



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

21 JUNE 2016

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 21 June 2016 commencing at 9.00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
14 June 2016

Next Meeting Date: 05.07.16

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.

TABLE OF CONTENTS

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
6.1	BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE.....	2
7	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
8	OFFICERS' REPORTS	6
8.1	DEVELOPMENT AND BUILDING - APRIL OPERATIONS REPORT	6
8.2	DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT	14
8.3	REEF GUARDIAN COUNCIL - GREAT BARRIER REEF MARINE PARK AUTHORITY	22
8.4	D/80-2016 - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME FOR A STORAGE SHED	55
9	NOTICES OF MOTION	62
	NIL	62
10	URGENT BUSINESS/QUESTIONS	63
11	CLOSED SESSION	64
12.1	ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES.....	64
12.2	ENFORCEMENT DIRECTIONS FOR DEVELOPMENT OFFENCES	64
12	CONFIDENTIAL REPORTS.....	65
12.1	ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES.....	65
12.2	ENFORCEMENT DIRECTIONS FOR DEVELOPMENT OFFENCES	66
13	CLOSURE OF MEETING.....	67

1 OPENING**2 PRESENT**

Members Present:

Councillor C E Smith (Chairperson)
Councillor C R Rutherford
Councillor M D Wickerson

In Attendance:

Mr R Holmes – General Manager Regional Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

The Mayor, Councillor Margaret Strelow has tendered her apology and will not be in attendance.

Councillor Neil Fisher has tendered his apology and will not be in attendance.

Councillor Tony Williams previously granted Leave of Absence from 21 June 2016 to 24 June 2016 inclusive.

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 7 June 2016

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

File No: 10097
Attachments: 1. Business Outstanding Table
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 the Planning and Regulatory Committee is presented for Councillors' information.

OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for the Planning and Regulatory Committee be received.

BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE

Business Outstanding Table

Meeting Date: 21 June 2016

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
10 November 2015	Enforcement Proceedings for Development Offences	<ol style="list-style-type: none"> 1. THAT a penalty infringement notice be issued for non-compliance with the development approval. 2. THAT Council communicate with the developer and indicate will consider a reasonable change to the development approval conditions. 3. THAT Council declare that all documents in regards to this matter are not confidential. 	Judith Noland	24/11/2015	Judith Noland advised: No process is currently in place to issue Penalty Infringement Notice. Officer training is scheduled for February. A policy and procedure remains to be written. Relevant documents as yet unavailable.
07 June 2016	Amendment Subordinate Local Law No. 5 (Parking) 2011	THAT Council take the necessary actions in accordance with the <i>Local Government Act 2009</i> to amend Schedule 2 <i>Subordinate Local Law No.5 (Parking) 2011</i> to give effect to the insertion of Quay and Denham Street Carpark Lot 1 RP607540 as a declared off-street regulated parking area.	Catherine Hayes	21/06/2016	Adopted at the Special Council meeting on 9 June 2016

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 DEVELOPMENT AND BUILDING - APRIL OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - April 2016
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 30 April 2016 is presented for Councillors information.

OFFICER'S RECOMMENDATION

THAT the Development and Building Section Report for April be received.

COMMENTARY

The monthly operations report for the Development and Building Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2015/16 Operational Plan Key Performance Indicators.

The Manager's performance summary for each of the units is provided below.

Development Assessment

The Development Assessment Unit reached all of its targets for April, with all decision notices going out within the statutory timeframes.

Building Compliance

The Building and Plumbing Unit performed well, with the decisions being made within 20 business days remaining constant for the Building team at 75%. The Plumbing team were slightly down for the compliance requests decided within 20 business days at 84%. There has been a substantial amount of leave for the Plumbing team, with a combination of sick leave and other leave. Brett Robson is the only Building Surveyor, with the Coordinator Building, Plumbing and Drainage position remaining vacant.

CONCLUSION

It is recommended that the monthly operations report for the Development and Building Section be received.

DEVELOPMENT AND BUILDING - APRIL OPERATIONS REPORT

Monthly Report - April 2016

Meeting Date: 21 June 2016

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended APRIL 2016

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Nil

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for *April* are as below:

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth		Avg Completion Time (days) 6 Months		Avg Completion Time (days) 12 Months		Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed										
Building Enquiry - General Info/Admin etc	114	2	25	19	118	0	5	● 1.84	● 6.17	● 10.16			4.45	
Other Building Compliant Issue	73	5	2	0	70	0	1	● 0.00	● 17.26	● 20.51			9.55	
Planning Compliance Request/Enquiry	71	7	15	5	74	0	45	● 6.40	● 9.16	● 14.27			15.04	
Duty Planner (New Enquiry)	6	4	113	107	6	2	1	● 0.55	● 1.32	● 0.91			0.88	
Telephone Enquiry (Existing Application/Call Back)	2	0	24	19	6	0	1	● 0.79	● 0.67	● 0.65			1.13	
Plumbing Issues General	21	4	11	9	19	0	5	● 1.89	● 3.51	● 6.65			6.34	

Comments & Additional Information

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	Feb	Mar	Apr
Number of Lost Time Injuries	0	0	0
Number of Days Lost Due to Injury	0	0	0
Total Number of Incidents Reported	0	0	1
Number of Incomplete Hazard Inspections	0	0	0

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Please Note: The risks listed below are ‘what if’ scenarios and do not necessarily reflect what has occurred.

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/15		
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g. increased rates.	High 4	Monitor and respond when and as appropriate	N/A		

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/15		
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A		
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/15		

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	62%	
Outdated legislative compliance mandatory training and/or qualifications	Various	81%	
Overdue performance reviews	Various	100%	

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Planning Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
Rockhampton Regional Planning Scheme	N/A	N/A	N/A	<i>This project is a large operational plan that spans over several years</i>

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received:	17	
Applications decided:	7	
Acknowledgement notices (where required) sent out within 10 business days of application being properly made	100%	100%
Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	100%
Decision notices are issued within 5 business days of the decision being made	100%	100%
Building		
Applications received:	23	
Applications decided:	18	
Building Approvals - Decisions are made within 20 business day timeframe	100%	75%
Plumbing		
Applications received:	30	
Applications decided:	32	
Compliance request are decided within 20 business day timeframe	100%	84%

FINANCIAL MATTERS

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$
REGIONAL SERVICES					
DEVELOPMENT & BUILDING					
<i>Development Assessment</i>					
Revenues	(1,755,500)	(676,750)	0	(663,921)	(663,921)
Expenses	1,620,559	1,597,199	56,428	1,203,814	1,260,242
Transfer / Overhead Allocation	35,000	35,000	0	17,979	17,979
Total Unit: Development Assessment	(99,941)	955,449	56,428	557,871	614,300
<i>Building Compliance</i>					
Revenues	(825,000)	(745,000)	0	(631,811)	(631,811)
Expenses	930,368	901,567	5,245	642,945	648,190
Transfer / Overhead Allocation	(102,342)	(109,469)	4,059	(90,349)	(86,290)
Total Unit: Building Compliance	3,026	47,097	9,305	(79,214)	(69,910)
<i>Development & Building Management</i>					
Expenses	385,243	383,493	5,129	299,272	304,401
Total Unit: Development & Building Management	385,243	383,493	5,129	299,272	304,401
Total Section: DEVELOPMENT & BUILDING	288,328	1,386,040	70,862	777,929	848,791
Total Department: REGIONAL SERVICES	288,328	1,386,040	70,862	777,929	848,791
Grand Total:	288,328	1,386,040	70,862	777,929	848,791

8.2 DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - May 2016
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 31 May 2016 is presented for Councillors information.

OFFICER'S RECOMMENDATION

THAT the Development and Building Section Report for May be received.

COMMENTARY

The monthly operations report for the Development and Building Section is attached for Council's consideration. The performance information contained within the attached report relates directly to the adopted 2015/16 Operational Plan Key Performance Indicators.

The Manager's performance summary for each of the units is provided below.

