



LATE ITEMS ORDINARY MEETING

AGENDA

28 APRIL 2020

Your attendance is required at an Ordinary meeting of Council to be held at the Pilbeam Theatre, Victoria Parade (corner of Cambridge Street), Rockhampton on 28 April 2020 commencing at 9:00am for transaction of the enclosed business.

In line with section 277E of the Local Government Regulation 2012, it has been determined that it is not practicable for the public to attend Council meetings in person at the current time. Until further notice, Council meetings will instead take place via videoconference and will be livestreamed online.

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
27 April 2020

Next Meeting Date: 12.05.20

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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10 OFFICERS' REPORTS

10.5 APPLICATION FOR CONVERSION TO FREEHOLD OF SPECIAL LEASE

File No:	6084
Attachments:	<ol style="list-style-type: none">1. Aerial Photo - Lot 35 on CP865921 ↓2. Email response from the Department of Natural Resources, Mines and Energy ↓3. Draft letter of objection ↓
Authorising Officer:	Angus Russell - Manager Strategy and Planning Ross Cheesman - Deputy Chief Executive Officer
Author:	Steven Ellis - Senior Strategic Planner Kellie Anderson - Coordinator Property and Insurance

SUMMARY

This report is regarding a request received from the Department of Natural Resources, Mines and Energy seeking Council's views on an application for conversion to freehold of Special Lease 0/200429 described as lot 35 on CP865921 being 6 Graeme Acton Way, Wandal.

OFFICER'S RECOMMENDATION

THAT the Chief Executive Officer (Coordinator Property and Insurance) be authorised to lodge an objection with the Department of Natural Resources, Mines and Energy to the application for Conversion to Freehold of Special lease 0/200429 described as lot 35 on CP865921.

BACKGROUND

Council received the attached email from the Department of Natural Resources, Mines and Energy (DNRME) dated 9 April 2020 (Request views - Conversion of SL 0/200429, described as Lot 35 on CP865921), asking for Council's view on the application for conversion to freehold of special lease 0/200429 described as lot 35 on CP865921. The aforementioned lot is the location of the Rocky Sports Club, 6 Graeme Acton Way, Wandal. The Special Lease is for the purpose of Recreation (Clubhouse) and is for a term of 30 years, expiring on 30 April 2024.

Council has no recourse in this matter under the *Land Act 1994 (Qld)*, section 165 that deal with the conversion of tenure.

Section 165A states that a lease may be converted only if:

- (a) The lessee has made an application under S166; and
- (b) Under this division, the Chief Executive has made an offer to convert the lease and the offer has been accepted.

The legislation does not provide the ability for a Local Government to step in by (for example) purchasing the land or leasing from the State Government. Council would need to purchase the Special Lease from the current State lessee, or negotiate purchase of freehold after the conversion, with the owner.

The only course of action is objecting to the application under the grounds of the following sections of the *Land Act 1994(Qld)*, S167. (1)(c)(h)(j)(k) as DNRME must consider the following in deciding whether or not to offer to convert a lease:

- (c) whether the public interest could be adversely affected, other than about an issue mentioned in paragraph (a) or (b), if the lease were converted;
- (h) whether part of the lease land has a more appropriate use from a land planning perspective;

- (j) whether part of the lease land is needed for a public purpose;
- (k) the most appropriate form of tenure for the lease land;

It is proposed that Council strongly objects to the application for the following reasons:

