interest' stage:

1. Rockhampton CBD Technologies & Smart Working Hub
2. First Turkey Mountain Bike Trails

Council officers recommend the proposed resolution be passed to support the application.

**12 NOTICES OF MOTION**

Nil

**13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS/QUESTIONS**

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

## 15 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

**16.1 Native title – Mount Morgan – 'Taking of Native Title'**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**16.2 Chief Executive Officer – Annual Performance Review Process**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**16.3 Monthly Report from Chief Executive Officer for period ending Monday 1 August 2016**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

## 16 CONFIDENTIAL REPORTS

### 16.1 NATIVE TITLE – MOUNT MORGAN – 'TAKING OF NATIVE TITLE'

**File No:** 12022, 3033

**Attachments:**

1. Letter to applicants for Gaangalu Nation
2. Relevant Factors for Consideration
3. Draft Notice of Intention to Acquire
4. Draft Notice of Intention to Resume
5. Background Information Statement

**Authorising Officer:** Drew Stevenson - Manager Corporate and Technology Services  
Ross Cheesman - Deputy CEO/General Manager Corporate Services

**Author:** Kellie Anderson - Coordinator Property and Insurance

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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#### **SUMMARY**

*Reporting on Native Title Compliance matters relating to part of Lot 12 USL47036, Mt Morgan.*

**16.2 CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE REVIEW PROCESS****File No:** 6947**Attachments:** Nil**Authorising Officer:** Ross Cheesman - Deputy CEO/General Manager  
Corporate Services**Author:** Tracy Sweeney - Manager Workforce and Strategy

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*This report is presented for Councillors to consider the process to undertake the annual performance review for the Chief Executive Officer.*

**16.3 MONTHLY REPORT FROM CHIEF EXECUTIVE OFFICER FOR PERIOD ENDING MONDAY 1 AUGUST 2016****File No:** 1830**Attachments:** 1. Monthly Report July 2016**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**SUMMARY**

*Chief Executive Officer presenting monthly report for the period ending Monday 1 August 2016.*

**17 CLOSURE OF MEETING**