



ORDINARY MEETING

AGENDA

10 NOVEMBER 2015

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 10 November 2015 commencing at 9.00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
5 November 2015

Next Meeting Date: 08.12.15

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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17.1 ART ACQUISITION FOR THE ROCKHAMPTON ART GALLERY
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1 OPENING

The opening prayer will be presented by The Very Reverend Lindsay Howie from St Paul's Anglican Cathedral Parish.

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 13 October 2015

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS**7.1 DEPUTATION - MR ANDREW WILLS, PHN COUNTRY TO COAST**

File No: 8238
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Cindy Green - Executive Support Officer

SUMMARY

Mr Andrew Wills, Area Manager, PHN Country to Coast will be attending the Council Meeting to discuss the new Primary Health Network and the health needs of the Rockhampton Community.

OFFICER'S RECOMMENDATION

THAT the deputation by Mr Andrew Wills from PHN Country to Coast be received.

BACKGROUND

In August Councillor Tony Williams met with Mr Andrew Wills, Area Manager, and Ms Pattie Hudson, Chief Executive Officer of PHN Country to Coast to discuss primary health needs for the Rockhampton community.

An invitation was extended to PHN Country to Coast to attend a meeting of Council to provide more information about their organisation.

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 PARKS AND RECREATION COMMITTEE MEETING - 3 NOVEMBER 2015

RECOMMENDATION

THAT the Minutes of the Parks & Recreation Committee meeting, held on 3 November 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Parks & Recreation Committee, 3 November 2015**9.1.1 DOG OFF-LEASH AREAS**

File No: 7437, 1464
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Catherine Hayes - Manager Community Standards and Compliance
Margaret Barrett - Manager Parks

SUMMARY

This report presents the feasibility of establishing further off leash park options and another agility park, similar to the one at Kershaw Gardens, as requested by Council.

COMMITTEE RECOMMENDATION

THAT Council receives the Dog Off-Leash Areas report for their information and review.

Recommendation of the Parks & Recreation Committee, 3 November 2015

9.1.2 PARKS AND OPEN SPACE OPERATIONS REPORT - SEPTEMBER 2015

File No: 1464

Attachments: 1. **Parks and Open Space Operations Report -
September 2015**

Authorising Officer: **Michael Rowe - General Manager Community Services**

Author: **Margaret Barrett - Manager Parks**

SUMMARY

This report provides information on the activities and services of Parks and Open Space Unit for the month of September 2015.

COMMITTEE RECOMMENDATION

THAT the report on the activities and services of Parks and Open Space Unit for September 2015 be received.

9.2 COMMUNITIES COMMITTEE MEETING - 3 NOVEMBER 2015

RECOMMENDATION

THAT the Minutes of the Communities Committee meeting, held on 3 November 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Communities Committee, 3 November 2015**9.2.1 BUSINESS OUTSTANDING TABLE FOR COMMUNITIES COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Communities Committee****Authorising Officer:** Robert Holmes - Acting Chief Executive Officer**Author:** Robert Holmes - Acting 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 Communities Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Communities Committee be received.

Recommendation of the Communities Committee, 3 November 2015**9.2.2 COMMUNITY ASSISTANCE PROGRAM - QUEENSLAND 500CC SOLO CHAMPIONSHIPS**

File No: 7822
Attachments: 1. Event Impact Assessment
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

Council approval sought for sponsorship of Queensland 500cc Solo Championships to be held in Rockhampton on 5th December 2015.

COMMITTEE RECOMMENDATION

THAT Council approve in-kind sponsorship of facility hire of the Rockhampton Showgrounds for the conduct of the Queensland 500cc Solo Championships to be held in Rockhampton on 5th December 2015.

Recommendation of the Communities Committee, 3 November 2015**9.2.3 COMMUNITIES AND FACILITIES MONTHLY OPERATIONAL REPORT**

File No: 1464
Attachments: 1. **Communities and Facilities Monthly Operational Report**
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Cheryl Haughton - Manager Community Services

SUMMARY

This report provides information on the activities of the Communities and Facilities section for the month of September 2015.

COMMITTEE RECOMMENDATION

THAT the report on the activities of the Communities and Facilities section for the month of September be received.

Recommendation of the Communities Committee, 3 November 2015**9.2.4 ARTS AND HERITAGE MONTHLY OPERATIONS REPORT FOR SEPTEMBER 2015**

File No: 1464
Attachments: 1. Arts and Heritage Monthly Operations Report for September 2015
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Peter Owens - Manager Arts and Heritage

SUMMARY

The report provides information on the programs and activities of the Arts and Heritage section for September 2015.

COMMITTEE RECOMMENDATION

THAT the Monthly Operations Report of the Arts and Heritage section for September 2015 be received.

Recommendation of the Communities Committee, 3 November 2015**9.2.5 AUSTRALIA DAY GRANT PROGRAM FOR 2016****File No:** 5095**Attachments:**

1. Application - Rotary Club of Mt Morgan
2. Application - Lions Club of Gracemere

Authorising Officer: Michael Rowe - General Manager Community Services**Author:** Peter Owens - Manager Arts and Heritage

SUMMARY

In 2013 Council resolved to establish an Australia Day Community Grants Program to assist local organisations to coordinate community based Australia Day celebration across the region. Applications for funding to support activities for Australia Day 2016 are now presented for Council approval.

COMMITTEE RECOMMENDATION

THAT Council:

- award a grant of \$3,646 to the Rotary Club of Mt Morgan to assist the group in presenting a community-focused Australia Day celebration in Mt Morgan in 2016;
- award a grant of \$5,000 to the Lions Club of Gracemere to assist the group in presenting a community-focused Australia Day celebration at the Gracemere Community Hall in 2016; and
- award a grant of \$980 to the Upper Ulam Recreation Grounds Inc to assist the group in presenting a community-focused Australia Day celebration at the Upper Ulam Recreation Grounds in 2016.

9.3 HEALTH AND COMPLIANCE COMMITTEE MEETING - 3 NOVEMBER 2015

RECOMMENDATION

THAT the Minutes of the Health & Compliance Committee meeting, held on 3 November 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Health & Compliance Committee, 3 November 2015**9.3.1 MONTHLY OPERATIONS REPORT COMMUNITY STANDARDS AND COMPLIANCE SECTION PERIOD ENDED SEPTEMBER 2015****File No:** 1464**Attachments:**

1. September 2015 Monthly Operations Report
2. Traffic Light Report for September 2015
3. Financial Matters Report for September 2015

Authorising Officer: Michael Rowe - General Manager Community Services**Author:** Catherine Hayes - Manager Community Standards and Compliance

SUMMARY

The monthly Operations Report for Community Standards and Compliance Section as at 30 September 2015 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

THAT the Community Standards and Compliance Monthly Operations Report for September 2015 be 'received'.

9.4 BUSINESS ENTERPRISE COMMITTEE MEETING - 4 NOVEMBER 2015

RECOMMENDATION

THAT the Minutes of the Business Enterprise Committee meeting, held on 4 November 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Business Enterprise Committee, 4 November 2015**9.4.1 BUSINESS OUTSTANDING TABLE FOR BUSINESS ENTERPRISE COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Business Enterprise Committee****Authorising Officer:** Robert Holmes - Acting Chief Executive Officer**Author:** Robert Holmes - Acting 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 Business Enterprise Committee is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Business Enterprise Committee be received.

Recommendation of the Business Enterprise Committee, 4 November 2015**9.4.2 WASTE REDUCTION AND RECYCLING PLAN - REQUEST FOR COUNCILLOR WORKSHOP**

File No: 7927
Attachments: 1. Draft WRRP - Theme - Objectives and Targets
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Craig Dunlison - Manager RRWR

SUMMARY

A draft Waste Reduction and Recycling Plan (WRRP) has been developed in accordance with the requirements of the Waste Reduction and Recycling Act and will provide positive guidance to Council and the community for the future management of their waste until 2024. This report outlines the requirements and is seeking a Councillor workshop to review the draft Waste Reduction and Recycling Plan (WRRP) 2015 – 2024 prior to the compulsory 28 day public display / advertising of the Plan seeking community / stakeholder comments.

COMMITTEE RECOMMENDATION

THAT a Councillor workshop be held as soon as practical to review the draft Waste Reduction and Recycling Plan 2015 – 2024 to enable the Plan to be advertised for public consultation.

Recommendation of the Business Enterprise Committee, 4 November 2015**9.4.3 ROCKHAMPTON REGIONAL WASTE AND RECYCLING OPERATIONAL REPORT FOR PERIOD 1 SEPTEMBER TO 30 SEPTEMBER 2015**

File No: 7927
Attachments: 1. RRWR Operations Report September 2015
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Craig Dunglison - Manager RRWR

SUMMARY

The purpose of this report is to provide Council with an overview of Rockhampton Regional Waste and Recycling (RRWR) for the month of September 2015

COMMITTEE RECOMMENDATION

THAT the RRWR Operations report for the period ended 30 September 2015 be received.

Recommendation of the Business Enterprise Committee, 4 November 2015**9.4.4 CORPORATE SERVICES DEPARTMENT - ROCKHAMPTON AIRPORT -
MONTHLY OPERATIONS AND ANNUAL PERFORMANCE PLAN REPORT****File No:** 7927**Attachments:** 1. **Airport Monthly Operations & Annual
Performance Plan Report****Authorising Officer:** **Evan Pardon - Chief Executive Officer****Author:** **Alicia Cutler - Acting General Manager Corporate
Services**

SUMMARY

The monthly operations and annual performance plan report for the Rockhampton Airport as at 30 September 2015 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Corporate Services Departmental Operations and Annual Performance Plan Report for the Rockhampton Airport as at 30 September 2015 be "received".