1. Council is currently conducting a comprehensive masterplan and concept design process for a major Sporting and Events Precinct which is made up of both the Rockhampton Showgrounds and Victoria Park, which lot 35 on CP865921 sits within. This process will produce a robust prioritised action and delivery plan to ensure the sustainable rollout of the required social infrastructure improvement to develop an international standard sporting and events precinct.
2. Due to the aforementioned planning the precinct will be the priority for future major sporting social infrastructure investment in order to attract a higher standard of major sporting and events, and associated social and economic benefits to the Rockhampton Region
3. Victoria Park is public owned, due to the central location of the lot the conversation to freehold would fragment a strategically important regional precinct
4. Council wishes to ensure the area retains the current uses of sporting and recreation and changing the lot to freehold would weaken the ability to maintain the current uses of the lot.
5. The site is located within the Rockhampton Major Sports precinct under the Rockhampton Region Planning Scheme. The intent for the Rockhampton Major Sports Precinct is to ensure "...sport, recreation and community facilities are planned, developed and maintained to encourage colocation that meets the needs of the community and makes efficient use of infrastructure in accordance with the desired standards of service, as contained in the local government infrastructure plan, for these facilities."
6. Within the boundaries of lot 35 on CP865921 there is currently facilities and amenity for the direct uses of the adjacent sporting field. A change to freehold could lead to the existing facilities and amenity, and the land they are situated, no longer being for the uses of the adjacent sporting field. This would be a major constraint to the adjacent sporting field being used for Rugby League and Rugby Union.

Attached to this report is the draft letter of objection.

PREVIOUS DECISIONS

There have been no previous decisions on this matter.

BUDGET IMPLICATIONS

There are no budget implication relating to this matter

LEGISLATIVE CONTEXT

DNRME has requested Council's views to this application in order to make their decision under section 167 of the *Land Act 1994(Qld)*.

LEGAL IMPLICATIONS

There are no legal implications regarding this matter.

STAFFING IMPLICATIONS

Low level of staffing implication for the Property & Insurance, and Strategic Planning teams.

RISK ASSESSMENT

There is a level of risk if Lot 35 on CP865921 is converted to freehold that, Council's ability to maintain the current community uses of the lot is weakened and this would fragment a strategically important regional precinct. While Council's view is that the land should continue to be held in public ownership, DNRME is the decision maker, not Council.

CORPORATE/OPERATIONAL PLAN

The Rockhampton Region Planning Scheme - Rockhampton Major Sports precinct

2.1.2 Investigate multi-sport usage in singular precinct

2.1.2.1 Consider site options for preferred precinct and scope required works

CONCLUSION

That Council endorses the attached letter to be sent to the Department of Natural Resources, Mines and Energy, objecting to the application for Conversion to Freehold of Special Lease 0/200429 described as lot 35 on CP865921.

APPLICATION FOR CONVERSION TO FREEHOLD OF SPECIAL LEASE

Aerial Photo - Lot 35 on CP865921

Meeting Date: 28 April 2020

Attachment No: 1



APPLICATION FOR CONVERSION TO FREEHOLD OF SPECIAL LEASE

**Email response from the Department of
Natural Resources, Mines and Energy**

Meeting Date: 28 April 2020

Attachment No: 2

From: Katrina Herse
Sent: Tue, 7 Apr 2020 11:16:18 +1000
To: T1Connect
Subject: FW: Request views - Conversion of SL 0/200429, described as Lot 35 on CP865921
Attachments: Smartmap Lot 35 on CP865921.pdf

-----Original Message-----

From: Sanderson Lyndsey via eLVAS System - (Production) <SANDERSONL@DNRM.QLD.GOV.AU>
Sent: Monday, 6 April 2020 12:36 PM
To: General Enquiries <General.Enquiries@rrc.qld.gov.au>
Cc: SANDERSONL@DNRM.QLD.GOV.AU
Subject: Request views - Conversion of SL 0/200429, described as Lot 35 on CP865921

Official correspondence from Department of Natural Resources, Mines and Energy Case Id:
2019/002640

File / Ref number 2019/002640

The Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Sir/Madam

APPLICATION FOR CONVERSION TO FREEHOLD OF SPECIAL LEASE 0/200429 DESCRIBED AS LOT 35 ON
CP865921

The department has received the above application for Conversion of Special Lease 0/200429, described as Lot 35 on CP865921. The current use of the land is Recreation (Clubhouse).

The enclosed Smartmap shows the subject land and the surrounding locality.