Development Assessment

The Development Assessment Unit met its targets for acknowledgment notices, information requests and decisions being made within 20 business days. However, one decision notice was sent out just outside the 5 business day timeframe. Jessica Barnes resigned, leaving two full time vacancies for administration staff within the Planning Administration team.

Building Compliance

The Building Compliance Unit had another month with 75% of decisions made within the 20 business day timeframe. Given that Council only has one Building Surveyor this level of performance is quite good. The Plumbing team had a good month with 96% of decisions being made within 20 business days. This is up from 84% in April.

CONCLUSION

It is recommended that the monthly operations report for the Development and Building Section be received.

DEVELOPMENT AND BUILDING - MAY OPERATIONS REPORT

Monthly Report - May 2016

Meeting Date: 21 June 2016

Attachment No: 1

MONTHLY OPERATIONS REPORT
PLANNING SECTION
Period Ended MAY 2016

VARIATIONS, ISSUES AND INNOVATIONS

Innovations

Nil

Improvements / Deterioration in Levels of Services or Cost Drivers

Nil

LINKAGES TO OPERATIONAL PLAN

1. COMPLIANCE WITH CUSTOMER SERVICE REQUESTS

The response times for completing the predominant customer requests in the reporting period for *May* are as below:

	Balance B/F	Completed in Current Mth	Current Month NEW Requests		TOTAL INCOMPLETE REQUESTS BALANCE	Under Long Term Investigation	Completion Standard (days)	Avg Completion Time (days) Current Mth	Avg Completion Time (days) 6 Months	Avg Completion Time (days) 12 Months	Avg Duration (days) 12 Months (complete and incomplete)
			Received	Completed							
Building Enquiry - General Info/Admin etc	117	21	26	13	109	0	5	● 1.08	● 13.43	● 12.82	5.18
Other Building Compliant Issue	71	6	6	0	71	0	1	● 0.00	● 25.89	● 24.33	10.09
Planning Compliance Request/Enquiry	79	19	22	11	70	0	45	● 3.55	● 12.41	● 18.16	13.60
Duty Planner (New Enquiry)	8	4	96	92	8	1	1	● 0.42	● 1.44	● 0.94	0.94
Telephone Enquiry (Existing Application/Call Back)	7	5	24	21	5	0	1	● 0.43	● 0.66	● 0.67	1.37
Plumbing Issues General	19	5	14	12	16	0	5	● 1.92	● 5.27	● 8.70	6.26

Comments & Additional Information

2. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS INCLUDING SAFETY, RISK AND OTHER LEGISLATIVE MATTERS

Safety Statistics

The safety statistics for the reporting period are:

	FIRST QUARTER		
	Mar	Apr	May
Number of Lost Time Injuries	0	0	0
Number of Days Lost Due to Injury	0	0	0
Total Number of Incidents Reported	0	1	0
Number of Incomplete Hazard Inspections	0	0	1

Risk Management Summary

Example from Section Risk Register (excludes risks accepted/ALARP)

Please Note: The risks listed below are ‘what if’ scenarios and do not necessarily reflect what has occurred.

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	Very High	Develop strategies to address threat, train existing staff to address, and hire staff with required skill sets. Educate community, develop strategic partnerships, and identify external resources.	31/12/15		
Changes to State law that reduce revenues for essential Council services, e.g. Development Assessment will result in less capacity to provide planning services, requiring supplemental funding from other sources, e.g. increased rates.	High 4	Monitor and respond when and as appropriate	N/A		

Potential Risk	Current Risk Rating	Future Control & Risk Treatment Plans	Due Date	% Completed	Comments
Failure to collect revenue results in fewer funds available and lack of confidence in Council business practices.	High 5	Process and workflow to address has been developed and approved by Council.	31/12/15		
Continuing changes to state legislation and regulatory requirements on Council increase the risk of Council not being able to fully comply with all requirements. Consequences include possible fines, further limitations on Council functions, failure to provide essential resources to enable Council to achieve regional development objectives.	Moderate 5	Respond as events occur and provide submissions to articulate impacts on RRC operations	N/A		
Failure to manage hazard conditions and negative impacts on environmental resources will result in increased property damage and loss of environmental functionality and aesthetic amenity which will damage the reputation of Council for management of these services, as well as possible lawsuits for property damage.	Moderate 5	Have incorporated relevant measures in proposed Planning Scheme. Provided information to citizens and Councillors re purpose for inclusion and impacts.	31/12/15		

Legislative Compliance & Standards

Legislative Compliance Matter	Due Date	% Completed	Comments
Outdated employee immunisations, tickets, and/or licenses	Various	62%	
Outdated legislative compliance mandatory training and/or qualifications	Various	4.76%	20 Staff are in the process of actioning 'May 2016' Cracking the Code
Overdue performance reviews	Various	100%	

3. ACHIEVEMENT OF CAPITAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

No capital projects are relevant to the Planning Section.

4. ACHIEVEMENT OF OPERATIONAL PROJECTS WITHIN ADOPTED BUDGET AND APPROVED TIMEFRAME

Project	Revised Budget	Actual (incl. committals)	% budget expended	Explanation
<i>Rockhampton Regional Planning Scheme</i>	N/A	N/A	N/A	<i>This project is a large operational plan that spans over several years</i>

5. DELIVERY OF SERVICES AND ACTIVITIES IN ACCORDANCE WITH COUNCIL'S ADOPTED SERVICE LEVELS

Service Delivery Standard	Target	Current Performance
Development Assessment		
Applications received:	17	
Applications decided:	27	
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Information requests (where required) sent out within timeframes required under SPA	100%	100%
Decisions are made within 20 business day timeframe once decision stage commences (or extended timeframe permitted under SPA)	100%	100%
Decision notices are issued within 5 business days of the decision being made	100%	96%
Building		
Applications received:	27	
Applications decided:	20	
Building Approvals - Decisions are made within 20 business day timeframe	100%	75%
Plumbing		
Applications received:	26	
Applications decided:	29	
Compliance request are decided within 20 business day timeframe	100%	96%

FINANCIAL MATTERS

	Adopted Budget \$	Revised Budget \$	EOM Commitments \$	YTD Actual \$	Commit + Actual \$
REGIONAL SERVICES					
DEVELOPMENT & BUILDING					
<i>Development Assessment</i>					
Revenues	(1,755,500)	(676,750)	0	(731,563)	(731,563)
Expenses	1,620,559	1,597,199	63,632	1,337,220	1,400,852
Transfer / Overhead Allocation	35,000	35,000	0	22,061	22,061
Total Unit: Development Assessment	(99,941)	955,449	63,632	627,718	691,351
<i>Building Compliance</i>					
Revenues	(825,000)	(745,000)	0	(678,858)	(678,858)
Expenses	930,368	901,567	5,304	694,864	700,168
Transfer / Overhead Allocation	(102,342)	(109,469)	4,059	(98,966)	(94,907)
Total Unit: Building Compliance	3,026	47,097	9,363	(82,960)	(73,597)
<i>Development & Building Management</i>					
Expenses	385,243	383,493	11,203	320,439	331,642
Total Unit: Development & Building Management	385,243	383,493	11,203	320,439	331,642
Total Section: DEVELOPMENT & BUILDING	288,328	1,386,040	84,198	865,197	949,395
Total Department: REGIONAL SERVICES	288,328	1,386,040	84,198	865,197	949,395
Grand Total:	288,328	1,386,040	84,198	865,197	949,395

8.3 REEF GUARDIAN COUNCIL - GREAT BARRIER REEF MARINE PARK AUTHORITY

File No: 10928
Attachments: 1. MoU for Reef Guardian Council
2. Reef Guardian Action Plan 2016/2017
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Robert Holmes - General Manager Regional Services

SUMMARY

The Reef Guardian Councils' Programme promotes Great Barrier Reef protection through education, information sharing and involvement in on-ground actions. Rockhampton Regional Council has been a member of the Reef Guardian Councils since 2010 and has previously developed and implemented Action Plans, since being a member. The Action Plan for 2016/2017 has been developed and will incorporate a number of existing activities from the previous year plus a number of new activities. Approval is sought from Council to continue membership of the Reef Guardian Councils' Programme and also for the Reef Guardian Councils' Action Plan 2016/2017.