THAT a workshop be convened to coincide with the Business Enterprise Committee meeting on 2 December 2015 to discuss the Waste and Recycling Plan, and Airport matters.

Recommendation of the Business Enterprise Committee, 4 November 2015**9.4.5 BAD DEBT WRITE OFF**

File No: 1117
Attachments: Nil
Authorising Officer: Robert Holmes - Acting Chief Executive Officer
Author: Alicia Cutler - Acting General Manager Corporate Services

SUMMARY

Manager presenting report in regards to Bad Debt Write Off due to Company being in Liquidation.

COMMITTEE RECOMMENDATION

THAT Council agrees to write off bad debt of \$13,365 relating to outstanding aeronautical charges accrued by Polet Airlines.

9.5 WATER COMMITTEE MEETING - 4 NOVEMBER 2015

RECOMMENDATION

THAT the Minutes of the Water Committee meeting, held on 4 November 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Water Committee, 4 November 2015**9.5.1 BUSINESS OUTSTANDING TABLE FOR WATER COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Water Committee****Authorising Officer:** Robert Holmes - Acting Chief Executive Officer**Author:** Robert Holmes - Acting 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 Water Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Water Committee be received.

Recommendation of the Water Committee, 4 November 2015**9.5.2 WATER AND SEWERAGE ASSET MANAGEMENT PLANS****File No: 5960****Attachments:**

1. **Asset Management Planning**
2. **Asset Management Plan Water Supply 2015**
3. **Asset Management Plan Sewerage 2015**

Authorising Officer: Robert Holmes - Acting Chief Executive Officer**Author: Alicia Cutler - Acting General Manager Corporate Services**

SUMMARY

Two workshops were held during October to take Council through the detail of the plans however due to conflicting commitments they were not well attended. The Water and Sewerage Asset Plans are now presented to committee for adoption.

COMMITTEE RECOMMENDATION

THAT in accordance with s104 of the Local Government Act 2009, Council adopt the Water Asset Management Plan.

THAT in accordance with s104 of the Local Government Act 2009, Council adopt the Sewerage Asset Management Plan.

Recommendation of the Water Committee, 4 November 2015**9.5.3 FRW MONTHLY OPERATIONS AND ANNUAL PERFORMANCE PLAN AS AT 30 SEPTEMBER 2015****File No:** 1466**Attachments:**

1. **FRW Monthly Operations and Annual Performance as at 30 September 2015**
2. **Customer Service Standards as at 30 September 2015**
3. **Customer Service and Financial Targets as at 30 September 2015**
4. **Non Compliance Comments as at 30 September 2015**

Authorising Officer: Robert Holmes - General Manager Regional Services**Author:** Jason Plumb - Acting Manager Fitzroy River Water

SUMMARY

Fitzroy River Water's performance against financial and non-financial targets and key strategies is reported to Council on a quarterly basis in accordance with the adopted 2014/15 Performance Plan. This report as at 30 September 2015 is presented for the Committee's information.

COMMITTEE RECOMMENDATION

THAT the Fitzroy River Water Monthly Operations Report and Annual Performance Plan quarterly report as at 30 September 2015 be received.

9.6 INFRASTRUCTURE COMMITTEE MEETING - 4 NOVEMBER 2015

RECOMMENDATION

THAT the Minutes of the Infrastructure Committee meeting, held on 4 November 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.1 BUSINESS OUTSTANDING TABLE FOR INFRASTRUCTURE COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Infrastructure Committee****Authorising Officer:** Robert Holmes - Acting Chief Executive Officer**Author:** Robert Holmes - Acting 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 Infrastructure Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Infrastructure Committee be received.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.2 NAMING OF FLOODWAY AT STATION CREEK ON UPPER ULAM ROAD**

File No: 394

Attachments:

1. Asset Naming Request
2. Map of Location of Asset to be Named

Authorising Officer: Robert Holmes - General Manager Regional Services
Martin Crow - Manager Engineering Services
Angus Russell - Coordinator Strategic Infrastructure

Author: Stuart Singer - Technical Officer

SUMMARY

This report seeks to formalise the naming of a floodway and culvert infrastructure at Station Creek, 9.4km along Upper Ulam Road, Bajool.

COMMITTEE RECOMMENDATION

THAT the floodway and culvert infrastructure at Station Creek crossing at 9.4km along Upper Ulam Road be formally named "Kanes Crossing".

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.3 NAMING OF TWO UN-NAMED ROADS 1.9KM AND 5.8KM ALONG OAKEY CREEK ROAD, OAKEY CREEK****File No:** 394**Attachments:**

1. Map location of Roads to be Named
2. Road Naming Submissions (included in Confidential)
3. Assessment criteria and results (included in Confidential)
4. Survey Plans

Authorising Officer: Robert Holmes - General Manager Regional Services
Martin Crow - Manager Engineering Services
Angus Russell - Coordinator Strategic Infrastructure**Author:** Stuart Singer - Technical Officer

SUMMARY

This report recommends the naming of two un-named roads, 1.9km and 5.8km along Oakey Creek Road, Oakey Creek.

COMMITTEE RECOMMENDATION

THAT the un-named road 1.9km along Oakey Creek Road be named 'Halberstater Road' and the un-named road 5.8km along Oakey Creek Road be named 'Hick Road'.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.4 DEAN STREET U-TURN FACILITY AT VALLIS STREET****File No:** 5252**Attachments:**

1. Option 2 Drawings
2. Map of Properties Consulted and Responses
3. Business Owner 1 Survey response
4. Dean Street U-Turn Mitigation Options
5. Summary of U-Turn Mitigation Options
6. Business Owner 2 Survey Response
7. Option 2 Vehicle Turning Paths

Authorising Officer: Martin Crow - Manager Engineering Services
Robert Holmes - General Manager Regional Services**Author:** Angus Russell - Coordinator Strategic Infrastructure

SUMMARY

As part of the recommendations of the Infrastructure Committee Meeting on 8 April 2015, Council resolved to implement a median extension on Dean Street, to mitigate issues associated with U-Turning vehicles. As part of this resolution a final consultation with adjacent business owners and residents was implemented. Details of the results of this consultation are outlined below for the Committee's consideration.

COMMITTEE RECOMMENDATION

THAT Council resolve to implement Option 2, a median extension on Dean Street on the basis that it is the most cost effective solution that achieves the desired traffic safety improvements for the intersection of Dean and Vallis Streets.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.5 VALLIS STREET SAFETY IMPROVEMENTS****File No:** 5252**Attachments:**

1. Vallis Street One Way Option
2. Petition Against One Way Option
3. Vallis Street Option 3 - Configuration
4. Vallis Street Option 3 - Turn Paths
5. Letter from Business Owner
6. Vallis Street Option 3 - U-turn Turn Path

Authorising Officer: Martin Crow - Manager Engineering Services
Robert Holmes - Acting Chief Executive Officer**Author:** Angus Russell - Coordinator Strategic Infrastructure

SUMMARY

In response to representations received by Council regarding the traffic safety issues associated with congestion and unsafe vehicle movements at the intersection of Dean and Vallis Streets, three options have been identified to improve the safety and operation of this street and intersection. Details of each option and the pros and cons associated with each option are outlined for consideration.

COMMITTEE RECOMMENDATION

THAT Council resolve to implement Option 3, prohibition of a right turn movement on Vallis Street on the basis that it is the most cost effective solution that achieves the desired traffic safety improvements for the intersection of Dean and Vallis Streets and on Vallis Street itself.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.6 JOHNSON ROAD (BETWEEN RANGER STREET AND BLAND STREET)
REQUEST FOR STREET LIGHTING**

File No: 383
Attachments: 1. Johnson Road Existing Conditions
2. Johnson Road Proposed Design
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: David Bremert - Manager Civil Operations

SUMMARY

The Gracemere Community Voice has requested (Pathway 392056) additional lighting on the eastern footpath along Johnson Road, between Ranger Street and Bland Street.

Council has investigated the existing street lighting and has recommended an additional two lights be installed.

COMMITTEE RECOMMENDATION

1. THAT the street lighting on Johnson Road between Ranger Street and Bland Street be upgraded as outlined in this report.
2. THAT funds be transferred from the budget allocation in Line 465 Urban Street Lighting Improvement Program – Budget - \$40,000 to Line 303 Urban West Street Lighting Improvement Program.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.7 PRESENTATION OF PETITION - SHELDRAKE ROAD, ALTON DOWNS****File No: 8054****Attachments:**

- 1. Policy to upgrade gravel roads to sealed roads**
- 2. Petition on Sheldrake Road Alton Downs (included in Confidential)**

Authorising Officer: Robert Holmes - Acting Chief Executive Officer**Author: David Bremert - Manager Civil Operations**

SUMMARY

The residents have presented a petition to Council on the condition of Sheldrake Road, Alton Downs. This petition requests that Council determines a permanent solution for the ongoing condition of the road.

