



# **ORDINARY MEETING**

## **MINUTES**

**23 FEBRUARY 2016**

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**REPORT OF THE ORDINARY MEETING  
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON  
ON TUESDAY, 23 FEBRUARY 2016 COMMENCING AT 9.04AM**

**1 OPENING****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  
Mr M Rowe – General Manager Community Services  
Mr R Cheesman – General Manager Corporate Services  
Mr R Holmes – General Manager Regional Services  
Ms M Barrett – Manager Parks  
Ms T Sweeney – Manager Workforce and Strategy  
Ms A Cutler – Manager Finance  
Mr S Turner – Manager Governance Support  
Mr V Morrice – Coordinator Parks and Visitor Services  
Mr T Pegrem – Coordinator Industrial Relations and Investigations  
Mr T Gardiner – Planning Officer  
Ms E Brodel – Media and Communications Officer  
Ms L Leeder – Senior Governance Support Officer

**3 APOLOGIES AND LEAVE OF ABSENCE****4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****COUNCIL RESOLUTION**

THAT the minutes of the Ordinary Meeting held on 9 February 2016 be taken as read and adopted as a correct record.

**Moved by: Councillor Schwarten**

**Seconded by: Councillor Swadling**

**MOTION CARRIED**

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

### **9:05AM**

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Tony Williams disclosed a conflict of interest in respect of Item 11.2 – Community Assistance Program – Rockhampton Saloon Car Club Inc due to relatives having involvement in super sedan racing and being eligible for prize money, the Councillor considered his position and will leave the meeting when the matter is discussed.

**6 BUSINESS OUTSTANDING**

Nil

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## 8 PRESENTATION OF PETITIONS

### 8.1 PRESENTATION OF PETITION - NAMING OF RIVERSIDE DEVELOPMENT

**File No:** 11359

**Responsible Officer:** Robert Holmes – General Manager Regional Services

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#### SUMMARY

*Councillor Rose Swadling tabled a petition in relation to having the new Riverside Development, or part thereof, named "The Harry Mimi Way".*

#### COUNCIL RESOLUTION

THAT the petition presented regarding the naming of the new Riverside Development be received and a letter of acknowledgement be sent to the head petitioner.

**Moved by:** Councillor Swadling

**Seconded by:** Mayor Strelow

**MOTION CARRIED**

**9 COMMITTEE REPORTS**

Nil

**10 COUNCILLOR/DELEGATE REPORTS**

Nil

## 11 OFFICERS' REPORTS

### 11.1 RESTORATION PLAN FOR ROCKHAMPTON BOTANIC GARDENS POST TROPICAL CYCLONE MARCIA

<b>File No:</b>	<b>805</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li><b>1. Review Report by John Taylor</b></li><li><b>2. Report to Council August 2015</b></li><li><b>3. Restoration Plan (Table)</b></li><li><b>4. Map of Areas (RBG)</b></li></ol>
<b>Authorising Officer:</b>	<b>Margaret Barrett - Manager Parks Michael Rowe - General Manager Community Services</b>
<b>Author:</b>	<b>Vincent Morrice - Coordinator Parks and Visitor Services</b>
<b>Previous Items:</b>	<b>Restoration Plan for Rockhampton Botanic Gardens Post Tropical Cyclone Marcia - Ordinary Council - 11 Aug 2015 9:00am</b>

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#### SUMMARY

*Destructive winds associated with Tropical Cyclone Marcia (20 February, 2015) caused extensive damage to botanical collections at one of the region's premier attractions, Rockhampton Botanic Gardens. Following consideration of a report to the Ordinary Meeting of Council held 11 August, 2015 it was resolved that Council "seeks a botanical and curatorial review of the restoration plan."*

*A review has been undertaken by Mr John Taylor and the findings of this report are presented.*

#### COUNCIL RESOLUTION

THAT Council:

1. Receives the report;
2. Endorses the Rockhampton Botanic Gardens restoration priorities as outlined in the report presented to the Ordinary Meeting of Council held 11 August 2015 and include the review opinions of Mr John Taylor (with further consideration of the Rainbow Gum);
3. Supports on-going implementation, as funding and availability of appropriate specimens allows; and
4. Progress the development of a master plan for the Rockhampton Botanic Gardens in the coming budget.