OFFICER'S RECOMMENDATION

1. THAT Council enter the Memorandum of Understanding to continue with the Reef Guardian Councils' Programme; and
2. THAT the Reef Guardian Councils' Action Plan for the 2016/2017 year be endorsed.

BACKGROUND

The Reef Guardian Council Program has been developed as a vehicle for engendering community change to promote Great Barrier Reef protection through education, information sharing and involvement in on-the-ground actions.

Council is currently part of the Reef Guardian Council network; however, the Memorandum of Understanding between the Great Barrier Reef Marine Park Authority (GBRMPA) and the council is required to be renewed following the local government election. This Memorandum will commence from the date of execution of the Memorandum by the last party and will terminate within 60 days from the finalisation of an election process that decides the composition of the Council or 30 days from the date upon which written notice is provided by one party to the other party that the Memorandum is terminated.

Through the Reef Guardian Council Program, the Council and community can look at opportunities that:

- strengthen local economies
- promote of councils' environmental efforts
- exposure to new and innovative ideas from other communities
- improved environment and beautification of living space (eg. better water, more trees)
- leverage for external endorsement, promotion, funding and/or marketing.

Attached is the MoU for 2016 - 2020 term (Attachment 1).

COMMENTARY

The Action Plan 2016/2017 contains actions Council will undertake during the financial year and was based upon existing projects that will continue and new actions that can easily be undertaken with available resources.

A majority of the actions contained in the previous Action Plan will continue through to 2016/2017. The following provides a summary of some of these activities:

Vegetation Management - Develop and implement a program to reduce weeds and revegetate Council land with native plants, particular focus on waterways; Roadside vegetation assessment and management through Nature Conservation Act and Vegetation Management Act permit requirements.

Land Use Planning - The new Planning Scheme adopted in August 2015 and incorporated conservation values; identification and protection of waterways, wetlands and riparian vegetation, including relevant strategies; mapped Acid Sulphate Soils in the region.

Erosion Management - Ensuring quality certified site erosion management plans are submitted with development applications; Ensuring Council's sediment and erosion control guidelines incorporate current best practice and identify areas for improvement

The use of recycled water for irrigating public spaces and other areas.

Demonstration of reduction in outflows to River and Reef – also further reduction in nutrients etc. Negotiations to be continued with interested parties for beneficial re-use. Recycled water pipeline from Gracemere STP to Rockhampton Golf Club to be completed.

Urban Waste Infrastructure - The Waste Transfer Station at the Lakes Creek Road Landfill was opened for use in January 2016 minimising safety and environmental issues through providing for a better managed tip face with tighter controls on waste and litter management. Currently investigating opportunities for a sorting facility on one side of the WTS to minimise waste to landfill.

Rural Waste Infrastructure - Review of Waste Management Facilities, including services and locations

Sewer Main Upgrades and Refurbishment - Relining and associated works, refurbishment and design and augmentation and duplication of sewer mains throughout the region.

Sewerage Treatment Plant upgrade - Upgrade of sewerage treatment plants across the region.

Piggy Back Landfill - Development of landfill cells on top of current landfill (piggy back) will commence with an extension of useable life of existing facility by 20/25 years.

Source reduction project - RRC will work collaboratively with Fitzroy Basin Association with a view to reducing pollution in the Lower Fitzroy River catchment and subsequently to the Reef.

Fleet Management - Includes a policy which addresses the reduction of co2 emissions and the offset of unavoidable emissions from Council vehicles. This incorporates the use of hybrid and diesel powered cars.

Depots - Depots all have Environmental Management Plans that include stormwater management, wash bay contaminant & sediment controls and waste management.

For further details of all actions contained in this financial year's Action Plan, please refer to the Action Plan 2016/2017 document (Attachment 2).

BUDGET IMPLICATIONS

There will be no additional budget on top of already allocated budgets for each project.

LEGISLATIVE CONTEXT

There are no legislative consequences arising from this report.

LEGAL IMPLICATIONS

There are no known legal implications that arise from this report.

CONCLUSION

The Reef Guardian Councils' Action Plan for 2016/2017 has been developed, which further consolidates Rockhampton Regional Council's membership of the Programme and its effort towards the protection of the Great Barrier Reef. It is recommended to continue Council's membership of the Reef Guardian Councils' Programme and also recommended to endorse the Reef Guardian Councils' Action Plan for 2016/2017.

**REEF GUARDIAN COUNCIL - GREAT
BARRIER REEF MARINE PARK
AUTHORITY**

MoU for Reef Guardian Council

Meeting Date: 21 June 2016

Attachment No: 1



Australian Government
Great Barrier Reef
Marine Park Authority



Reef Guardian Council Program Memorandum of Understanding 2016–2020

Between the Great Barrier Reef Marine Park Authority and Rockhampton Regional Council



Date

This Memorandum is made between the following parties:

The Commonwealth of Australia acting through the Great Barrier Reef Marine Park Authority (GBRMPA)

and

The Rockhampton Regional Council (the Council)

Context

This Memorandum is made in the following context:

- A. GBRMPA is responsible for the management of the Great Barrier Reef Marine Park pursuant to section 7(1B) of the *Great Barrier Reef Marine Park Act 1975*.
- B. GBRMPA has developed the Reef Guardian Council Program as a vehicle for engendering community change to promote the protection, restoration and management of the Great Barrier Reef through education, information sharing and active involvement.
- C. GBRMPA has requested that the Council co-operate to achieve the objectives of the Program. The Council has agreed to co-operate with GBRMPA to achieve the objectives of the Program in accordance with the provisions of this Memorandum.
- D. This Memorandum is not intended to create legally enforceable obligations between GBRMPA and the Council, except for the provisions of clause 11 (Promotional Material and Intellectual Property) and the Licence at Schedule B to this Memorandum.

Operative Provisions

The parties agree as follows:

1. Definitions and Interpretation

1.1 Definitions

Act means the *Great Barrier Reef Marine Park Act 1975*.

Action Plan means the Action Plan prepared by the Council in accordance with clause 8 of this Memorandum using the template at Schedule A to this Memorandum.

Council means the Rockhampton Regional Council.

2

Coastal Ecosystems means inshore, coastal and adjacent catchment ecosystems that connect the land and sea and have the potential to influence the health and resilience of the Great Barrier Reef.

GBRMPA means the Great Barrier Reef Marine Park Authority on behalf of the Commonwealth of Australia.

Highlights Report means the report by the Council in accordance with clause 7.1 of this Memorandum focusing on the progress of key projects identified in the Action Plan.

Licence means the Non Exclusive Deed of Licence to use the Reef Guardian Council Trademark attached at Schedule B to this Memorandum.

Local Government means a local government established under the *Local Government Act 2009* (QLD).

Marine Park means the Great Barrier Reef Marine Park.

Memorandum means this Memorandum of Understanding and any Schedules.

Program means the Reef Guardian Council Program.

Reef 2050 Long-term Sustainability Plan means the overarching framework for protecting and managing the Great Barrier Reef from 2015 to 2050. The Plan is a key component of the Australian Government's response to the recommendations of the UNESCO World Heritage Committee.

Reef Guardian Council Brand means the name, Trademark and design scheme of the Program which represents the Program's implicit values, ideas and integrity.

Reef Guardian Council Operational Team means the Reef Guardian Council Operational Team formed in accordance with clause 5.1, or an existing Council sub-committee which meets the criteria outlined in clause 5.1.

Reef Guardian School means a school that participates in the Reef Guardian Schools Program.

Reef Guardian Schools Program means the action-based school program developed by the GBRMPA to encourage behavioural change to protect the Marine Park.

Reef Guardian Council Steering Committee means a meeting of Mayors and CEOs convened by GBRMPA at least once a year to discuss shared issues and provide overall direction for the Program.

Reef Guardian Council Trademark means the Trademark which appears at Attachment 1 to the Licence.

Reef Guardian Council Working Group means a meeting of Council officers which is convened by GBRMPA at least once a year to share best practices, build capacity and discuss operational matters to be raised at the Steering Committee.

Secure Portal Website means the secure portal platform provided by GBRMPA for use by Reef Guardian Councils for the purpose of sharing information.

1.2 Interpretation

In this Agreement, unless the contrary intention appears:

- a) words importing a gender include any other gender;
- b) words in the singular include the plural and words in the plural include the singular;
- c) clause headings are for convenient reference only and have no effect in limiting or extending the language or provisions to which they refer;
- d) words importing a person includes a partnership and a body whether corporate or otherwise;
- e) a reference to dollars is a reference to Australian dollars;
- f) if any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- g) a reference to a contract, agreement, arrangement or understanding entered into by GBRMPA is a reference to such contract, agreement, arrangement or understanding being entered into by GBRMPA on behalf of the Commonwealth of Australia;
- h) a reference to real or personal property held by GBRMPA is a reference to real or personal property held for and on behalf of the Commonwealth of Australia;
- i) a reference to money received by GBRMPA is a reference to money received for and on behalf of the Commonwealth of Australia; and
- j) a reference to a financial liability of GBRMPA is a reference to a financial liability of the Commonwealth of Australia.

2. Goal of the Reef Guardian Council Program

2.1 For the purposes of this Memorandum, natural resource management is concerned with the protection, restoration and enhancement of the environmental values and functions of coastal ecosystems in the Great Barrier Reef catchment for human purposes to obtain:

- a) healthy functioning coastal ecosystems in the Great Barrier Reef catchment in which the ecological function integrity of soils, water, flora and fauna is maintained or enhanced wherever possible;

- b) innovative and competitive industries that make use of natural resources, within their capability, to generate wealth for social and economic well-being; and
 - c) self-sustaining, proactive communities that are committed to the ecologically sustainable management of natural resources in their region.
- 2.2 The goal of the Program is to achieve better environmental outcomes for the Great Barrier Reef through Local Government actions in natural resource management and improvements in Local Government and community capacity.

3. Objectives of the Reef Guardian Council Program

- 3.1 The objectives of the Program are:
- a) to recognise and promote Local Government actions in natural resource management, and facilitate information sharing and exchange to improve Local Governments' capacity to achieve better environmental outcomes for the Great Barrier Reef; and
 - b) to develop a mutually beneficial partnership between GBRMPA and Local Government bodies; and
 - c) to recognise and foster environmental stewardship for the Great Barrier Reef from Local Governments and the general community; and
 - d) to raise awareness and encourage 'best management practice' in Local Government activities, while recognising that effective protection and management of the Great Barrier Reef requires partnerships at all levels of government and the community.

4. Responsibilities of GBRMPA

- 4.1 GBRMPA will:
- a) consult the Council in any development, review and amendment of the Program;
 - b) convene meetings of the Reef Guardian Council Working Group and the Reef Guardian Council Steering Committee at least once each year.
 - c) promote the Reef Guardian Council Brand;
 - d) actively promote the Council's activities listed in the Action Plan with particular emphasis on the role of these activities in helping to protect the Great Barrier Reef;
 - e) where relevant and practical, advocate the actions as highlighted in the Action Plan by:
 - (i) using its networks and influence to promote the Council's activities listed in the Action Plan; and

- (ii) if requested, provide assistance to the Council in compiling project proposals or making funding applications where the proposal or funding is relevant to, or will provide a benefit to, the Program;
- f) manage the Secure Portal Website to facilitate communication and sharing of ideas between all Reef Guardian Councils and GBRMPA; and
- g) supply the Council with a Highlights Report template to enable Council staff to report progress against the Action Plan in accordance with clause 5.1(a)(vii).

5. Responsibilities of the Council

5.1 The Council will:

- a) use its best endeavours to achieve the operational objectives through the guiding principles detailed in clause 9, by:
 - (i) attending meetings of the Reef Guardian Council Steering Committee and Reef Guardian Council Working Group;
 - (ii) forming a Reef Guardian Council Operational Team within the Council or utilising an existing Council institutional arrangement or structure with appropriate membership to implement the operational aspects of the Reef Guardian Council Program;
 - (iii) through these arrangements and in consultation with GBRMPA, developing and maintaining an Action Plan in the form outlined in Schedule A that is consistent with the Reef 2050 Long-term Sustainability Plan, and is provided to GBRMPA within the timeframes in clause 8;
 - (iv) ensuring that the Program objectives are reflected in the Council's business, and integrated into the Council's corporate planning process within 12 months of the commencement date or at the end of the term of this Memorandum, whichever is sooner;
 - (v) committing to working with the GBRMPA Communications team and the GBRMPA Stewardship team to identify and develop communication and partnership opportunities;
 - (vi) implementing the actions as listed in the Action Plan; and
 - (vii) providing an annual Highlights Report focusing on the progress of key projects identified in the Action Plan
- b) contribute to the Secure Portal Website to facilitate communication and sharing of ideas between all Reef Guardian Councils and GBRMPA.

6. Mutual Responsibilities

6.1 The GBRMPA and the Council will:

- a) exchange information, ideas and expertise relevant to the Program throughout the term of this Memorandum;
- b) facilitate the exchange of information, ideas and expertise with other Local Government members of the Program;
- c) cooperate in community education, interpretation and awareness raising from the key objectives in the Program;
- d) seek to form partnerships with other Local Government bodies and natural resource management bodies with a view to benefiting the Program;

- e) encourage and foster partnerships between the Council and Reef Guardian Schools, Fishers, Farmers and Graziers that may be in the Council's Local Government area;
- f) report on activities listed in the Action Plan in accordance with clause 7; and
- g) report on the program at the intervals outlined in the Action Plan (Schedule A).

7. Reporting Conditions

- 7.1 The Council will provide GBRMPA with a Highlights Report focusing on the progress of key projects identified in the Action Plan by 30 October each year;
- 7.2 Additional reporting will occur through an agreed arrangement between GBRMPA and the Council, and may include:
 - a) the Program outcomes, achievements and any monitoring results being reported in the Council's 'Annual Report' or 'State of the Environment' reporting;
 - b) the Program outcomes, achievements and any monitoring results being reported in GBRMPA's Annual Report, Great Barrier Reef Marine Park Outlook Report, and other media; and
 - c) a report generated by an independent organisation contracted by GBRMPA or the Council to provide a report on the Program.

8. Timeframes for Action Plan completion

- 8.1 In order to align the Action Plan completion process with Council budget processes and to encourage active participation in the Reef Guardian program, the following time frames will apply:
 - a) The Council will submit the Action Plan to GBRMPA by 30 September each year;
 - b) If the Council has not submitted an Action Plan in accordance with subparagraph 8.1(a), the Program Manager Reef Guardian Councils will follow up with the operational staff from the Council by 15 October;
 - c) If the Council has not submitted the Action Plan by 31 October, GBRMPA will contact the Council CEO. Any correspondence sent to the Council CEO will also be provided to members of the Reef Guardian Council Steering Committee from the Council;
 - d) If the Council does not provide an Action Plan within one month of correspondence being sent to the Council CEO, it will be considered an inactive Reef Guardian Council with a review to follow. This review will consist of exploratory discussions, between the GBRMPA Stewardship team and the Council concerned, to document the causes for the inactivity. These causes will be presented to the Reef Guardian Council Steering Committee for their consideration and recommended actions.

9. The guiding principles to achieve the objectives of the Program

- 9.1 The guiding principles for the objectives as provided in clause 3 include:
- a) ensuring that planning requirements in developed and developing Local Government areas reflect the significant values of the adjacent Great Barrier Reef;
 - b) managing the impacts on coastal and marine ecosystems through the application of management plans to maintain biodiversity and ecosystem integrity;
 - c) influencing and involving the community through active involvement, education and information to promote and facilitate protection of the Great Barrier Reef; and
 - d) maintaining the integrity of the Great Barrier Reef through the monitoring of outcomes of actions to address catchment-based pollution sources.

10. Term

- 10.1 This Memorandum will commence from the date of execution of the Memorandum by the last party and will terminate on the earliest of the following:
- (a) 30 days from the date upon which written notice is provided by one party to the other party that the Memorandum is terminated;
 - (b) on execution of a new Memorandum by the parties; or
 - (c) 180 days from the finalisation of an election process that decides the composition of the Council.

11. Promotional Material and Intellectual Property

- 11.1 All promotional material provided to the Council by GBRMPA in connection with the Program remains the property of GBRMPA. All promotional material must be returned to GBRMPA within 30 days after termination of this Memorandum.
- 11.2 The Council must ensure that the promotional material is used only for the purposes of the Program in accordance with this Memorandum.
- 11.3 All copyright and intellectual property in the Reef Guardian Council Trademark vests in GBRMPA.
- 11.4 GBRMPA will grant to the Council a royalty free non-exclusive licence for the Council to use the Reef Guardian Council Trademark for the purposes of the Program and in accordance with the Licence on the Council's provision of a duly executed Licence to GBRMPA.
- 11.5 The Council must ensure that the Reef Guardian Council Trademark is used strictly in accordance with:
- a) the conditions and restrictions set out in the Licence; and
 - b) any directions provided to the Council by GBRMPA.

12. Approval to Display Information

- 12.1 The Council authorises GBRMPA to post the Action Plan on the Secure Portal Website for the purpose of sharing information between Reef Guardian Councils.
- 12.2 The Council authorises GBRMPA to post the following on the GBRMPA Website:
- a) a hyperlink to the Action Plan; and
 - b) the annual Highlights Report,
- for the purpose of sharing information between the Council and the wider community.

13. Variation

This Memorandum may only be varied by both parties agreeing in writing to any variations.

14. Management of the Reef Guardian Council Program

- 14.1 GBRMPA is responsible for the overall management of the Program.
- 14.2 The Council will manage its role in the Program through the Council's Reef Guardian Council Operational Team or through the institutional structures and arrangements as described in clause 5.1 (a)(ii), that meets the criteria outlined in clause 5.1.
- 14.3 The Council will:
- a) review and update the Action Plan annually;
 - b) assist in the facilitation and management of funds derived from activities listed under the Action Plan;
 - c) liaise with other Local Governments where appropriate in seeking to meet the objectives of the Program, including developing further agreements with other Local Governments to assist in achieving the objectives of the Program;
 - d) ensure that the Memorandum is given appropriate consideration by the Council and that the aims and objectives of the Program are reflected in Council's Corporate Planning processes;
 - e) provide a contact point for schools that participate in the Reef Guardian Schools Program in the Council's Local Government area; and
 - f) provide support and advice to other Local Governments that are participating in the Program.

15. Management of the Reef Guardian Programs

- 15.1 GBRMPA is responsible for the overall management of the Reef Guardian Programs, which include:
- Reef Guardian Councils
 - Reef Guardian Schools

- Reef Guardian Fishers
 - Reef Guardian Farmers and Graziers
- 15.2 GBRMPA and the Council will encourage partnerships between the Council and other Reef Guardian participants in the Council's Local Government area on common elements of the respective participants' action plan; however, any further action plans arising from such partnerships will require the prior approval of GBRMPA.

16. Indemnity

- 16.1 The Council indemnifies GBRMPA from and against any:
- a) cost or liability incurred by GBRMPA;
 - b) loss of or damage to property of GBRMPA; or
 - c) loss or expense incurred by GBRMPA in dealing with any claim against it including legal costs and expenses on a solicitor/own client basis and the cost of time spent, resources used or disbursements paid by GBRMPA,
- arising from either:
- d) a breach by the Council of this Memorandum; or
 - e) an act or omission involving fault on the part of the Council or its personnel in connection with this Memorandum.
- 16.2 The Council's liability to indemnify GBRMPA under clause 16.1 will be reduced proportionately to the extent that any act or omission involving fault on the part of GBRMPA or its personnel contributes to the relevant cost, liability, loss, damage or expense.
- 16.3 The right of GBRMPA to be indemnified under this clause 16 is in addition to, and not exclusive of, any other right, power or remedy provided by law, but GBRMPA is not entitled to be compensated in excess of the amount of the relevant cost, liability, loss, damage or expense.

17. Insurances

17.1 Council must effect and maintain Insurances

Before commencing to carry out its obligations under this Memorandum, the Council must have or take out:

- a) a suitable insurance policy covering the Council against any liability, loss, damage, claim or proceeding whatsoever arising at common law or under any requirement relating to workers compensation as a result of personal injury to, or death of, any person employed by the Council in or about the performance of the services or the obligations of the Council under this Memorandum;

- b) a professional indemnity insurance policy in respect of legal liability arising from a breach of professional duty by reason of any negligent act, error or omission by the Council or any of its employees, agents or contractors. The policy must be for an amount of not less than ten million dollars (\$10,000,000.00) with a reputable insurance company; and
 - c) a public liability policy of insurance of not less than twenty million dollars (\$20,000,000.00) with a reputable insurance company covering the insured in respect of any claim arising from the act or omission of the Council or its personnel.
- 17.2 Clause 17.1 continues in operation for so long as any obligations remain in connection with this Memorandum.

17.3 Inspection and Evidence of Insurance

The Council must, whenever required by GBRMPA, produce to GBRMPA a certificate of currency evidencing compliance with the Council's obligations under clause 17.1.

17.4 Failure to obtain Insurance

If the Council fails to obtain or maintain the insurances required by this Memorandum, GBRMPA may effect the insurances and deduct the cost of effecting that insurance from any moneys that may be or that may become payable to the Council under this Memorandum or may recover that cost as a debt due from the Council.

17.5 Effect of Insurance

The effecting of the insurances in accordance with this clause 17 will not in any way limit the liability or obligations of the Council under this Memorandum.

18. Costs

Each party is responsible for meeting its own costs of and incidental to this Memorandum.

19. Disputes

- 19.1 Where an issue arises between the parties in relation to any matter in this Memorandum, the nominated contact officers will meet to attempt to resolve the issue within 28 days. The nominated contact officers for the purpose of this Memorandum are:

GBRMPA

General Manager of Policy and Stewardship

The Council

The Chief Executive Officer of Council

This Memorandum of Understanding has been executed as a memorandum on the date shown above

SIGNED by the **COMMONWEALTH OF AUSTRALIA** acting through the **GREAT BARRIER REEF MARINE PARK AUTHORITY** by its duly authorised delegate:

.....
Signature of Authorised Delegate

.....
Signature of witness

.....
Full name

.....
Full name

SIGNED for and on behalf of **ROCKHAMPTON REGIONAL COUNCIL** by its duly authorised delegate:

.....
Signature of Authorised Delegate

.....
Signature of witness

.....
Full name

.....
Full name

Schedule A - Council Action Plan Template

Schedule B**Non-Exclusive Deed of Licence of Reef Guardian Council Trademark****1. Parties**

This Deed of Licence datedis made between the following parties:

The Commonwealth of Australia acting through the Great Barrier Reef Marine Park Authority
2-68 Flinders St
PO Box 1379 Townsville, Qld 4810

(GBRMPA)

and

Rockhampton Regional Council
PO Box 1860
Rockhampton, Qld 4700
(the Licensee)

2. Ownership of Copyright and Intellectual Property

GBRMPA is and remains the owner of all copyright and intellectual property in the Reef Guardian Council Trademark ("the Trademark") that appears at Attachment 1 to this Deed.

3. Grant of rights

GBRMPA grants to the Licensee a non-exclusive, non assignable licence to use the Trademark only for the purposes fulfilling its obligations under the Reef Guardian Councils Memorandum of Understanding 2016-2020 between GBRMPA and the Licensee (the Memorandum) and in accordance with the terms of the Memorandum and this Deed and not for any commercial purpose.