COMMITTEE RECOMMENDATION

1. THAT funds be allocated in the 2016/17 Budget to carry out earthworks to improve visibility and safety at the intersection.
2. THAT a traffic count be undertaken on Sheldrake Road to confirm traffic volumes and should the traffic count be above the thresholds in the Council policy, then the sealing of the road be placed on the 2016/17 budget program for consideration.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.8 PRELIMINARY INVESTIGATION - WACKFORD STREET DRAINAGE**

File No: 5783
Attachments: 1. Options Comparison
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Martin Crow - Manager Engineering Services

SUMMARY

A preliminary drainage investigation has been completed into the stormwater drainage issues that are being experienced in Wackford Street, Park Avenue.

COMMITTEE RECOMMENDATION

THAT the residents who were signatories to the Wackford Street petition be provided a project update based on the results of the preliminary investigation and advised of the proposed strategic direction currently being further investigated by Council.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.9 STORMWATER DRAINAGE INVESTIGATIONS UPDATE**

File No: 5783
Attachments: Nil
Authorising Officer: Robert Holmes - Acting Chief Executive Officer
Author: Martin Crow - Manager Engineering Services

SUMMARY

Council officers are providing a brief update on current stormwater drainage and flood management investigations being undertaken.

COMMITTEE RECOMMENDATION

THAT the report entitled Stormwater Drainage Investigations Update be received.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.10 POLICY UPDATE - ROADSIDE MEMORIALS POLICY**

File No: 5250
Attachments: 1. Roadside Memorials Policy
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Robert Holmes - General Manager Regional Services

SUMMARY

An updated Roadside Memorials Policy was put to the Infrastructure Committee for consideration on 4 February 2015. The meeting resolved to not adopt the policy, and requested it be reviewed to be more 'user friendly'. A review has now occurred, and this report seeks Council approval to adopt the Roadside Memorials Policy as attached to the report and rescind the previous Roadside Memorials Procedure.

COMMITTEE RECOMMENDATION

THAT Council adopt the revised Roadside Memorials Policy as attached to this report and rescind the Roadside Memorials Procedure which has been amalgamated into the Policy.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.11 CIVIL OPERATIONS MONTHLY OPERATIONS REPORT - NOVEMBER 2015****File No:** 7028**Attachments:**

1. **Monthly Operations Report - Civil Operations - 30 September 2015**
2. **Works Program - October - November 2015**

Authorising Officer: Robert Holmes - General Manager Regional Services**Author:** Cornelius Claassen - Civil Works Manager

SUMMARY

This report outlines Civil Operations Monthly Operations Report 30 September 2015 (attachment 1), and also Works Program of planned projects for the months October - November 2015.

COMMITTEE RECOMMENDATION

THAT the Civil Operations Monthly Operations Report for November be received.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.12 ENGINEERING SERVICES MONTHLY OPERATIONS REPORT - NOVEMBER 2015**

File No: 7028
Attachments: 1. Monthly Operations Report - Engineering Services - 30 September 2015
Authorising Officer: Robert Holmes - Acting Chief Executive Officer
Author: Martin Crow - Manager Engineering Services

SUMMARY

This report outlines Engineering Services Monthly Operations Report for the period to the end of September 2015.

COMMITTEE RECOMMENDATION

THAT the Engineering Services Monthly Operations Report for November 2015 report be received.

Recommendation of the Infrastructure Committee, 4 November 2015**9.6.13 MARINE INFRASTRUCTURE PLAN AND STRATEGY****File No: 54****Responsible Officer: Robert Holmes – General Manager Regional Services**

SUMMARY

It was reported that following discussions with a range of stakeholders, it was important that an overarching marine plan / strategy with a framework be created that directs:

- *Marine infrastructure (On the Fitzroy River and other appropriate places)*
- *Marketing efforts (In two+ years' time when it is envisaged that Barramundi stocks will rebound)*
- *Businesses development (What businesses could be influenced to develop along/using the Fitzroy River or within our Region)*
- *Improvements in marine ecology*

It was considered that a succinct draft plan be created in-house with some assistance from external stakeholders, with this to be subsequently presented to Council seeking endorsement to undertake full community consultation on the proposed draft plan.

COMMITTEE RECOMMENDATION

That Committee recommends Council proceed with the preparation of a Marine Infrastructure and Development Plan / Strategy.

10 COUNCILLOR/DELEGATE REPORTS**10.1 LEAVE OF ABSENCE FOR COUNCILLOR NEIL FISHER - 13 DECEMBER TO 19 DECEMBER 2015 INCLUSIVE**

File No: 8294
Attachments: Nil
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Megan Careless - Executive Support Officer

SUMMARY

Councillor Neil Fisher is seeking leave of absence from Sunday 13 December 2015 to Saturday 19 December 2015 inclusive.

OFFICER'S RECOMMENDATION

THAT Councillor Fisher be granted leave of absence from Sunday 13 December 2015 to Saturday 19 December 2015 inclusive.

BACKGROUND

Councillor Neil Fisher has advised the Chief Executive Officer that he wishes to take leave of absence from Sunday 13 December 2015 – Saturday 19 December 2015.

11 OFFICERS' REPORTS

11.1 COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

File No: 2562

Attachments:

1. Existing Advice Guidelines for Councillor Requests For Advice To Help A Councillor Make A Decision policy
2. Existing Guidelines For Councillor Requests For Information policy
3. Draft Councillor Acceptable Request Guidelines policy

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Shane Turner - Manager Governance Support

SUMMARY

The Advice Guidelines for Councillor Requests for Advice to Help a Councillor Make a Decision Policy and Guidelines for Councillor Requests for Information Policy have been reviewed. From that review a new policy has been developed and the Councillor Acceptable Requests Guidelines Policy is now presented to Council to be considered for adoption.

OFFICER'S RECOMMENDATION

THAT Council adopt the Councillor Acceptable Request Guidelines Policy.

COMMENTARY

In the process of reviewing Council's policies and procedures it has been identified that changes to the existing policies that provide direction about Councillor requests for information and Councillor requests for advice to assist a Councillor make a decision, are required. Subsequently the Councillor Acceptable Request Guidelines Policy has been developed and is presented to Council for adoption. A subsequent amendment to the Local Government Act 2009 effectively changed who in the Local Government had to develop & approve Advice Guidelines for Councillors on these matters. When originally enacted the requirements under the Local Government Act dictated that the CEO of the Council was to provide this guidance through the creation of a policy on the matter. Subsequent changes to the Local Government Act altered this to mandate that the policy be one that is adopted by a Council resolution. To comply with the Act, the Councillor Acceptable Request Guidelines policy has been developed.

BACKGROUND

The Advice Guidelines for Councillor Requests for Advice to Help a Councillor to Make a Decision policy (Administrative) and the Guidelines for Councillor Requests for Information policy (Statutory) were approved in October 2010. More recent changes to legislation require that an Acceptable Request Guidelines policy (Statutory) be adopted by a resolution of Council and contain information about:

1. The way in which a Councillor may ask a council employee for advice to help the Councillor carry out their responsibilities under the Act and
2. Reasonable limits on requests that a Councillor may make.

LEGAL IMPLICATIONS

Changes made to the Local Government Act have altered the requirements on council Chief Executive Officers in the way in which Councils provided information to Councillors on how they may ask a council employee for advice to assist the Councillor carry out their responsibilities under the Act and reasonable limits on requests that a Councilor may make.

Prior to this change under our Policy Framework these policies could be developed and approved by the Chief Executive Officer. It is now a requirement that policy informing Councillors on these subjects take the form of an Acceptable Request Guidelines policy that is required to be adopted by a resolution of the Council, Section 170A of The Local Government Act 2009.

It is also very important to remember that any information, that is provided to a Councillor to help the Councillor carry out their responsibilities under the act, remains subject to the same “confidentiality” or “in confidence” status that that information held prior to being provided to the Councillor.

Sections 171 & 171A of the Local Government Act 2009 provides advice on Use of Information by Councillors.

STAFFING IMPLICATIONS

Nil

CONCLUSION

The current Advice Guidelines for Councillor Requests for Advice to Help a Councillor to Make a Decision policy and Guidelines for Councillor Requests for Information policy no longer comply with legislation is recommended to replace these policies with the proposed Councillor Acceptable Request Guidelines policy. The outgoing policies have been reviewed and to now be in compliance with the relevant sections of the Local Government Act, the Councillor Acceptable Request Guidelines Policy is presented to Council for consideration and adoption.

COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

Existing Advice Guidelines for Councillor Requests For Advice To Help A Councillor Make A Decision Policy

Meeting Date: 10 November 2015

Attachment No: 1

POLICY NO. POL.A2.7

ADVICE GUIDELINES FOR COUNCILLOR REQUESTS FOR ADVICE TO HELP A COUNCILLOR MAKE A DECISION (ADMINISTRATIVE POLICY)

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PART 1 - PRELIMINARY

1 Introduction and purpose

.1 These advice guidelines have been prepared by the Chief Executive Officer in accordance with section 170A(3) of the *Local Government Act 2009* (**LGA 2009**).

Relevant definitions

.2 'Excluded Decision' means a decision listed in the Schedule to these advice guidelines.

.3 A 'Pre-Council Meeting Advice Session' means a session as described in part 3 of these advice guidelines.

.4 'Local Government Principles' means the local government principles set out at section 4 of the LGA 2009.

To whom are relevant requests for advice directed?

.5 These advice guidelines outline the way in which a Councillor is to ask a local government employee for advice to help the Councillor make a decision.

.6 A Councillor does not need to comply with these guidelines in relation to requests of the Chief Executive Officer to help the Councillor make a decision.