**Moved by: Mayor Strelow**  
**Seconded by: Councillor Rutherford**

**MOTION CARRIED UNANIMOUSLY**

**9:35AM**

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Tony Williams disclosed a conflict of interest in respect of Item 11.2 – Community Assistance Program – Rockhampton Saloon Car Club Inc due to relatives having involvement in super sedan racing and being eligible for prize money, the Councillor considered his position, did not take part in the debate and left the meeting.

**11.2 COMMUNITY ASSISTANCE PROGRAM - ROCKHAMPTON SALOON CAR CLUB INC**

**File No:** 7822  
**Attachments:** Nil  
**Authorising Officer:** Michael Rowe - General Manager Community Services  
**Author:** Cheryl Haughton - Manager Communities and Facilities

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**SUMMARY**

*An application from the Rockhampton Saloon Car Club Incorporated for funding through the Major Sponsorship Scheme for the 2016 Australian Super Sedan Title is presented for Council consideration.*

9:35AM Councillor Smith attended the meeting

**COUNCIL RESOLUTION**

THAT Council grants the funding requested in the application received from the Rockhampton Saloon Car Club Incorporated for the 2016 Australian Super Sedan Title.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Schwarten

**MOTION CARRIED**

9:36AM Councillor Williams returned to the meeting

**11.3 CAPRICORNIA YEARLING SALES SPONSORSHIP OPPORTUNITY**

**File No:** 5044

**Attachments:** 1. RJC Inc & CQTBA request for support in running of Mayor's Plate and Capricornia Yearling Sales race meeting 8, 9 April 2016.

**Authorising Officer:** Evan Pardon - Chief Executive Officer

**Author:** Shane Turner - Manager Governance Support

**SUMMARY**

*Council has received correspondence from the Rockhampton Jockey Club Incorporated (RJC) for a sponsorship request to assist in the running of the Mayor's Plate in 2016. The RJC and the Central Queensland Thoroughbred Breeders Association (CQTBA) in partnership with Rockhampton Regional Council are looking to build the Capricornia Sales race meetings and events into a valuable regional event. Council provided \$10,000 in sponsorship to assist in the running of the 2015 Mayor's Plate thoroughbred race. As Council is operating under the Caretaker provisions of the Local Government Act this matter has been brought to the table for consideration.*

**COUNCIL RESOLUTION**

THAT Council receive the report and determine if a sponsorship contribution of \$10,000 is able to be provided to the Rockhampton Jockey Club Inc, to assist in the running of the Mayor's Plate race at the 2016 Capricornia Yearling Sales Race Meeting to be held 8 and 9 April 2016.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Smith

**MOTION CARRIED UNANIMOUSLY**

#### 11.4 D/169-2015 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (THREE LOTS INTO THREE LOTS)

**File No:** D/169-2015

**Attachments:** 1. Locality Plan  
2. Site Plan

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

**Author:** Thomas Gardiner - Planning Officer

#### SUMMARY

*Development Application Number:* D/169-2015

*Applicant:* A Deacon

*Real Property Address:* Lot 33 on LN192, Lot 18 on LIV401171 and Lot 22 on LIV401169, Parish of Neerkol

*Common Property Address:* 830 Stanwell-Waroula Road, Nine Mile

*Area of Site:* 232.9 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015

*Planning Scheme Zone:* Rural Zone

*Planning Scheme Overlays:* Biodiversity Areas Overlay  
Biodiversity Waterways Overlay  
Bushfire Hazard Overlay – Medium Hazard  
Bushfire Hazard Overlay – High Hazard  
Bushfire Hazard Overlay – Very High Hazard  
Steep Land Overlay – 15-20% slope  
Steep Land Overlay – 20-25% slope  
Steep Land Overlay – 25%+ slope

*Existing Development:* Nil

*Existing Approvals:* Nil

*Approval Sought:* Development Permit for Reconfiguring a Lot (three lots into three lots)

*Level of Assessment:* Code Assessable

*Submissions:* Not applicable

*Advice Agency(s):* Powerlink Queensland

*Infrastructure Charges Area:* Charge Area 3

*Application Progress:*

<i>Application Lodged:</i>	27 November 2015
<i>Acknowledgment Notice issued:</i>	10 December 2015
<i>Government Agency Response:</i>	29 December 2015