Please advise the department of your views and/or requirements including any local non-indigenous cultural heritage values that the department should consider when assessing this application.

Objections to the application, and any views and/or requirements that may affect the future use of the land should be received by close of business on 7 May 2020 or earlier if at all possible. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe.

****IF A RESPONSE IS NOT RECEIVED BY THE DUE DATE AND NO ALTERNATIVE ARRANGEMENTS HAVE BEEN MADE, IT WILL BE ASSUMED YOU HAVE NO OBJECTIONS OR REQUIREMENTS IN RELATION TO THIS MATTER.****

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter please contact Lyndsey Sanderson on 07 4999 6875.

All future correspondence relative to this matter is to be referred to the contact Officer at the postal address below or by email to SLAM-Mackay@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than 4MB or A3-sized.

Please quote reference number 2019/002640 in any future correspondence.

Yours sincerely

Lyndsey Sanderson
Land Officer
State Land Asset Management
Telephone: 07 4999 6875 Facsimile: 07 4999 6904

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STANDARD MAP NUMBER
9051-34333

MAP WINDOW POSITION & NEAREST LOCATION



Document Set ID: 12791673
GDA Version Date: 07/04/2020

SUBJECT PARCEL DESCRIPTION

DCDB	Lot/Plan	35/CP885921
	Area/Volume	6402m ²
	Tenure	LANDS LEASE
	Local Government	ROCKHAMPTON REGIONAL
	Locality	WANDAL
	Segment/Parcel	3724/34

CLIENT SERVICE STANDARDS

PrintED: (ddmmyy) 08/04/2020
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.
DCDB: 09/04/2020

Users of the information recorded in this document (the information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources, Mines and Energy (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, excludes or limits all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use or reliance on the information.

For further information on SmartMap products visit
<http://www.dnr.gov.au/using/using-smartmap-home/property-land-valuations/smartmap>

SmartMap


An External Product of SmartMap Information Services

Based upon an extraction from the Digital Cadastral Data Base



Additional Information Page

Shading Rules

 Lot Number = 35 and Plan Number = CP865921

APPLICATION FOR CONVERSION TO FREEHOLD OF SPECIAL LEASE

Draft letter of objection

Meeting Date: 28 April 2020

Attachment No: 3



Rockhampton Office
232 Bolsover St, Rockhampton
Gracemere Office
1 Ranger St, Gracemere
Mount Morgan Office
32 Hall St, Mount Morgan

22 April 2020

Our Ref: 6984
Enquiries: Kellie Anderson
Telephone: 4936 8053
Email: Kellie.Anderson@rrc.qld.gov.au

Department Natural Resources, Mines
& Energy
Via Email: SLAm-Mackay@dnrme.qld.gov.au

Dear Lyndsey

**APPLICATION FOR CONVERSION TO FREEHOLD OF SPECIAL LEASE 0/200429
DESCRIBED AS LOT 35 ON CP865921 – 6 GRAEME ACTON WAY, WANDAL**

I refer to your email received on 6 April 2020 in relation to the above matter.

Council strongly objects to the application as Lot 35 on CP865921 should be retained in public ownership. While Council appreciate that the intent is to maintain the current uses and the operations as a sports club, Council want to maintain the security of public ownership without restricting the existing rights of the lease.

Councils view is the application should be declined under the following sections of the *Land Act 1994*(Qld), S167. (1)(c)(h)(j)(k) due to the following reasons.