.7 However, if the request is of another local government employee who is not the Chief Executive Officer, the Councillor's request must comply with these advice guidelines.

.8 If a Councillor asks for help or advice from a local government employee other than in accordance with these advice guidelines, the employee must tell the Chief Executive Officer about the request as soon as is practicable.

Purpose of these guidelines

.9 The purpose of these advice guidelines is to provide clarification on:

- (a) the types of decisions not covered by these guidelines;
- (b) how Councillor requests for advice are to be made outside of Pre-Council Meeting Advice Sessions; and
- (c) how Councillor requests for advice are to be made in Pre-Council Meeting Advice Sessions.

.10 These guidelines relate only to requests for advice to help a Councillor make a decision under section 170(3) of the LGA 2009 and not to requests for information by a Councillor under section 170A(5) of the LGA 2009.

.11 Separate Request For Information Guidelines have been developed for the purposes of section 170A(5) of the LGA 2009 in relation to requests of the Chief Executive Officer for information.

2 The role of the Chief Executive Officer as the custodian of Council documents

.1 The Chief Executive Officer has the statutory responsibility under section 13(3)(f) of the LGA 2009 for the safe custody of:

- (a) all records about the proceedings, accounts or transactions of the local government or its committees; and
- (b) all documents owned or held by the local government.

.2 The Chief Executive Officer also has the statutory responsibility under section 13(3)(g) of the LGA 2009 to comply with reasonable requests from Councillors:

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- (a) for advice to help the Councillor to make a decision; or
- (b) for information, that the local government has access to, relating to the local government.

3 Prohibitions on the misuse of information and directions

.1 In determining to ask a local government employee for advice to help them make decisions, it is important that Councillors keep in mind the prohibitions set out at sections 170 and 171 of the LGA 2009.

.2 Section 170 of the LGA 2009 provides as follows:

'170 (1) The mayor may give a direction to the chief executive officer.

Note:

See section 258 for the prohibition on the mayor delegating this power.

(2) However, no other councillor may give a direction to the chief executive officer.

(3) No councillor, including the mayor, may give a direction to any other local government employee.'

.3 Section 171 of the LGA 2009 provides as follows:

'171 (1) A person who is, or has been, a councillor must not use information that was acquired as a councillor to:

(a) gain, directly or indirectly, a financial advantage for the person or someone else; or

(b) cause detriment to the local government.

Maximum penalty – 100 penalty units or two years imprisonment.

(2) Subsection (1) does not apply to information that is lawfully available to the public.

(3) A councillor must not release information that the Council knows, or should reasonably know, is information that is confidential to the local government.

Note:

A contravention of subsection (3) is misconduct that is dealt with by the tribunal.'

PART 2 – COUNCILLOR REQUESTS OF A LOCAL GOVERNMENT EMPLOYEE OUTSIDE OF A PRE-COUNCIL MEETING ADVICE SESSION

4 Application of part

.1 This part applies to a request of a local government employee which is made outside of a Pre-Council Meeting Advice Session for advice to help the Councillor make a decision.

.2 In this part, 'local government employee' does not include:

- (a) the Chief Executive Officer; or
- (b) an administrative officer employed within the Office of the Chief Executive Officer to provide administrative and secretarial support for Councillors.

5 Excluded decisions

.1 The request must not be made in respect of an Excluded Decision.

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6 Making and receiving requests

- .1 The request must:
 - (a) be in writing;
 - (b) outline the nature of the decision to be made for which the Councillor requires advice;
 - (c) specify the local government employee of whom the advice is sought (who may be identified by their position in Council);
 - (d) provide the request to the relevant local government employee; and
 - (e) provide a copy of the request to the Chief Executive Officer.
- .2 A copy of the response received by the Councillor must also be provided to the Chief Executive Officer by the local government employee who provided the response.
- .3 The Chief Executive Officer may provide the copy of the response to all Councillors.

7 Restrictions on the request which can be made and to whom

- .1 The request must not authorise the local government employee to engage a lawyer or other external consultant on Council's behalf to assist in the provision of advice unless authorised by:
 - (a) the Chief Executive Officer;
 - (b) a general manager; or
 - (c) an executive manager that has been authorised by the Chief Executive Officer or a general manager.
- .2 The request may only be made to a local government employee who either has a job title as:
 - (a) general manager; or
 - (b) an executive manager that has been authorised by the Chief Executive Officer or a general manager.
- .3 A request for advice must not be made if:
 - (a) the advice is likely to disclose information to which section 170A(6) of the LGA 2009 applies;
 - (b) a statutory obligation or privilege exists for Council, the Chief Executive Officer or a local government employee and provision of the advice is likely to:
 - (i) result in a breach of the statutory obligation;
 - (ii) waive legal professional privilege; or
 - (iii) incriminate the local government employee; or
 - (c) the advice is likely to disclose confidential or other sensitive information relating to a local government employee.

PART 3 – COUNCILLOR REQUESTS OF A LOCAL GOVERNMENT EMPLOYEE WITHIN A PRE-COUNCIL MEETING ADVICE SESSION

8 Application of part

- .1 This part applies to a request from a Councillor for advice from a local government employee to help a Councillor make a decision in relation to an item on the agenda for an upcoming Council:
- (a) committee meeting; or
 - (b) ordinary meeting.

9 What is a Pre-Council Meeting Advice Session?

- .1 A Pre-Council Meeting Advice Session is not a local government meeting for the purposes of chapter 5, part 2 of the *Local Government (Operations) Regulation 2010*.
- .2 A Pre-Council Meeting Advice Session is chaired by:
- (a) the Chief Executive Officer; or
 - (b) if the Chief Executive Officer is not able to attend, the local government employee nominated by the Chief Executive Officer.
- .3 Ordinarily the Pre-Council Meeting Advice Session is attended by:
- (a) Councillors;
 - (b) the Chief Executive Officer; and
 - (c) general managers and managers.
- .4 However, the Chief Executive Officer can invite other local government employees and external parties (e.g. a lawyer) to attend the Pre-Council Meeting Advice Session if the Chief Executive Officer considers that to be appropriate.
- .5 No decisions are able to be made at a Pre-Council Meeting Advice Session.
- .6 Rather, the Pre-Council Meeting Advice Session is a forum for a Councillor to ask local government employees for advice to help the Councillor make a decision at an upcoming Council committee meeting or ordinary meeting (in respect of an item on the agenda for one of those meetings).

Examples:

- (a) *Councillor X has received a number of telephone calls from residents wishing to oppose an industrial development. Councillor X wants advice from the General Manager of Infrastructure and Planning Services, as to how many properly made submissions opposing the development have been received by Council and whether the development is inconsistent with Council's planning scheme. The advice is to help Councillor X make a decision about whether to vote in favour of or oppose the development at the next committee meeting or ordinary Council meeting at which the matter will be decided.*
- (b) *an agenda item notes that a recommendation has been made to prosecute a resident for a breach of a Council local law. Councillor A wants to know about the prospects of success on the prosecution, likely cost and public interest from the General Manager of Community Services. The advice is to help Councillor A make a decision about whether to support or oppose the prosecution of the resident.*
- (c) *An agenda item notes that a recommendation has been made to sell a resident's premises for overdue rates. Councillor B wants to know what efforts have been*

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made by Council officers to recover the rates to date and seeks advice in this respect from the Strategic Manager of Finance. The advice is to help Councillor B make a decision on whether to support or oppose the sale of the resident's premises for overdue rates.

10 Venue and date for Pre-Council Meeting Advice Sessions

- .1 A Pre-Council Meeting Advice Session will ordinarily occur on the Monday before the relevant committee and ordinary meeting of Council is scheduled, or at another date and time to be determined by the Chief Executive Officer.
- .2 A Pre-Council Meeting Advice Session will ordinarily take place at:
 - (a) the chambers of Council's public office at which the committee meeting or ordinary meeting will occur as per the agenda for those meetings; or
 - (b) at another venue determined by the Chief Executive Officer.
- .3 The date and venue of the Pre-Council Meeting Advice Session will be notified by the Chief Executive Officer to the Councillors (and other invitees) at a time as close as possible to when the agenda for the committee meeting or ordinary meeting is distributed.

11 Pre-Council Meeting Advice Sessions not open to the public

- .1 A Pre-Council Meeting Advice Session is not open to the public.

12 Procedure at a Pre-Council Meeting Advice Session

- .1 The Chief Executive Officer will decide the procedures for the Pre-Council Meeting Advice Session but generally the session will proceed on an informal basis.
- .2 To remove any doubt, the Chief Executive Officer is not bound by the procedures noted below in a Pre-Council Meeting Advice Session and those procedures are only a guide.
- .3 The Chief Executive Officer may give an opening statement at the Pre-Council Meeting Advice Session as he or she sees fit and that statement may include the following:
 - (a) the purpose of the session;
 - (b) the restrictions on decision making and debate at the session;
 - (c) the Chief Executive Officer's role as the chairman;
 - (d) any aspect of these advice guidelines the Chief Executive Officer considers relevant;
 - (e) whether the session will be a closed and confidential session;
 - (f) Councillor adherence to the Local Government Principles during the session; and
 - (g) reminders about statutory obligations as to material personal interest and conflict of interest on agenda items (which may influence whether the Councillor should participate in the session).
- .4 The Chief Executive Officer may consult with any Councillor about the agenda for a committee meeting or ordinary meeting to ascertain whether there are any relevant questions which can be considered by a local government employee in advance of the Pre-Council Meeting Advice Session.