<i>Council request for additional time:</i>	<i>19 January 2016</i>
<i>Last receipt of information from applicant:</i>	<i>24 December 2015</i>
<i>Statutory due determination date:</i>	<i>4 March 2016</i>

## **COUNCIL RESOLUTION**

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (three lots into three lots), made by A Deacon, on Lot 33 on LN192, Lot 18 on LIV401171 and Lot 22 on LIV401169, Parish of Neerkol, located at 830 Stanwell-Waroula Road, Nine Mile, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) Proposed Lots 1 and 2 are similar in size and shape with existing lots in proximity to the subject site. Despite their non-compliance with the Rural zone code, their formation will not unduly compromise the rural amenity of the surrounding area and will allow large rural lots to be maintained as the primary development pattern in the surrounding area;
- b) The creation of proposed Lot 3 will ensure that the large majority of the subject site is maximised for its productive capacity and remains viable for agricultural and rural activities which are consistent with the Rural zone;
- c) The proposed development will result in an improved access situation whereby all three (3) lots will gain access from the constructed Stanwell-Waroula Road;
- d) The subject site is not located in an area which is identified as Class A or Class B on the Agricultural Land Classification and is generally compliant with the State Planning Policy;
- e) The proposed use generally complies with the strategic intent of the *Rockhampton Region Planning Scheme 2015*;
- f) An assessment of the development against the relevant area intent, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the rural amenity of the surrounding area and will ensure that the majority of the subject site is utilised for its productive capacity for rural and agricultural activities; and
- g) The proposed development does not compromise the relevant State Planning Policy.

### **RECOMMENDATION B**

That in relation to the application for a Development Permit for Reconfiguring a Lot (three lots into three lots), made by A Deacon, on Lot 33 on LN192, Lot 18 on LIV401171 and Lot 22 on LIV401169, Parish of Neerkol, located at 830 Stanwell-Waroula Road, Nine Mile, Council resolves to Approve the application subject to the following conditions:

#### **1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.6 The following further Development Permit must be obtained prior to the commencement of any works associated with its purposes:

1.6.1 Operational Works:

- (i) Access Works.

- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan No / Sheet No / Rev</u>	<u>Dated</u>
Reconfiguration Plan	6348-01-ROL / 1/ A	23 November 2015

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ACCESS WORKS

- 3.1 A Development Permit for Operational Works (access works) must be obtained for proposed Lots 1 and 2 prior to the commencement of any access works on the development site.
- 3.2 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines* and the provisions of a Development Permit for Operational Works (access works).

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 Internal Plumbing and Sanitary Drainage of existing buildings located within proposed Lot 3 must be contained within the lot it serves.

5.0 ALLOTMENT DRAINAGE WORKS

- 5.1 All allotment runoff from each proposed lot must be discharged such that it must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.

## 6.0 SITE WORKS

- 6.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

## 7.0 ELECTRICITY AND TELECOMMUNICATIONS

- 7.1 A statutory covenant must be placed over the proposed allotments stating that electricity and telecommunications connections will not be provided and the future owner is solely responsible for the provision of an alternative arrangement.

Note: Covenant can be removed with purchase of property.

## 8.0 ASSET MANAGEMENT

- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 8.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure) that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

## 9.0 OPERATING PROCEDURES

- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Stanwell-Waroula Road.

## ADVISORY NOTES

### NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au).

### NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

### NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

**NOTE 4. Plumbing and Drainage Works**

For any future development proposed on Lots 1 and 2, the construction of internal sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act* and including the provision of On-site sewerage and disposal in accordance with the *Queensland Plumbing and Wastewater Code* and *Council's Plumbing & Drainage Policies*.

For any future development proposed on Lots 1 and 2, the construction of internal plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act* and *Council's Plumbing and Drainage Policies*. Including the provision of adequate on-site water storage for domestic and fire fighting purposes and may include bore, dams, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.

**NOTE 5. Access Works**

For any future development proposed on Lots 1 and 2, the construction of access works must be in accordance with *Capricorn Municipal Development Guidelines* and *Australian Standard AS2890 "Parking facilities"*.

Rural addressing must be provided to each lot in accordance with Council's Local Law for Roads.

A permit (Operation Works (access works) or else Works in Road Reserve) must be obtained for the works within road reserve.