Land Act Provisions	Basis of Objection
S167 (1) (c) whether the public interest could be adversely affected, other than about an issue mentioned in paragraph (a) or (b), if the lease were converted;	<ul style="list-style-type: none"> • Council is currently conducting a comprehensive masterplan and concept design process for a major Sporting and Events Precinct which is made up of both the Rockhampton Showgrounds and Victoria Park, which lot 35 on CP865921 sits within. This process will produce a robust prioritised action and delivery plan to ensure the sustainable rollout of the required social infrastructure improvement to develop an international standard sporting and events precinct. • Due to the aforementioned planning the precinct will be the priority for future major sporting social infrastructure investment in order to attract a higher standard of major sporting and events, and associated social and economic benefits to the Rockhampton Region • The land is part of a wider Victoria Park precinct that, along with the Rockhampton Showgrounds, is designated as the Rockhampton Major Sports precinct under the Rockhampton Region Planning Scheme. The intent of the precinct is to ensure "...sport, recreation and community facilities are planned, developed and maintained to encourage colocation that meets the needs of the community and makes efficient use of infrastructure..." • While the existing use of the site is consistent and supported by Council, freeholding would be inconsistent with public ownership of the wider precinct and introduce significant risk should the lot subsequently be resold for any reason (such as failure or winding up of the current lease).





Rockhampton Office
232 Balsover St, Rockhampton

Gracemere Office
1 Ranger St, Gracemere

Mount Morgan Office
32 Hall St, Mount Morgan

Land Act Provisions	Basis of Objection
S167 (1) (h) whether part of the lease land has a more appropriate use from a land planning perspective;	<ul style="list-style-type: none"> As noted above, the land is part of a wider Victoria Park precinct that, along with the Rockhampton Showgrounds, is designated as the Rockhampton Major Sports precinct under the Rockhampton Region Planning Scheme. Its current use is consistent with this intent from a land use planning perspective, however, should the lot become freehold it could subsequently be resold. The land use controls of the Planning Scheme will have effect, but the overall risk increases from the transfer from public to private ownership.
S167 (1) (j) whether part of the lease land is needed for a public purpose;	<ul style="list-style-type: none"> The land currently serves a community purpose and that purpose should be maintained. Longer term planning of Victoria Park and the Rockhampton Showground precinct is for this to be Rockhampton's premier major sporting and events precinct and changing the tenure of this lot potentially compromises this intent, particularly if the lot is subsequently sold (and associated risks noted above). As a result fragmentation of the precinct with freehold tenure may have consequent community and economic implications. Within the boundaries of lot 35 on CP865921 there is currently facilities and amenity for the direct uses of the adjacent sporting field. A change to freehold could lead to the existing facilities and amenity, and the land they are situated, no longer being for the uses of the adjacent sporting field. This would be a major constraint to the adjacent sporting field being used for Rugby League and Rugby Union
S167 (1) (k) the most appropriate form of tenure for the lease land;	<ul style="list-style-type: none"> Council firmly believes the land should be retained in public ownership for the reasons detailed above and as such does not believe freehold is an appropriate tenure unless held by either State or Local Government.

Therefore, Council requests that the Department declines the application for conversion to freehold of Special Lease 0/200429, described as Lot 35 on CP865921.

This is an important precinct for the ongoing growth in sports and events for the Rockhampton Region, and if you have any question or wish to discuss the comments above in more detail please don't hesitate to contact me on 4936 8053 or email kellie.anderson@rrc.qld.gov.au.

Yours sincerely

Kellie Anderson
Coordinator Property & Insurance
Corporate Services

Rockhampton Regional Council PO Box 1860, Rockhampton Q 4700
P: 07 4932 9000 or 1300 22 55 77 | E: enquiries@rrc.qld.gov.au | W: www.rrc.qld.gov.au



14 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.

15.1 Organisational Structure

This report is considered confidential in accordance with section 275(1)(a) (h), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees; AND 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.

15 CONFIDENTIAL REPORTS

15.1 ORGANISATIONAL STRUCTURE

File No: 289

Attachments: Nil

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Tracy Sweeney - Manager Workforce and Governance

This report is considered confidential in accordance with section 275(1)(a) (h), of the *Local Government Regulation 2012*, as it contains information relating to the appointment, dismissal or discipline of employees; AND 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.

SUMMARY

This report is seeking Council consideration of a Temporary Organisational Structure to meet Council's changed operational needs during the current COVID-19 environment together with minor permanent changes.