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Order on the agenda

- .5 Generally, requests from a Councillor for advice on an item will proceed on an item by item basis as per the order on the agenda.
- .6 Advice on matters which are not part of the agenda items for a Council committee meeting or ordinary meeting will not proceed at the Pre-Council Meeting Advice Session but can proceed in accordance with part 2 of these advice guidelines.

Procedure for making requests for advice on agenda items

- .7 In making a request for advice on an agenda item, the Councillor must:
 - (a) identify the item on the agenda;
 - (b) identify the local government employee to whom the request for advice is directed; and
 - (c) address the request through the Chief Executive Officer as chairman.
- .8 A request for advice at the Pre-Council Meeting Advice Session must not be made if:
 - (a) the advice is likely to disclose information to which section 170A(6) of the LGA 2009 applies;
 - (b) a statutory obligation or privilege which exists for Council, the Chief Executive Officer or a local government employee and provision of the advice is likely to:
 - (i) result in a breach of the statutory obligation;
 - (ii) waive legal professional privilege; or
 - (iii) incriminate the local government employee; or
 - (c) the advice is likely to disclose confidential or other sensitive information relating to a local government employee.
- .9 Subject to clause 12.8, the local government employee in attendance at the Pre-Council Meeting Advice Session at whom the request for advice is directed, may:
 - (a) provide the advice sought to the best of his or her ability; or
 - (b) seek to provide it at a later time in writing, a copy of which must be provided to the Chief Executive Officer.
- .10 In providing the advice, regard should be had to the Local Government Principles.

Supplementary advice and clarification of advice

- .11 The Councillor who sought the advice may seek supplementary advice and paragraphs 12.7 to 12.10 apply to the supplementary advice sought.
- .12 Any other Councillor may seek clarification on an aspect of the advice sought and paragraphs 12.7 to 12.10 apply to any clarification which is sought.

Discussion on advice given and confidential items

- .13 It is not intended that debate will take place or that any opinions will be offered about the advice given.
- .14 If it appears to the Chief Executive Officer that there has been sufficient discussion on the advice given by the local government employee, the Chief Executive Officer may direct that the Pre-Council Meeting Advice Session proceeds to the next agenda item.
- .15 The Chief Executive Officer may make a ruling either at the start of the Pre-Council Meeting Advice Session or during the course of the session that:

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- (a) the session or part of the session is to be treated as a closed and confidential session; and
 - (b) there should be no disclosure of any matters discussed outside of the closed and confidential session.
- .16 To remove any doubt, if an agenda item is noted to be a confidential item to be considered in closed session at a Council committee meeting or ordinary meeting, any advice sought on that particular agenda item at a Pre-Council Meeting Advice Session must proceed on the basis that the session is a closed and confidential session.
- .17 If the Chief Executive Officer makes a ruling under clause 0, the Chief Executive Officer may remind Councillors of their obligations under section 171 of the LGA 2009 relevant to their conduct outside of the session.
- .18 No minutes will be taken of the Pre-Council Meeting Advice Session.

PART 4 – MISCELLANEOUS

13 Obligations of the Chief Executive Officer

- .1 The Chief Executive Officer will make all reasonable endeavours to comply with a request of the Chief Executive Officer under section 170A(1) of the LGA 2009.

14 Register

- .1 The Chief Executive Officer may keep and maintain a register of all requests for advice to help the Councillor make a decision made:
- (a) of the Chief Executive Officer; and
 - (b) of a local government employee under part 2 of these advice guidelines.
- .2 The register may also include details of:
- (a) any responses to the requests from the Chief Executive Officer; and
 - (b) any responses to the requests from a local government employee.
- .3 Any register kept under this clause is not open for inspection by the public.
- .4 The Chief Executive Officer may note any requests and responses which are to be treated as confidential and record the reasons for doing so in the register.

Evaluation Process:

This Policy is reviewed when any of the following occur:

- The related information is amended or replaced.
- Other circumstances as determined from time to time by the CEO.

Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.

Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Manager, Governance and Innovation
Policy Compliance	Governance and Innovation

Changes to Policy:

This Policy is to remain in force until otherwise determined by the CEO.

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

Schedule

Excluded decisions

Legislation	Details of decisions excluded
Animal Management (Cats and Dogs) Act 2008	All decisions under Chapter 3, Chapter 4 and Chapter 5.
Building Act 1975	<ol style="list-style-type: none"> 1 All decisions relating to assessing and deciding a building and development application under Chapter 4 and the Sustainable Planning Act 2009. 2 All decisions relating to inspection, building classification and the use of buildings under Chapter 5.
Council's Local Laws	All decisions relating to deciding applications for approval, consent, licence, permission or other authority under a local law of Council.
Dangerous Goods Safety Management Regulation 2001	All decisions relating to flammable and combustible liquids under Part 4.
Environmental Protection Act 1994	All decisions associated with actions taken by the administering authority with respect to registration certificates under Chapter 4.
Food Act 2006	All decisions of the local government relating to assessing and deciding applications for licences for food businesses under Chapter 3.
Local Government Act 2009	<ol style="list-style-type: none"> 1 All decisions associated with the making of recommendations to Council by the audit committee under section 105. 2 All decisions of an authorised person and local government worker under Chapter 5, Part 2 and Part 3. 3 All decisions relating to local government employees under Chapter 6, Part 5 (other than those decisions specified in section 196). 4 All decisions associated with Council's processes for resolving administrative action complaints under section 268.
Local Government (Finance, Plans and Reporting) Regulation 2010	All decisions associated with the appointment of a categorisation officer under Chapter 2, Part 5, Division 2.
Local Government (Operations) Regulation 2010	All decisions relating to local government employees under Chapter 5, Part 3.
Plumbing and Drainage Act 2002	All decisions relating to compliance assessment under Part 4.
Public Health (Infection Control for Personal Appearance Services) Act 2003	All decisions of the local government relating to assessing and deciding licences for carrying on a business providing higher risk personal appearance services.
Residential Services (Accreditation) Act 2002	All decisions of the local government under this Act.
Right to Information Act 2009	All decisions of the Chief Executive Officer and agency under this Act.

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Legislation	Details of decisions excluded
Sustainable Planning Act 2009	<ol style="list-style-type: none"> 1 All decisions of the assessment manager associated with deciding whether an application is not a properly made application under Chapter 6, Part 2, Division 1, Subdivision 2. 2 Decisions under sections 305 and 306 relating to the notification stage. 3 All decisions of the assessment manager relating to the changing or withdrawing of development applications under Chapter 6, Part 6. 4 All decisions relating to forming the opinion required of the assessment manager under section 367. 5 Decisions made as assessment manager for the compliance stage under Chapter 6, Part 10. 6 Decisions in response to applications for planning and development certificates under Chapter 9, Part 6.
Transport Operations (Road Use Management) Act 1995	All operational decisions associated with installing or removing official traffic signs.
Water Supply (Safety and Reliability) Act 2008	<ol style="list-style-type: none"> 1 All decisions associated with trade waste approvals under Chapter 2, Part 6. 2 All decisions associated with giving written consent to connecting to, or disconnecting from, the service provider's infrastructure under section 191. 3 All decisions associated with giving written consent to interfering with a service provider's infrastructure under sections 101(1) and 191(2).

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COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

Existing Guidelines For Councillor Requests For Information policy

Meeting Date: 10 November 2015

Attachment No: 2

**GUIDELINES FOR COUNCILLOR REQUESTS FOR
INFORMATION
(STATUTORY POLICY)**

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1 Introduction and purpose

- .1 These guidelines have been prepared by the Chief Executive Officer to assist in streamlining requests by Councillors for access to information relating to the local government area.
- .2 Section 170A(5) of the *Local Government Act 2009 (LGA 2009)* provides as follows:
'170A(5) A councillor may, subject to any limits prescribed under a regulation, request the chief executive officer to provide the councillor with information, that the local government has access to, relating to the local government area.'
- .3 The purpose of these guidelines is to provide:
- (a) clarification on the scope of information which can be the subject of a request to the Chief Executive Officer to provide access to information relating to the local government area;
 - (b) clarification on the types of information which cannot be obtained under section 170A of the LGA 2009;
 - (c) assistance to Councillors on the information which is currently available to them by electronic means and training opportunities to access that information, independently of requests under section 170A(5) of the LGA 2009; and
 - (d) clarification on the process for making requests for information under section 170A(5) of the LGA 2009.
- .4 These guidelines relate only to requests for information under section 170A(5) of the LGA 2009 and not requests for advice to help a Councillor make a decision.
- .5 Separate 'advice guidelines' have been developed for the purpose of section 170A(3) of the LGA 2009 in relation to the way in which a Councillor is to ask a local government employee for advice to help the Councillor made a decision.

2 The role of the Chief Executive Officer as the custodian of Council documents

- .1 The Chief Executive Officer has the statutory responsibility under section 13(3)(f) of the LGA 2009 for the safe custody of:
- (a) all records about the proceedings, accounts or transactions of the local government or its committee; and
 - (b) all documents owned or held by the local government.
- .2 The Chief Executive Officer also has the statutory responsibility under section 13(3)(g) of the LGA 2009 to comply with reasonable requests from Councillors:
- (a) for advice to help the Councillor to make a decision; or
 - (b) for information, that the local government has access to, relating to the local government.
- .3 The Chief Executive Officer must, under section 105 of the *Local Government (Operations) Regulation 2010 (Operations Regulation)* maintain a register of interests of the following persons:
- (a) Councillors;
 - (b) senior contract employees; and
 - (c) a person who is related to a Councillor or senior contract employee.

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- .4 It is not intended that these guidelines will cover access to the register of interests maintained by the Chief Executive Officer (or to the register of interests to be maintained by the Mayor pursuant to section 105(2) of the Operations Regulation) because such access is strictly governed by chapter 5, part 5 of that Regulation.

3 Prohibitions on the misuse of information and directions

- .1 All requests for information under section 170(5) of the LGA 2009 must only be made to the Chief Executive Officer, although the Chief Executive Officer may obtain assistance from other local government employees to respond to the request.

- .2 In determining that information needs to be acquired, it is also important that Councillors keep in mind the prohibitions set out at sections 170 and 171 of the LGA 2009.

- .3 Section 170 of the LGA 2009 provides as follows:

'170 (1) The mayor may give a direction to the chief executive officer.

Note:

See section 258 for the prohibition on the mayor delegating this power.

(2) However, no other councillor may give a direction to the chief executive officer.

(3) No councillor, including the mayor, may give a direction to any other local government employee.'

- .4 Section 171 of the LGA 2009 provides as follows:

'171 (1) A person who is, or has been, a councillor must not use information that was acquired as a councillor to:

(a) gain, directly or indirectly, a financial advantage for the person or someone else; or

(b) cause detriment to the local government.

Maximum penalty – 100 penalty units or two years imprisonment.

(2) Subsection (1) does not apply to information that is lawfully available to the public.

(3) A councillor must not release information that the Councillor knows, or should reasonably know, is information that is confidential to the local government.

Note:

A contravention of subsection (3) is misconduct that is dealt with by the tribunal.'

- .5 A Councillor who obtains access to Council information must continue to conduct themselves in accordance with the:

- (a) local government principles established under section 4(2) of the LGA 2009; and
(b) Councillor's obligations under section 171(1) and (3) of the LGA 2009.

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4 Information which cannot be sought from the Chief Executive Officer under section 170A(5) of the LGA 2009

- .1 Section 170A(6) of the LGA 2009 specifically provides that a request under section 170A(5) of the LGA 2009 does not apply to information:
- (a) that is a record of the regional conduct review panel;
 - (b) if disclosure of the information to the Council would be contrary to an order of the court or tribunal; or
 - (c) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.

- .2 Set out below are examples of matters to which section 170A(6) may apply.

Prohibition of requests for certain information pursuant to section 170A(6)

- .3 A regional conduct review panel established by the Chief Executive of the Department of Infrastructure and Planning may have jurisdiction to investigate 'inappropriate conduct' or 'misconduct' complaints against a Councillor.
- .4 Section 170A(6)(a) of the LGA 2009 specifically notes that requests under section 170A(5) of the LGA 2009 do not apply to a record of a regional conduct review panel.
- .5 In some circumstances a Court or Tribunal may also prevent disclosure of information (e.g. a record of the Local Government Remuneration and Discipline Tribunal) and if that is the case then section 170A(5) of the LGA 2009 cannot be used to obtain that information.
- .6 Council may also receive legal advice from time to time including advice from expert witnesses engaged by a lawyer on Council's behalf.
- .7 To the extent that advice or another legal document is protected by legal professional privilege, section 170A(5) of the LGA 2009 cannot be used to obtain that information.
- .8 The Chief Executive Officer also has confidentiality obligations under a number of Acts and must not disclose documents to Councillors in the circumstances provided by specific obligations under that other legislation. This includes:
- (a) the obligation to not disclose confidential information gained by the Chief Executive Officer, an authorised person of Council or another person involved in administering the *Food Act 2006* in respect of information gained in administering or performing a function under the *Food Act 2006* (or its predecessor);
 - (b) the confidentiality obligations associated with a public interest disclosure under the *Whistleblowers Protection Act 1994*;
 - (c) information which the Crime and Misconduct Commission requires to be kept confidential under the *Crime and Misconduct Act 2001*; and
 - (d) Council's obligations associated with restrictions on disclosure of personal information under the *Information Privacy Act 2009*.

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Required nexus to local government area

- .9 In addition, the information which is the subject of a request under section 170A(5) of the LGA 2009 must have a nexus to the 'local government area'.
- .10 The LGA 2009 makes a distinction between information about the local government area and information of the local government.
- .11 Examples of information about a 'local government area' include:
- (a) zoning information under a planning scheme for a particular site;
 - (b) the differential rating categories applying to the local government area;
 - (c) the outstanding rates applying to a property within Council's local government area;
 - (d) a new ministerial declaration applying to all or part of Council's local government area (e.g. a master plan declaration by the Minister under the *Sustainable Planning Act 2009*);
 - (e) information relating to a development application within Council's local government area; and
 - (f) development compliance complaints made in respect of a particular property within the local government area.
- .12 However, disclosure of information in the above categories of documents may still be subject to obligations relating to personal information under the *Information Privacy Act 2009*.
- .13 There may be other documents held by Council which does not have any connection to the 'local government area', including Council's internal staff files and any results of disciplinary action taken in relation to an employee. The Chief Executive Officer need not provide that information to a Councillor if it has been requested under section 170A(5) of the LGA 2009.

5 Publicly available information

- .1 A Councillor need not make a request for information from the Chief Executive Officer under section 170A(5) of the LGA 2009 if he or she is able to obtain information from publicly available sources (including Council's website) or by other means.

Publicly available information on Council's website

- .2 There is local government legislation which already requires the publication of information on Council's website. For example, section 729(3) of the *Sustainable Planning Act 2009* requires Council in its assessment manager role to publish on its website (although the following does not apply to a decision notice or negotiated decision notice given by a private certifier):
- (a) all decision notices and negotiated decision notices given by Council; and
 - (b) all deemed approval notices given to Council.
- .3 Section 736 of the *Sustainable Planning Act 2009* also requires Council to publish particular information about development applications on its website for a prescribed period.
- .4 Council has also published its publication scheme on its website as required by the *Right to Information Act 2009*.
- .5 There may be other information on Council's website which may be useful to Councillors. For example, Council's planning schemes are not required to be on Council's website but Council has decided to include those schemes on its website.

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Publicly available information on other government websites

- .6 There is also a range of documents available on other government websites.
- .7 For example, the Councillor remuneration schedule is available on the website of the Department of Infrastructure and Planning. Regional ecosystem mapping under the *Vegetation Management Act 1999* which is property specific can also be obtained via a free search mechanism on the website of the Department of Environment and Resource Management.

Publicly available information from Council's public office

- .8 In addition, legislation provides for other documents to be kept open for public inspection and purchase at Council's public office. This could include:
 - (a) Council's planning scheme under the *Sustainable Planning Act 2009*;
 - (b) show cause notices and enforcement notices issued under the *Sustainable Planning Act 2009* and the *Building Act 1975*;
 - (c) Council's pest management plan under the *Land Protection (Pest and Stock Route Management) Act 2002*;
 - (d) a map showing the limits of Council's service area and the location of Council's service provider infrastructure under the *Water Supply (Safety and Reliability) Act 2008*; and
 - (e) if Council is the administering authority, development approvals for environmentally relevant activities, environmental authorities and registration certificates under the *Environmental Protection Act 1994* (Chapter 4).

Councillor requests for information already available

- .9 A Councillor may request publicly available information from the Chief Executive Officer which Council is required to keep under legislation.
- .10 Councillors are encouraged to access publicly available information from Government websites (including Council's website) themselves and further training can occur to facilitate that searching.
- .11 The Schedule to these guidelines outlines the information which Council is required to publish on its website under the LGA 2009 and corresponding regulations.
- .12 In addition to information which is publicly available, there are also documents which Councillors can access electronically. This information includes access by a Councillor to Council's geographic information system (GIS).

6 Making a request under section 170(5) of the LGA 2009

- .1 To avoid confusion associated with the nature of the information sought under section 170(5) of the LGA 2009, the preference of the Chief Executive Officer is for requests for information under that subsection to be made in writing (including email).
- .2 The requests should also identify how the information relates to the 'local government area'.

7 Deciding requests under section 170(5) of the LGA 2009

- .1 The Chief Executive Officer will make all reasonable endeavours to comply with a request made of the Chief Executive Officer under section 170(5) of the LGA 2009.
- .2 In providing a response, the Chief Executive Officer may:
 - (a) advise the Councillor about how the information could be obtained from available sources,
 - (b) suggest further training to assist the Councillor in obtaining the information from those sources in the future, and
 - (c) advise all Councillors of the response.
- .3 If the request is one that is not able to be made under section 170(5) of the LGA 2009, the Chief Executive Officer will give notice of any constraints upon the Chief Executive Officer for production of information:
 - (a) under section 170A(5) of the LGA 2009; or
 - (b) as a result of other legal restrictions and obligations.

6. Evaluation Process:

This Policy is reviewed when any of the following occur:

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

Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.

7. Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Manager Governance and Innovation
Policy Compliance	Governance and Innovation

8. Changes to Policy:

This Policy is to remain in force until otherwise determined by the CEO.

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

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Schedule

Publicly available information under the LGA 2009 (and Regulations) which must be published on Council's website

Details of requirement	Section number
LGA 2009	
Notices of the making of new local laws	29B
Information pursuant to any directions given by the Chief Executive of the Department of Infrastructure and Planning about investment in beneficial enterprises	42(8)(b)
Notices of the closing of roads (unless Council considers another way of publishing the notices appropriate)	69(3)
Full, accurate and timely information about Council's finances and infrastructure	102(1)(c)
Information pursuant to any directions given by the Minister following any evaluation of performance and compliance pursuant to section 115	116(5)(b)
Notices of the approval of inspection programs	134(6)
Invitations for nominations following the vacation of a Councillor office	166(8)(a)
Details about Councillors with a material personal interest (or possible material personal interest) or conflict of interest (or could have reasonably been taken to have a conflict of interest)	172(7) and 173(7)
Records of written complaints about a Councillor received by the Chief Executive Officer (subject to other legal requirements), unless made available for inspection at the local government's public office instead	177(12) and (13)
Notices pursuant to any directions given by the Chief Executive of the Department of Infrastructure and Planning about the hearing of a complaint of misconduct	178(5)(b)
Local Government (Beneficial Enterprises and Business Activities) Regulation 2010	
Notices of assessment reports of significant businesses	17(2)
Council's approvals or directions about full and half year dividends of corporate entities, unless made available for inspection at the local government's public office instead	83(4) and 84(4)
Directions given by Council as a shareholder of a corporate entity, unless made available for inspection at the local government's public office instead.	86(4)
Local Government (Finance, Plans and Reporting) Regulation 2010	
A range of financial and planning documents (including the revenue statement, corporate plan and long-term community plan)	144(2)
Availability notices associated with discretionary funds	150(3)
Details of contracts under chapter 4 of the Finance Regulation worth \$100,000 or more	186(1)(a)

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Details of requirement	Section number
<i>Local Government (Operations) Regulation 2010</i>	
Council's register of local laws	16(5)
Notices declaring the establishment or extension of malls	21(3)
Notices of the adoption of Council's expenses reimbursement policy	46(2)
Details of any meeting variations approved by the Minister	53(4)
Council's minutes of meeting (including committee meetings), within ten days after the end of the meeting	69(4)
Details of any teleconferencing approvals associated with meetings granted by the Minister	73(5)
Public extracts of the registers of interests for Councillors	110(1)
Council's complaint management process (including the related policies and procedures)	119(4)
Council's EEO management plan	125(2)

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COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

Draft Councillor Acceptable Request Guidelines policy

Meeting Date: 10 November 2015

Attachment No: 3

COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY (STATUTORY POLICY)

1 Scope:

This policy applies to Councillors and employees of Rockhampton Regional Council.

2 Purpose:

To provide clear guidelines when a Councillor asks an employee for advice, to assist them carry out their responsibilities and when they ask the CEO to provide information, that the Council has access to, relating to Council.

3 Related Documents:

Primary

Local Government Act 2009

Secondary

Public Sector Ethics Act 1994

Code of Conduct (Employees)

4 Definitions:

To assist in interpretation, the following definitions apply:

Advice/Information	Information and advice includes details of what Councillors and employees are doing; any administrative, legal, financial, technical or statistical information held by Council and options available to achieve a particular thing.
CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and/or Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Direction	Direct, or otherwise influence, another person to carry or instigate an action
ECM	Enterprise Content Management. Council's corporate recordkeeping system.
Emergency Situation	A matter that may cause harm to the Council or the community, or damage the reputation of Council if not dealt with promptly

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Employee	<i>Local government employee—</i> (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Mayor	The Mayor is an elected member of Rockhampton Regional Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Pathway	Council's corporate customer request system
Senior Executive Employee	As per section 196(6) of the <i>Local Government Act 2009</i> . A <i>senior executive employee</i> , of a local government, is an employee of the local government— (a) who reports directly to the chief executive officer; and (b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure. This includes a person acting in this position. Senior Executive Employees within Rockhampton Regional Council consist of the General Managers and Executive Managers.

5 Policy Statement:

The following protocol guides all day-to-day communication between Councillors and employees.

5.1 Requests for Advice or Information

5.1.1 Communication between Councillors and employees must;

- Be conducted in accordance with section 4(2) of the *Local Government Act 2009*;
- Comply with the law and Council policies, procedures and guidelines;
- Be conducted in good faith; and
- Be conducted in a respectful, reasonable and professional manner.

5.1.2 Councillors may request advice or information from a manager, senior executive employee or CEO. Where the nominated employee is not available, another suitably qualified employee may provide the advice or information requested subject to section 5.1.3.

5.1.3 Councillors may be given approval by the CEO or senior executive employee to request advice and information from an employee other than the designated positions, in specific circumstances. In these circumstances, written approval will be provided to both the Councillor and employee.

5.1.4 Councillors may request from an employee advice or information that would ordinarily be given to the public (e.g. with a Customer Service Officer at a Customer Service Centre)

5.1.5 Councillors may request, in writing, access to confidential information through the relevant manager, senior executive employee or CEO.

5.1.6 A Councillor's decision to rely on verbal advice given by an employee will be at the discretion of the Councillor. Any such decision should be made with due regard to the level of knowledge and experience of the employee and alternative advice available from other sources.

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- 5.1.7** Councillors use of any advice or information obtained is specifically constrained by section 171 and 171A of the *Local Government Act 2009*.
- 5.1.8** This policy should not be used as an alternate procedure for dealing with customer enquiries. Initial customer enquiries should be directed to the Customer Service Centre. Councillor Support Officers should enter customer service requests into Pathway on behalf of the Councillor, rather than directly referring requests to an individual employee.
- 5.1.9** Councillors must consider any likely cost implications in making requests for advice or information, and will not make requests where the costs cannot be justified as being in the public interest. If the cost of providing information is likely to be high, the Councillor may make the request only to the CEO, who is expressly authorised by the Council to seek to minimise the costs of providing the advice.

5.2 Emergency Situations

- 5.2.1** Other than in emergency situations (as per section 5.2.3) Councillors are not to contact an employee outside normal office hours other than with the prior approval of the employee and CEO or senior executive employee.
- 5.2.2** If an after-hours matter is of a non-emergency operational nature, Councillors will defer the matter for consideration until during normal office hours. Otherwise, Councillors must log a request through the general Council phone number.
- 5.2.3** When an emergency situation occurs after hours, Councillors may contact one of the following:
- CEO
 - Senior Executive Employee; or
 - Manager

5.3 Exemptions to this Policy

- 5.3.1** Pursuant to section 170A(3) of the *Local Government Act 2009* Councillors may not ask for information that:
- Is a record of the regional conduct review panel or the tribunal; or
 - If disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
 - Would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 5.3.2** Councillors cannot request information which has confidential obligations under legislation and cannot be disclosed to Councillors by specific obligations imposed by that legislation (for example, the *Information Privacy Act 2009*, *Crime and Corruption Act 2001*, *Public Interest Disclosure Act 2010*, *Food Act 2006*)
- 5.3.3** Other than in accordance with this policy, Councillors will not:
- Direct, or attempt to direct an employee (except for the Mayor, who is entitled to direct the CEO and senior executive employees in accordance with section 170(1) of the *Local Government Act 2009*);
 - Behave towards employees in an overbearing or threatening manner;

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- Coerce or entice, or attempt to coerce or entice any employee to do anything that does not comply with this policy;
- Unduly disrupt an employee:
 - Undertaking routine employment obligations,
 - During meal breaks, or
 - In the workplace ie lengthy, unscheduled discussions with an employee in the corridor or unplanned attendance at employee's work station;
- Place, or attempt to place any employee in a position that would create a conflict of interest for that employee, or that would compromise the integrity and honest performance of that employee; and
- Direct or pressure an employee in relation to their work or recommendations they should make or action they should take.

5.3.4 A Mayoral direction may be given to the CEO or senior executive employees in line with Mayoral responsibilities outlines in section 12(4)(d) of the *Local Government Act 2009*.

5.3.5 The Mayor is exempt from this policy when seeking advice or information at any time.

5.3.6 A Committee Chairperson is exempt from this policy when seeking advice or information in relation to that Chair's portfolio.

5.3.7 A Councillor may request the CEO or senior executive employee to arrange for an employee to attend a meeting with a member of the public. Such a request is not a request for advice.

5.3.8 A request about a routine operational matter from a Councillor (for example, the location of a meeting) is not a request for advice.

5.4 Complaints

Where Councillors are dissatisfied with the response from an employee, for a request for advice or information, the Councillor may report their dissatisfaction to the relevant senior executive employee. Councillors may seek a further review if they are dissatisfied with the senior executive employee's response, by putting their concerns in writing to the CEO.

5.5 Employees

5.5.1 All employees are bound by Council's Code of Conduct, the *Local Government Act 2009* and the *Public Sector Ethics Act 1994* principles. Employees will seek to maintain and enhance public confidence in the integrity of public administration and to advance the common good of the community.

5.5.2 Specifically, employees will not:

- Use information acquired as an employee to gain, directly or indirectly, an advantage for themselves (or someone else); or to cause detriment to the Council;
- Release information that the employee knows, or should reasonably know, is information that is confidential to Council, and which the Council wishes to keep confidential; and

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- Improperly use, or allow the improper use of, their official powers or position.

5.5.3 Employees must keep records of advice given to Councillors, as they would do when advising a member of the public. This should be recorded electronically in ECM.

5.5.4 Employees must ensure that any conflict that may arise between their personal interests and their official responsibilities is resolved in favour of the public interest.

5.5.5 Where an employee is uncertain about whether or not they should respond to a Councillor enquiry, or how to respond to a Councillor enquiry, they must not provide a response, but rather refer the matter to their senior executive employee or CEO.

5.5.6 If a Councillor behaves inappropriately or asks for information or advice outside of this policy, the employee must inform their manager, senior executive employee or CEO about the request as soon as is practicable.

5.6 Breaches to the Policy

5.6.1 An allegation of a breach of this policy by a Councillor (including the Mayor) will be dealt with in accordance with sections 176 – 182 of the *Local Government Act 2009*.

5.6.2 Breaches of this policy by a Councillor may lead to one, or a combination of the following:

- A reprimand for inappropriate conduct (section 181 of the *Local Government Act 2009*); and
- For repeat inappropriate breaches the matter will be referred to the Regional Conduct Review Panel as misconduct.

6 Review Timelines:

This policy will be reviewed when any of the following occur:

- 6.1.** As required by legislation;
- 6.2.** The related information is amended or replaced; or
- 6.3.** Other circumstances as determined from time to time by Council.

7 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Manager Governance Support
Policy Quality Control	Corporate Improvement and Strategy

**EVAN PARDON
CHIEF EXECUTIVE OFFICER**

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11.2 ROCKHAMPTON RIVER FESTIVAL FEES & FINANCE

File No: 6097
Attachments: 1. Concept Site Map for the 2016 River Festival
Authorising Officer: Russell Claus - Executive Manager Regional Development
Evan Pardon - Chief Executive Officer
Author: Sarah Reeves - Manager Regional Promotions

SUMMARY

Additional revenue needs to be raised to continue delivering the Rockhampton River Festival at the standard of 2015. This report outlines the avenues for achieving this.

OFFICER'S RECOMMENDATION

THAT Council receive this report and adopt the option to increase revenue via the suggested fee and revenue structure.

COMMENTARY

The inaugural Rockhampton River Festival was the largest multi-day event in Rockhampton's history. After just one event, the festival has already been listed on the TEQ iconic event calendar, has a 5 star Facebook rating and has been the envy of other regions.

While these successes can be celebrated, a number of challenges have surfaced. The site itself is not well equipped for holding events; basic facilities like water, power, amenities and waste are not in place and vehicle access is problematic. While the management team found solutions, these all come at additional cost.

The 2016 event will face the same challenges. The reconstruction of the river bank means that the space used in 2015 is highly unlikely to be useable. It is also likely that the laneways will be inaccessible for events during construction as they will form the access road for Quay Street businesses and residents. If the festival is to remain on the river, the 2016 event will need to move to Victoria Parade, running from Archer Street to Cambridge Street. Please see attached site map for an overview of the festival layout.

Unforeseen costs to the River Festival:

Security – Liquor Licensing required additional security on the day, due to the large number of participants. Site plans were submitted and approved prior to the event. This increased security costs by 30%.

Water – potable water was required for food operators. The riverbank area had no potable water taps so these needed to be installed. They have since been removed so this cost will be recurrent.

Staffing – the ticketing process was chosen as operators were not willing to take the risk to pay for a site in the first year. A decision was taken to make it more equitable and appealing by charging a 15% commission on sales. However the Council compliance measures meant that Council staff were required for processing money. This ultimately led to increased overtime wage and meal allowance costs that negated the income.

Power – the lack of adequate power meant that multiple additional generators were required. Commercial kitchens and other cooking equipment require significant power, and management also relies on stallholders supplying correct information about power usage. Unless adequate 3 Phase power is installed, these costs will be recurrent. It is recommended that a \$100 deposit be charged to all stallholders to cover noncompliance (i.e. rubbish removal, additional power requirements, waste removal etc.). The deposit will be refunded to all stallholders who comply.

In order to meet the budget and deliver a sustainable festival the management team can:

1. Increase revenue:

- Increase price of stalls – the current fees are significantly lower than similar sized events in other regional areas. Nearly every stallholder responded that they would return in 2016. The below table outlines the proposed fee schedule increase over 2 years.
- Increase revenue from other sites – in the inaugural year it was difficult to get groups and businesses to support or attend the event. The only way bar managers and food providers (in the laneway) would attend was by offering an attractive package that shared risk. This means that additional staff are required to manage revenue, or an honesty system is in place which opens up opportunity for the festival to be taken advantage of. Ultimately both lead to decreased revenue. It is proposed that in 2016, all prospective section management will be awarded based on applications that meet the criteria. The proposed fee schedule is outlined below.
- Increase sponsorship – given the success of 2015 and that it is a non-Beef Expo year, this should be a lot easier.
- Increase funding – TEQ has recently changed the regional event funding criteria, and now we can only apply for major event funding in the third year. Other funding opportunities will be explored, including Festivals Australia and RADF, but outcomes will not be known until March 2016.

2. Restructure size of program:

- Less performers
- Less street theatre
- Less public art
- Less marketing

3. Increase budget, which requires allocation of additional funding from Council.

Option 1 is recommended.

Proposed Fee and Revenue Structure:

The following schedule of fees is proposed for 2016 & 2017:

River Festival Stall Summary & Proposed Fees – including food operators, market stalls and food caravans.

2015 River Festival		2016 River Festival		2017 River Festival	
NFP		NFP			
	3x3	3x3	\$150		
		3x6	\$300		
Food stall					
Commercial	3x3	3x3	\$300	Commercial	3x3
	3x6	3x6	\$500		3x6
		per metre	\$45		per metre
		15amp per outlet	\$35		15amp per outlet
Market Stall		Market Stall		Market Stall & NFP	
	3x3	3x3	\$220		3x3
	3x6	3x6	\$440		3x6
		per metre	\$45		per metre
		15amp per outlet	\$35		15amp per outlet
Budget		Projected Budget Includes 1x Outlet		Projected Budget Includes 1x Outlet	
52x market stalls		25x market stalls	\$6,375	30x market stalls	3x3
8x NFP		25x market stalls	\$11,875	30x market stalls	6x3
22x food stalls		10 x food stalls	\$3,350	15 x food stalls	3x3
		12 x food stalls	\$6,420	15 x food stalls	6x3
		4x NFP	\$740		
		4x NFP	1340		
		Total Income	\$30,100	Total Income	\$39,750
Marquee hire		Marquee hire		Marquee hire	
Generators		Generators	\$16,216	Generators	total spend + 20%
Security		Security	\$20,000	Security	5% contingency
Average cost per stall		Average cost per stall	\$810.80	Average cost per stall	\$447
			\$451		
		Total Spend	\$37,027	Total Spend	\$40,270
		Income Less Spend	-\$6,927	Income Less Spend	-\$520

Additional Activities and Proposed Fees

Type	Comment	Proposed Fee
Wineries	Same price as foodies	\$300
Novelty Liquor Outlets	Items like the Cider Truck, Bundaberg Rum distillery etc...	\$500
Bars	<p>Cost has been calculated based on overheads and estimated revenue.</p> <p>Applications received and assessed.</p> <p>Must supply own equipment – glasses, ice, utensils etc...</p> <p>Site cost includes security, fencing, fit out, seating, umbrellas, marketing, marquees etc...</p> <p>Not included: license, sourcing and supply of alcohol (and in line with any sponsorship), staffing.</p>	\$2500
Events within existing business	<ul style="list-style-type: none"> • Businesses who wish to be part of the program can elect to sponsor a section of the festival (i.e. the fireworks) <p>OR</p> <ul style="list-style-type: none"> • Can pay a fee to have events or business promoted as part of the festival. These events will require assessment by the management team and must adhere to the standards and theme of the festival. 	<p>POA</p> <p>\$500</p>
Catering for ticketed events	<ul style="list-style-type: none"> • Cost has been calculated based on overheads and estimated revenue. • Tender process • Catering offering will be coordinated with the management team • Caterer must source and cover costs of cold rooms, commercial kitchen, staffing, crockery and food licensing • Fee includes marquee, fencing, event dressing (tables, chairs, decoration), ticketing, marketing and power 	\$2500

CONCLUSION

It is important that the River Festival be a sustainable event for the region so that it can continue to grow without growing the level of Council support. The proposed fee and revenue structure will see site fees increased over a number of years while remaining comparable with regional events elsewhere.

ROCKHAMPTON RIVER FESTIVAL FEES & FINANCE

Concept Site Map for the 2016 River Festival

Meeting Date: 10 November 2015

Attachment No: 1

12 STRATEGIC REPORTS

Nil

13 NOTICES OF MOTION

Nil

14 QUESTIONS ON NOTICE

Nil

15 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.

16 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.

17.1 Art Acquisition for the Rockhampton Art Gallery Fund

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

17 CONFIDENTIAL REPORTS**17.1 ART ACQUISITION FOR THE ROCKHAMPTON ART GALLERY FUND**

File No: 465
Attachments: Nil
Authorising Officer: Peter Owens - Manager Arts and Heritage
Michael Rowe - General Manager Community Services
Author: Tracy Cooper-Lavery - Gallery Director
Previous Items: Acquisition for the Rockhampton Art Gallery Gift Fund -
Communities Committee - 06 Oct 2015 12.30 pm

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

Additional information is provided to Council on potential funding sources for the acquisition of a significant artwork to commemorate the 50th anniversary of Rockhampton Art Gallery.

18 CLOSURE OF MEETING