4. Licensee's obligations

The non-exclusive licence granted in clause 3 is conditional upon the following:

- a) the Trademark must be reproduced by the Licensee in full without any alterations or additions;
- b) the Trademark must be used in the manner specified by the Director of the GBRMPA Communications and Parliamentary Section or other duly authorised person;

- c) each proposed use, reproduction or copy of the Trademark by the Licensee, must be submitted to the Director of the GBRMPA Communication and Parliamentary Section for its prior approval which may be granted on such conditions as are acceptable to GBRMPA in its sole discretion.

5. Termination due to default

If the Licensee fails to perform or observe any obligation or undertaking under this Deed GBRMPA may terminate the licence by notice in writing to the Licensee. Where such default is capable of being remedied, GBRMPA will not exercise its right of termination unless :

- (a) it has first given notice specifying the default and requiring the Licensee to remedy it within the time (not being less than 7 days) specified in the notice; and
- (b) the Licensee has not remedied the fault within the time allowed.

6. Effect of Termination or expiry of the Memorandum

In the event of expiry or termination of the Memorandum, this Deed will also terminate and the Licensee will forthwith cease using the Trademark.

7. Variation

No variation to this Deed is binding unless it is agreed in writing and signed by the parties.

8. Proper Law

This Deed will be construed according to the laws of the State of Queensland and the parties agree to submit to the jurisdiction of the courts of the State of Queensland

SIGNED SEALED AND DELIVERED
by the **Commonwealth of Australia**
acting through the **GREAT BARRIER**
REEF MARINE PARK AUTHORITY by
its duly authorised delegate

.....
Signature of Authorised Delegate

.....
Signature of witness

.....
Full name

.....
Full name

SIGNED SEALED AND DELIVERED
for and on behalf of **Rockhampton**
Regional Council by its duly
authorised delegate

.....
Signature of Authorised Delegate

.....
Signature of witness

.....
Full name

.....
Full name

Attachment 1

The Trademark



A Great Barrier Reef Marine Park Authority Initiative

**REEF GUARDIAN COUNCIL - GREAT
BARRIER REEF MARINE PARK
AUTHORITY**

Reef Guardian Action Plan 2016/2017

Meeting Date: 21 June 2016

Attachment No: 2

Rockhampton Regional Council
Reef Guardian Council Action Plan
2016–2017



Reef Guardian Council program

The Reef Guardian Program is a stewardship program that encourages and supports councils, schools and industries to become actively involved in protecting the Great Barrier Reef.

The Reef Guardian Council program recognises the good environmental work councils are achieving throughout the 42 million hectare Reef catchment.

Whether Reef Guardian Councils and their communities are large or small, they are making continuous improvements to help the Reef.

Action Plans

This Action Plan records the diversity of council actions and projects that contribute to Reef health. It aligns with Queensland and Australian Government objectives to improve the long-term outlook for the Reef.

The Action Plan is a powerful tool for the council to share its Reef management actions with the local community - and the rest of the world.



Milestone Reports

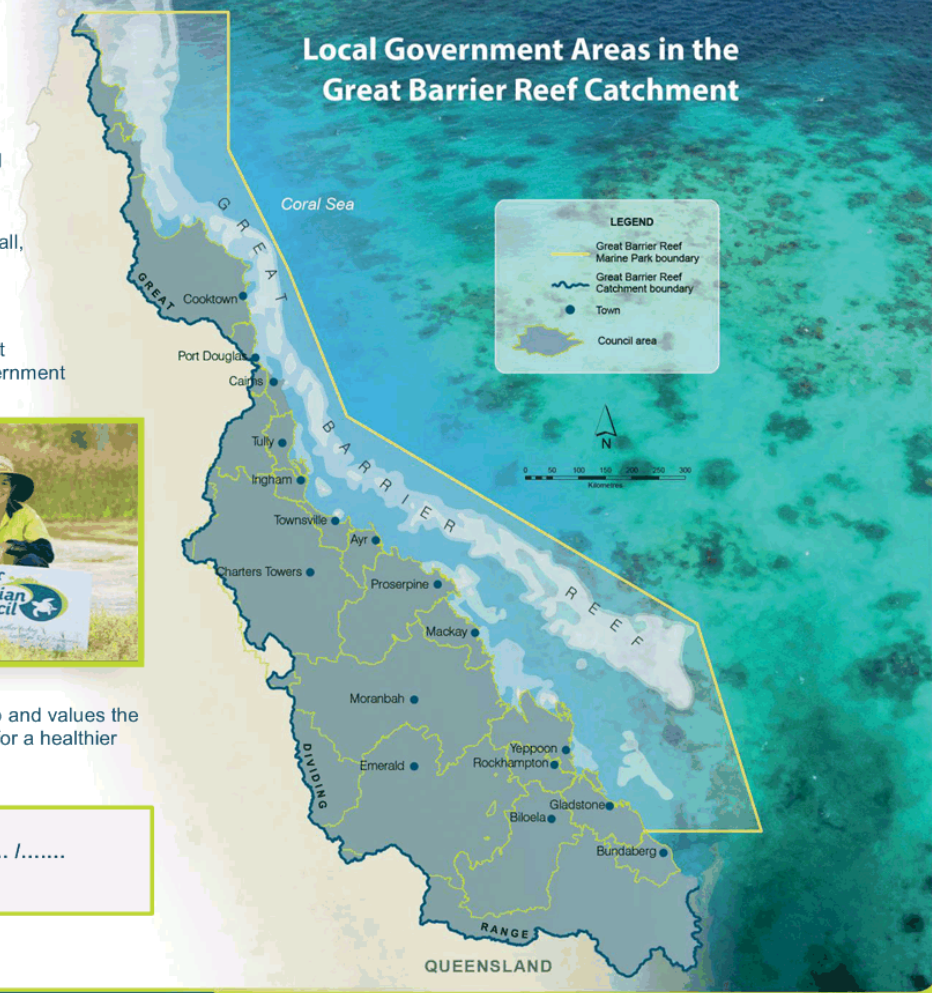
The Action Plan is reviewed and updated annually, and an annual Highlights Report is produced to show the continuous improvements occurring across a range of council activities.

Endorsement

The council recognises the importance of the Reef Guardian partnership and values the contributions made by staff and the community 'working together today for a healthier Reef tomorrow'.

Endorsed: /..... /.....
Council signatory

Local Government Areas in the Great Barrier Reef Catchment



Reef 2050 Objective

The Great Barrier Reef retains its integrity and system functions by maintaining and restoring the connectivity, resilience and condition of marine and coastal ecosystems.

Rockhampton Regional Council

2016–2017

Land Management



What councils can do

Help to restore catchments:

For example:

- Incorporate environmental mapping and priorities in planning schemes and development decisions
- Help to restore landscape and waterway connections and functions
- Use best practices in council and industry developments
- Manage weeds and pests and restore disturbed council land
- Establish beach management plans



Project Name	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Vegetation Management	Develop and implement a program to reduce weeds and revegetate council land with native plants, particular focus on waterways; Roadside vegetation assessment and management through Nature Conservation Act and Vegetation Management Act permit requirements.	RRC Staff in-kind	Department of Environment and Heritage Protection, Community; FBA, FRCC	Communities (Parks)	Priority sites reviewed/renewed annually.
Land Use Planning	The new Planning Scheme was adopted in August 2015 and incorporated conservation values; identification and protection of waterways, wetlands and riparian vegetation, including relevant strategies; mapped Acid Sulphate Soils in the region; Climate Change content review.	RRC Staff in-kind	Department of Infrastructure, Local Government and Planning	Regional Development	
Erosion Management	Ensuring quality certified site erosion management plans are submitted with development applications; Ensuring Council's sediment and erosion control guidelines incorporate current best practice and identify areas for improvement	RRC Staff in-kind		Infrastructure	

Cairns Regional Council
2015 / 2016

Land Management

Ongoing Activities

Project Name	Description	Heading
Pest Management Incentives	Fitzroy Flood Plain Pest Incentives	
Pest Management Biocontrol		

Page 4 of 10

Reef 2050 Objective

The quality of water from all sources including industrial, urban waste and stormwater sources has no detrimental impact on the health and resilience of the Great Barrier Reef.

Rockhampton Regional Council

2016–2017

Water Management

What councils can do

Continuously improve the quality of water entering the reef from wastewater and stormwater sources through urban water cycle initiatives:

- Promote water sensitive urban design in new developments
- Adopt best practice stormwater management
- Monitor and if necessary upgrade sewerage treatment plants
- Provide collection facilities for chemicals, waste oil and other pollutants
- Protect and rehabilitate waterways



Project Name	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
The use of recycled water for irrigating public spaces and other areas.	Demonstration of reduction in outflows to River and reef – also further reduction in nutrients etc. Negotiations to be continued with interested parties for beneficial re-use. Recycled water pipeline from Gracemere STP to Rockhampton Golf Club to be completed.	RRC staff in-kind.		Regional Services	

Ongoing Activities

Project Name	Description	Heading
Fitzroy Partnership for River Health		
Stormwater Management		

Reef 2050 Objective

Education and on-ground actions target the source of marine debris and reduce the volume of debris entering the Great Barrier Reef.

Rockhampton Regional Council

2016–2017

Waste Management

What councils can do

Minimise waste entering the Reef from land-based sources:

- Control litter coming from landfills and public bins
- Introduce waste minimisation programs for Council and community
- Introduce littering and illegal dumping penalties
- Encourage community clean-ups before the wet season
- Install pollution traps on urban waterways



Project Name	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Example Project Name	Description	Council Budget / External Funding	XYZ Organisation	Infrastructure Services	Completed
Urban Waste Infrastructure	The Waste Transfer Station at the Lakes Creek Road Landfill was opened for use in January 2016. It accepts self-haul domestic and commercial waste from the Rockhampton area, including kerbside collections, self-hauled and commercial waste. Waste will then be transferred to the tip face minimising safety and environmental issues through providing for a better managed tip face with tighter controls on waste and litter management. The site includes areas for domestic and commercial recycling as well as an education centre. Currently investigating opportunities for a sorting facility on one side of the WTS to minimise waste to landfill. Also appropriate capping of previously filled landfill cells.	\$540,000 for capping of LCRL and \$170,000 for Gracemere Landfill capping and waste transfer station development.		Regional services	
Rural Waste Infrastructure	Review of Waste Management Facilities, including services and locations. Community consultation has been completed and recommendations made to Council	RRC Staff in-kind for consultation and planning.		Regional Services	
Sewer Main Upgrades	Relining and associated works, refurbishment	RRC \$3,024,000		Regional services	

Waste Management

Cairns Regional Council
2015 / 2016

and Refurbishment	and design and augmentation and duplication of sewer mains throughout the region. As per Strategic Asset Management Plan				
Sewerage Treatment Plant upgrade	Upgrade of sewerage treatment plants across the region. As per Strategic Asset Management Plan.	RRC \$3,765,000		Regional Services	
Piggy Back Landfill	Development of landfill cells on top of current landfill (piggy back) will commence with an extension of useable life of existing facility by 20/25 years.	RCC \$100,000		Regional Services	

Ongoing Activities

Project Name	Description	Heading

Reef 2050 Objective

Local, regional and Reef-wide community benefits are understood and the community is actively engaged in managing Reef activities.

Rockhampton Regional Council

2016–2017

Community

What councils can do

Celebrate community connections to the Reef and encourage stewardship:

- Introduce education campaigns to reduce impacts on the Reef
- Build community capacity to tackle threats to the Reef
- Form partnerships to achieve ongoing improvements to Reef health




Project Name	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Source reduction project	RRC will work collaboratively with Fitzroy Basin Association with a view to reducing pollution in the Lower Fitzroy River catchment and subsequently to the Reef.	RRC staff in-kind	Fitzroy Basin Association.		
	Collaborate with local Rotary club and other relevant agencies involved in Clean Up Australia Day events to promote the importance of healthy rivers	RRC staff in-kind			
	Develop promotional material and small scale marketing campaigns centred on reef health, particularly in lead up to special events such as World Environment Day, Turtle Day, Clean Up Australia Day etc.	RRC staff in-kind			
	Collaborate with Regional water provider Fitzroy River Water to further present strong messages to community. Campaigns could include something like: "From sink to sea", or "Your ripple effects on our environment" ...	RRC staff in-kind			

Ongoing Activities

Cairns Regional Council
2015 / 2016

Community



Project Name	Description	Heading

Page 9 of 10

Objective

Communities adapt and respond to a changing climate by taking action to avoid impacts on the Great Barrier Reef and coastal ecosystems.

Rockhampton Regional Council

2016–2017

Climate Change

What councils can do

Help communities to mitigate and adapt to the impacts of a changing climate:

- Assess council and community risk and vulnerability due to a changing climate
- Prepare for and respond to climate change through planning and policies
- Introduce sustainability principles to council procurement
- Encourage efficient use of energy by council and community



Project Name	Description	Financial/Resource Commitment	Partnerships	Responsible department/position	Project Status
Fleet Management	Includes a policy which addresses the reduction of co2 emissions and the offset of unavoidable emissions from Council vehicles. This incorporates the use of Hybrid and diesel powered cars.	RR Council \$4,470,000		Fleet Services	Ongoing
Depots	Depots all have Environmental Management Plans that include stormwater management, wash bay contaminant & sediment controls and waste management.	RRC \$15000/ annum on maintenance actions		Facilities and operational sections.	

Ongoing Activities

Project Name	Description	Heading
Install public place recycling facilities where appropriate and at events upon request.		
Environmental Levy		

8.4 D/80-2016 - REQUEST FOR APPLICATION OF SUPERSEDED PLANNING SCHEME FOR A STORAGE SHED

File No: D/80-2016

Attachments: 1. Locality Plan
2. Proposal Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Anton de Klerk - Planning Officer

SUMMARY

Application Number: D/80-2016

Applicant: Narelle Adams

Real Property Address: Lot 54 on RP601383, Parish of Gavial

Common Property Address: Lot 54 Bowlin Road, Port Curtis

Area of site: 5,974 square metres

Superseded Planning Scheme: Fitzroy Shire Planning Scheme 2005

Superseded Zone: Rural Zone – Historically Subdivided Area

Superseded Overlays: Nil

Existing Development: Vacant

Existing Approval: Nil

Nature of Request: To accept a development application for development that is prohibited development under the planning scheme and was assessable development under a superseded planning scheme; and assess and decide the application under the superseded planning scheme.

Application Progress:

<i>Application Lodged:</i>	31 May 2016
<i>Planning and Regulatory Committee Meeting:</i>	21 June 2016
<i>Council Meeting:</i>	28 June 2016
<i>Statutory due determination date:</i>	13 July 2016

OFFICER'S RECOMMENDATION

THAT in relation to the Request for Application of a Superseded Planning Scheme, made by Narelle Adams on Lot 54 on RP601383, Parish of Gavial, located at Lot 54 Bowlin Road, Port Curtis, Council resolves to refuse the request for the following reasons:

- 1) The current *Rockhampton Region Planning Scheme 2015* changed the zone to Limited Development Zone. There was no request made to the Strategic Planning department regarding this lot during the public consultation period of the scheme.
- 2) The current scheme changes the level of assessment of the application to impact assessable.
- 3) The current zone limits development in this zone due to the severe flooding impacts.
- 4) There is no connection made between a rural use on the land and the proposed shed.

BACKGROUND**DESCRIPTION OF PROPOSED DEVELOPMENT**

The proposal is for a storage shed with a floor area of approximately fifty-four (54) square metres (measuring nine (9) metres by six (6) metres). The shed will be located on the northern side of the lot. The lot is currently vacant and not subject to any compliance investigation.

PLANNING ASSESSMENT**TOWN PLANNING COMMENTS****Fitzroy Shire Planning Scheme**

Definition:	Rural Use Class (Building Works)
Zone/ Area:	Rural Zone – Historically Subdivided Area
Level of Assessment:	Exempt
Overlays:	Nil

Rockhampton Region Planning Scheme 2015

Definition:	Warehouse/Undefined
Zone/ Area:	Limited Development Zone
Level of Assessment:	Impact
Overlays:	Extreme Flood Hazard

Development Assessment Comments:

An audit was undertaken by Council's Compliance Section to determine which structures were constructed on properties on Bowlin Road prior to the commencement of the *Rockhampton Region Planning Scheme 2015*; eleven (11) Class 10 structures were found. A departmental decision was made that any application to apply under the superseded planning scheme for these existing structures would be supported as they were exempt under the superseded Planning Scheme. However, no new development on these lots would be supported due to the severe flooding impacts.

Furthermore, the application material does not indicate that the shed will be used in relation to a rural pursuit occurring on the property. A site visit on 16 May 2016 concluded that there was no rural activity occurring on any of the sites located within the historic subdivision area.

Strategic Planning Comments:

The subject site is zoned limited development. The purpose of this zone is to identify land that is significantly affected by one or more development constraints. In the *Rockhampton Region Planning Scheme 2015*, the allotment is impacted by riverine flood overlay mapping which indicates predominantly high and extreme flood hazard levels with a smaller portion of medium flood hazard level almost central to the allotment. Under the *Rockhampton Region Planning Scheme 2015*, new buildings or structures are not supported in high and extreme flood hazard areas. The strategic framework clearly indicates that development is avoided in high and extreme flood hazard riverine areas.

The Fitzroy River flood modelling was updated in 2014 to include the infrastructure upgrades to Yeppen North and South. The study area was extended to incorporate most of Port Curtis, including the subject lot. It is part of state interest requirements and the recommendation of the Queensland Flood Commissions of Inquiry that the latest available flood hazard mapping is utilised in planning instruments. This mapping was included within the *Rockhampton Region Planning Scheme 2015*.

Development within areas of historic subdivisions is proposed to be limited to small scale rural uses and a limited range of development that does not require urban standards of infrastructure. There is no indication of any rural use being conducted within the historic subdivision area, including the subject site.

When determining whether to approve requests for assessment under a superseded planning scheme, it is important for the intents of forward planning instruments such as the Rockhampton Region Planning Scheme to be considered.

It is recommended that this request be assessed under the superseded planning scheme not be supported for the following reasons:

- it is in conflict with the new planning scheme – strategic framework, zone and overlay codes;
- it is located in a predominantly high to extreme flood hazard area; and
- access during a flood event is cut-off for extended periods of time.

In addition, Council would unlikely be liable for compensation under the *Sustainable Planning Act 2009*, refer section 706 (i):

“compensation is not payable if the change affects development that, had it happened under the superseded planning scheme, would have led to significant risk to persons or property from natural processes (including flooding, land slippage or erosion) and the risk could not have been significantly reduced by conditions attached to a development approval.”

CONCLUSION

Having regard to all of the above, it is recommended Council, from a land use perspective, does not consider the proposed development favourably as it is argued that there are not sufficient grounds to justify the proposed development in this instance.

**D/80-2016 - REQUEST FOR
APPLICATION OF SUPERSEDED
PLANNING SCHEME FOR A STORAGE
SHED**

Locality Plan

Meeting Date: 21 June 2016

Attachment No: 1



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**D/80-2016 - REQUEST FOR
APPLICATION OF SUPERSEDED
PLANNING SCHEME FOR A STORAGE
SHED**

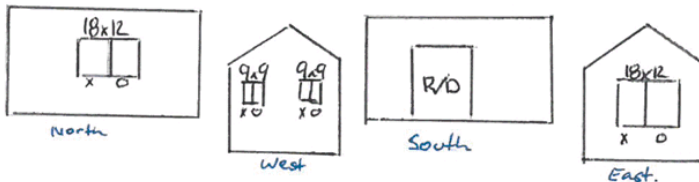
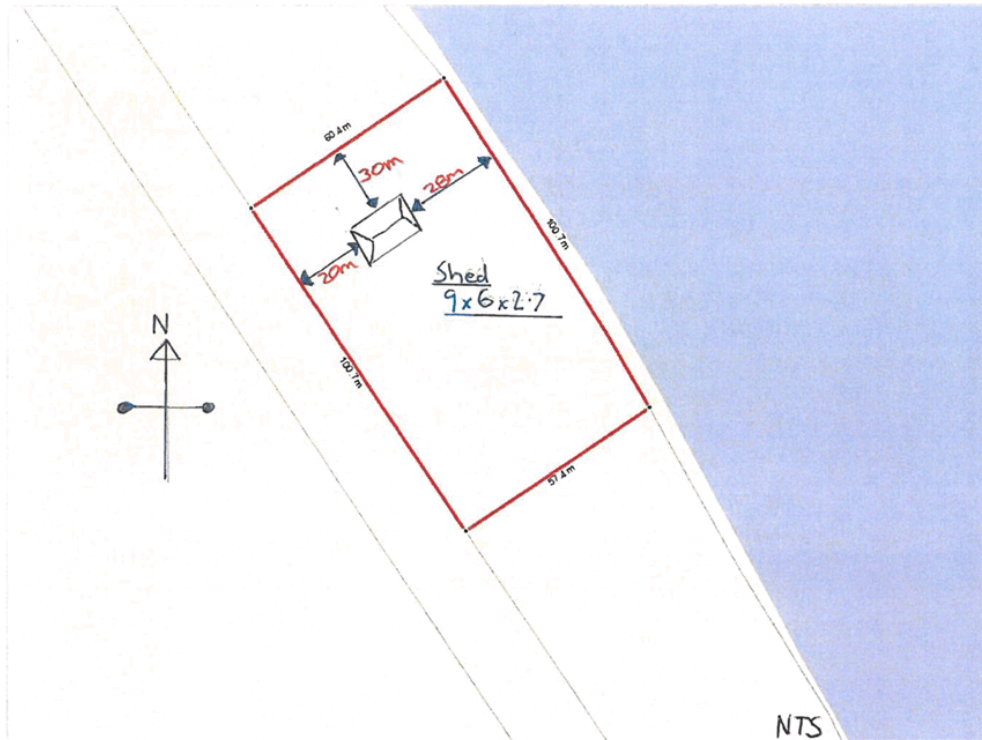
Proposal Plan

Meeting Date: 21 June 2016

Attachment No: 2



0 BOWLIN RD, PORT CURTIS, QLD 4700



Property Details

ID: 23880361 / QLD41249008

UBD Ref: - - -

RPD: L54 RP601383:PAR GAVIAL

Valuation Amount: \$ 25,500

Type: Unimproved

Date: 30/06/2015

Property Type: Vacant Land - Freehold

Valuation Amount: \$ 5,000

Type: Unimproved

Date: 19/11/2014

Area: 5,919 m²

Land Use (1): VACANT - LARGE HOUSESITE Land Use (2): NONE

Area \$/m²: \$5

Council: ROCKHAMPTON REGIONAL

Water/Sewerage:

Features:

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9 NOTICES OF MOTION

Nil

10 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.

11 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.

12.1 Enforcement Proceedings for Development Offences

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

12.2 Enforcement Directions for Development Offences

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

12 CONFIDENTIAL REPORTS

12.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

File No: 8038/4781/8431

Attachments:

1. Locality Plan
2. Court Order and Map
3. Site Photos (1) at 8 June 2016
4. Site Photos (2) at 8 June 2016
5. Instructions to Bailiff

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(f), of the *Local Government Regulation 2012*, as it contains information relating to starting or defending legal proceedings involving the local government.

SUMMARY

This report discusses the progress of enforcement action for a premises in North Rockhampton.

12.2 ENFORCEMENT DIRECTIONS FOR DEVELOPMENT OFFENCES**File No:** 8038 / 4781 / 8431**Attachments:**

1. Locality Plan
2. Site Photos

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services**Author:** Judith Noland - Development Compliance Officer

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

This report discusses an unapproved use of a property at Kabra.

13 CLOSURE OF MEETING