**NOTE 6. Electrical Infrastructure/Powerlink**

The application must not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel, within a distance of twenty (2) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within five (5) metres of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Natural Resources and Mines.

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant. Where Powerlink expects such costs to be in excess of \$10,000.00, advanced payments may be requested.

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorised use. If other parties make damage claims against Powerlink as a result of unauthorised use then Powerlink reserves the right to recover those damages from the applicant.

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions herein, the *Electrical Safety Act 2013* and the *Electrical Safety Regulations 2013*.

**RECOMMENDATION C**

That in relation to the application for a Development Permit for Reconfiguring a Lot (three lots into three lots), made by A Deacon, on Lot 33 on LN192, Lot 18 on LIV401171 and Lot 22 on LIV401169, Parish of Neerkol, located at 830 Stanwell Waroula Road, Nine Mile, Council resolves that an Infrastructure Charges Notice is not required.

**Moved by: Mayor Strelow**

**Seconded by: Councillor Rutherford**

**MOTION CARRIED UNANIMOUSLY**

## 12 STRATEGIC REPORTS

### 12.1 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2016

**File No:** 8148

**Attachments:**

1. Income Statement - January 2016
2. Key Indicator Graphs - January 2016

**Authorising Officer:** Ross Cheesman - General Manager Corporate Services

**Author:** Alicia Cutler - Manager Finance

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#### SUMMARY

*The Finance Manager presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 January 2016.*

9:43AM Councillor Schwarten left the meeting and did not return

#### COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the Period ended 31 January 2016 be 'received'.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Williams

**MOTION CARRIED**

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**12.2 2015/16 OPERATIONAL PLAN QUARTER TWO PROGRESS REPORT****File No:** 8320**Attachments:**

1. Q2 Summary - Office of CEO
2. Q2 Summary - Corporate Services
3. Q2 Summary - Regional Services
4. Q2 Summary - Community Services
5. Operational Plan Quarter Two

**Authorising Officer:** Tracy Sweeney - Manager Workforce and Strategy  
Ross Cheesman - General Manager Corporate Services**Author:** Travis Pegrem - Coordinator Industrial Relations and Investigations

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**SUMMARY**

*The 2015/16 Operational Plan progress report for Quarter 2 as at 31 December 2015 is presented, pursuant to s174(3) Local Government Regulation 2012.*

**COUNCIL RESOLUTION**

THAT the 2015/16 Operational Plan progress report for Quarter 2 as at 31 December 2015 be received.

**Moved by:** Mayor Strelow  
**Seconded by:** Councillor Smith**MOTION CARRIED**

**13 NOTICES OF MOTION**

Nil

**14 QUESTIONS ON NOTICE**

Nil

## **15 URGENT BUSINESS\QUESTIONS**

### **15.1 PASSING OF LOCKYER VALLEY MAYOR STEVE JONES**

Council observed a minute of silence following the passing of Lockyer Valley Mayor, Steve Jones. A message of condolence from Rockhampton Regional Council will be sent to his family.

## 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.

### COUNCIL RESOLUTION

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 Legal Matters as at 31 January 2016

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

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Williams

**MOTION CARRIED**

### COUNCIL RESOLUTION

**9:54AM**

THAT pursuant to s7(11) *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Rutherford

**MOTION CARRIED**

### COUNCIL RESOLUTION

**9:57AM**

THAT pursuant to s7(11) *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

## 17 CONFIDENTIAL REPORTS

### 17.1 LEGAL MATTERS AS AT 31 JANUARY 2016

**File No:** 1392

**Attachments:** 1. Legal Matters as at 31 January 2016

**Authorising Officer:** Tracy Sweeney - Manager Workforce and Strategy  
Ross Cheesman - General Manager Corporate Services

**Author:** Travis Pegrem - Coordinator Industrial Relations and Investigations

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

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#### SUMMARY

*Coordinator Industrial Relations and Investigations presenting an update of current legal matters that Council is involved in as at 31 January 2016.*

#### COUNCIL RESOLUTION

THAT the legal matters report containing updates on legal matters for Rockhampton Regional Council as at 31 January 2016 be received.

**Moved by:** Councillor Swadling

**Seconded by:** Councillor Smith

**MOTION CARRIED**

**18 CLOSURE OF MEETING**

There being no further business the meeting closed at 9:58am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE