



# **ORDINARY MEETING**

## **AGENDA**

**4 FEBRUARY 2020**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 4 February 2020 commencing at 9:00am for transaction of the enclosed business.*

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

**CHIEF EXECUTIVE OFFICER**  
31 January 2020

Next Meeting Date: 18.02.20

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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**1 OPENING**

**2 PRESENT**

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Rose Swadling - Leave of Absence from 1 February 2020 to 7 February 2020

**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 21 January 2020

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

**6 BUSINESS OUTSTANDING**

Nil

## **7 PUBLIC FORUMS/DEPUTATIONS**

Nil

## **8 PRESENTATION OF PETITIONS**

Nil

## **9 COMMITTEE REPORTS**

### **9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 28 JANUARY 2020**

#### **RECOMMENDATION**

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 28 January 2020 as circulated, be received and that the recommendations contained within these minutes be adopted.

**Recommendation of the Planning and Regulatory Committee, 28 January 2020****9.1.1 MONTHLY OPERATIONS REPORT FOR PLANNING AND REGULATORY SERVICES - NOVEMBER 2019****File No:** 1464**Attachments:** 1. Monthly Operations Report for Planning & Regulatory Services - November 2019**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Doug Scott - Manager Planning & Regulatory Services

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**SUMMARY**

*The Monthly Operations Report for Planning & Regulatory Services for November 2019 is presented for Councillors information.*

**COMMITTEE RECOMMENDATION**

THAT the Planning & Regulatory Services Monthly Operations Report for November 2019 be 'received' excluding Development Engineering.

**COMMITTEE RECOMMENDATION**

THAT the Development Engineering section of the Planning & Regulatory Services Monthly Operations Report for November 2019 be 'received'.

**Recommendation of the Planning and Regulatory Committee, 28 January 2020****9.1.2 MONTHLY OPERATIONS REPORT FOR PLANNING & REGULATORY SERVICES - DECEMBER 2019****File No: 1464****Attachments: 1. Monthly Operations Report for Planning & Regulatory Services - December 2019****Authorising Officer: Colleen Worthy - General Manager Community Services****Author: Doug Scott - Manager Planning & Regulatory Services**

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**SUMMARY**

*The Monthly Operations Report for Planning & Regulatory Services for December 2019 is presented for Councillors information.*

**COMMITTEE RECOMMENDATION**

THAT the Planning & Regulatory Services Monthly Operations Report for December 2019 be 'received'.

**Recommendation of the Planning and Regulatory Committee, 28 January 2020****9.1.3 DECISIONS UNDER DELEGATION - NOVEMBER AND DECEMBER 2019**

**File No:** 7028  
**Attachments:** Nil  
**Authorising Officer:** Doug Scott - Manager Planning & Regulatory Services  
Colleen Worthy - General Manager Community Services  
**Author:** Tarnya Fitzgibbon - Coordinator Development Assessment

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**SUMMARY**

*This report outlines the properly made development applications received in November and December 2019 and whether they will be decided under delegation or decided by Council.*

**COMMITTEE RECOMMENDATION**

THAT applications *D/103-2019 – MCU for Function Facility and Operational Works associated with an Advertising Device* and *D/121-2019 – Operational Works for Advertising Devices (2x Freestanding signs)* lodged in November and December 2019 be received.

**COMMITTEE RECOMMENDATION**

THAT application *D/113-2019 – MCU for Educational Establishment* lodged in November and December 2019 be received.

**COMMITTEE RECOMMENDATION**

THAT application *D/119 -2019 – Operational Works for Water Infrastructure in Road Reserve (Riverside Waters Estate Stages 1 to 3)* and *D/120-2019 – Operational Works for Road Works, Stormwater, Water Infrastructure, Drainage Works (Riverside Waters Estate Stages 1 to 3)* lodged in November and December 2019 be received.

**COMMITTEE RECOMMENDATION**

THAT this report into the applications lodged in November and December 2019 be received excluding applications D/103, D122, D113, D119 and D/120.

**Recommendation of the Planning and Regulatory Committee, 28 January 2020****9.1.4 GRANT APPLICATION - COMBATING WEEDS AND PESTS DURING DROUGHT**

**File No:** 2557  
**Attachments:** Nil  
**Authorising Officer:** Doug Scott - Manager Planning & Regulatory Services  
Colleen Worthy - General Manager Community Services  
**Author:** Karen Moody - Coordinator Health and Environment

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**SUMMARY**

*The Australian Government has recently released round 2 of the Communities Combating Pest and Weed Impacts During Drought Program grants. This grant is specifically targeted at eligible Local Governments. Rockhampton Regional Council is eligible to apply for this funding opportunity. This report seeks Councils approval to submit an application for the control of invasive weeds on rural roads.*

**COMMITTEE RECOMMENDATION**

THAT Council approves the submission of an application to the Communities Combating Pest and Weed Impacts During Drought Program – Biosecurity Management of Pest and Weeds – Round 2 focusing on the control of invasive weeds on rural road reserves.

**9.2 AIRPORT, WATER AND WASTE COMMITTEE MEETING - 28 JANUARY 2020****RECOMMENDATION**

THAT the Minutes of the Airport, Water and Waste Committee meeting, held on 28 January 2020 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 Airport, Water and Waste Committee, 28 January 2020****9.2.1 ROCKHAMPTON AIRPORT MONTHLY OPERATIONS REPORT**

**File No:** 7927  
**Attachments:** 1. Rockhampton Airport Monthly Operations Report - December 2019  
**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
**Author:** Marcus Vycke - Manager Airport

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**SUMMARY**

*The Monthly Operations and Annual Performance Plan Report for the Rockhampton Airport for December 2019 is presented for Councillors information.*

**COMMITTEE RECOMMENDATION**

THAT the Rockhampton Airport Operations and Annual Performance Plan Report for December 2019 be 'received'.

**Recommendation of the Airport, Water and Waste Committee, 28 January 2020****9.2.2 ROCKHAMPTON REGIONAL WASTE & RECYCLING MONTHLY OPERATIONS REPORT FOR NOVEMBER 2019 & DECEMBER 2019****File No:** 7927**Attachments:** 1. RRWR Monthly Operations Report November and December 2019**Authorising Officer:** Peter Kofod - General Manager Regional Services**Author:** Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling

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**SUMMARY**

*The purpose of the attached report is to provide Council with an overview of Rockhampton Regional Waste & Recycling (RRWR) for the months of November and December 2019.*

**COMMITTEE RECOMMENDATION**

THAT the RRWR Operations Report for November and December 2019 be received.

**Recommendation of the Airport, Water and Waste Committee, 28 January 2020****9.2.3 ROCKHAMPTON REGIONAL WASTE AND RECYCLING ANNUAL PERFORMANCE PLAN QUARTERLY REPORT AS AT 31 DECEMBER 2019****File No: 7927****Attachments: Nil****Authorising Officer: Peter Kofod - General Manager Regional Services****Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling**

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**SUMMARY**

*Rockhampton Regional Waste and Recycling's performance against financial and non-financial targets is reported to Council on a quarterly basis in accordance with the adopted Annual Performance Plan for 2019//20. This report as at 31 December 2019 is presented for the Committee's information.*

**COMMITTEE RECOMMENDATION**

THAT the Rockhampton Regional Waste and Recycling Annual Performance Plan Quarterly Report as at 31 December 2019 be received.

**Recommendation of the Airport, Water and Waste Committee, 28 January 2020****9.2.4 KERBSIDE WASTE SERVICE EXTENSION MOONGAN AREA****File No: 169****Attachments: Nil****Authorising Officer: Peter Kofod - General Manager Regional Services****Author: Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling**

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**SUMMARY**

*The purpose of this report is to provide Council with an update on the roll out of domestic waste and recycle collection services to the properties situated in the Moongan area.*

**COMMITTEE RECOMMENDATION**

THAT Council endorse the waste and recycling collection services on an elective basis to the properties situated in the Moongan area based on proximity to the last service and on the merits of accessibility, safety and road condition.

**Recommendation of the Airport, Water and Waste Committee, 28 January 2020****9.2.5 FRW MONTHLY OPERATIONS REPORT - DECEMBER 2019**

**File No:** 1466  
**Attachments:** 1. FRW Monthly Operations Report - December 2019  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Jason Plumb - Manager Fitzroy River Water

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**SUMMARY**

*This report details Fitzroy River Water's financial position and other operational matters for the Council's information as at 31 December 2019.*

**COMMITTEE RECOMMENDATION**

THAT the FRW Monthly Operations Report for December 2019 be received.

**Recommendation of the Airport, Water and Waste Committee, 28 January 2020****9.2.6 FRW ANNUAL PERFORMANCE PLAN AS AT 31 DECEMBER 2019****File No:** 1466**Attachments:**

1. Customer Service Standards as at 31 December 2019
2. Customer Service and Financial Targets as at 31 December 2019
3. Non Compliance Comments as at 31 December 2019

**Authorising Officer:** Peter Kofod - General Manager Regional Services**Author:** Jason Plumb - Manager Fitzroy River Water

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**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 2019/20 Performance Plan. This report as at 31 December 2019 is presented for the Committee's information.*

**COMMITTEE RECOMMENDATION**

THAT the Fitzroy River Water Annual Performance Plan quarterly report as at 31 December 2019 be received.

**Recommendation of the Airport, Water and Waste Committee, 28 January 2020****9.2.7 MOUNT MORGAN NO. 7 DAM REACHES TRIGGER FOR LEVEL 4 WATER RESTRICTIONS**

**File No:** 1466  
**Attachments:** 1. Excerpt from Drought Management Plan  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** Jason Plumb - Manager Fitzroy River Water

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**SUMMARY**

*Following further hot, dry weather, the storage level in No. 7 Dam has decreased and is now beneath the trigger for the implementation of Level 4 Water Restrictions. This report describes the current status of the dam storage level and the implications associated with implementing this increased level of water restrictions in order to maximise the availability of the remaining storage volume for the community.*

**COMMITTEE RECOMMENDATION**

THAT Level 4 Water Restrictions are implemented for the Mount Morgan Water Supply Scheme as per the drought management plan and that relevant information is communicated to the Mount Morgan community to clarify requirements for all water users in order to maximise the available raw water supply.

THAT the date of commencement of restrictions be delegated to the Chief Executive Officer.

**9.3 INFRASTRUCTURE COMMITTEE MEETING - 28 JANUARY 2020****RECOMMENDATION**

THAT the Minutes of the Infrastructure Committee meeting, held on 28 January 2020 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, 28 January 2020****9.3.1 BUSINESS OUTSTANDING TABLE FOR INFRASTRUCTURE COMMITTEE**

**File No:** 10097

**Attachments:** 1. Business Outstanding Table - Infrastructure Committee

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

**Author:** Peter Kofod - General Manager Regional Services

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**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, 28 January 2020****9.3.2 FITZROY REGIONAL RESILIENCE STRATEGY PILOT PROJECT - PHASE 1****File No: 3086****Attachments:**

1. Queensland Reconstruction Authority's Rockhampton Regional Council Briefing Note
2. Fitzroy Regional Resilience Strategy - Phase 1 Implementation Overview and Regional Action Plan

**Authorising Officer:** Martin Crow - Manager Infrastructure Planning  
Peter Kofod - General Manager Regional Services**Author:** Elizabeth Drumm - Coordinator Disaster Management

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**SUMMARY**

*This report is to provide an overview of the Fitzroy Regional Resilience Strategy Pilot Project – Phase 1 and the accompanying suite of documents and to be able to respond to the Queensland Reconstruction Authority's request for endorsement of the strategy.*

**COMMITTEE RECOMMENDATION**

THAT Council:

- Endorse the final draft *A Collaborative Catchment: Fitzroy Regional Resilience Strategy – Phase 1 (A Collaborative Catchment)*, and its subordinate deliverables;
- Note endorsement for the work is also being sought from the Central Queensland Regional Organisation of Councils and Isaac Regional Council, as additional project partners;
- Note the intent to release *A Collaborative Catchment* publicly in early 2020;
- Note the ongoing work to finalise the supporting deliverables, which are intended for regional ownership and will not be released publicly;
- Agree to participate in, and the membership composition of, a Fitzroy Basin Working Group to be created pursuant to the proposed statewide Queensland Flood Warning Infrastructure Alliance to continue catchment scale implementation of *A Collaborative Catchment*; and
- Instruct the Chief Executive Officer and Coordinator Disaster Management to continue working through the proposed governance model for the Fitzroy Basin Working Group with the Queensland Reconstruction Authority.

**Recommendation of the Infrastructure Committee, 28 January 2020****9.3.3 INFRASTRUCTURE PLANNING MONTHLY OPERATIONS REPORT -  
DECEMBER 2019****File No: 7028****Attachments: 1. Infrastructure Planning Monthly Operations  
Report - December 2019****Authorising Officer: Peter Kofod - General Manager Regional Services****Author: Martin Crow - Manager Infrastructure Planning**

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**SUMMARY**

*This report outlines Infrastructure Planning Monthly Operations Report for the period to the end of December 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Infrastructure Planning Monthly Operations Report for December 2019 report excluding the 'Strategic Infrastructure' section be received.

**Recommendation of the Infrastructure Committee, 28 January 2020****9.3.4 CIVIL OPERATIONS MONTHLY OPERATIONS REPORT JANUARY 2020****File No: 7028****Attachments: 1. Civil Operations Monthly Operations Report - November & December 2019****Authorising Officer: Peter Kofod - General Manager Regional Services****Author: David Bremert - Manager Civil Operations**

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**SUMMARY**

*This report outlines Civil Operations Monthly Operations Report on the activities and services in November and December 2019 (attachment 1).*

**COMMITTEE RECOMMENDATION**

THAT the Civil Operations Monthly Operations Report on the activities and services in November and December 2019 be received.

**Recommendation of the Infrastructure Committee, 28 January 2020****9.3.5 PROPOSED BUS STOP LOCATION - DEAN STREET**

**File No:** 4807  
**Attachments:** 1. Proposed Bus Stop Program - Map and Feedback  
**Authorising Officer:** Peter Kofod - General Manager Regional Services  
**Author:** David Bremert - Manager Civil Operations

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**SUMMARY**

*Translink and Sunbus have requested that the bus stop at 433 Dean Street be moved due to safety issues at the current location. An objection has been received in relation to the proposed location.*

**COMMITTEE RECOMMENDATION**

THAT Councillors attend the location and that the matter be deferred to a later meeting.

**9.4 COMMUNITY SERVICES COMMITTEE MEETING - 29 JANUARY 2020****RECOMMENDATION**

THAT the Minutes of the Community Services Committee meeting, held on 29 January 2020 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 Community Services Committee, 29 January 2020****9.4.1 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP APPLICATION - AUSTRALIAN BARREL HORSE - CAPRICORN COAST CIRCUIT INC****File No:** 12535**Attachments:** Nil**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Kerri Dorman - Administration Supervisor

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**SUMMARY**

*An application from the Australian Barrel Horse – Capricorn Coast Circuit Inc for Major Sponsorship assistance towards ABHA Cap Coast Annual Martin Saddlery Classic event is presented for Council consideration.*

**COMMITTEE RECOMMENDATION**

THAT Council considers the Major Sponsorship application from Australian Barrel Horse – Capricorn Coast Circuit Inc for funding to assist with the staging of ABHA Cap Coast Annual Martin Saddlery Classic to be held on 13 and 14 June 2020 and approves an amount of \$5,000.00 in sponsorship.

**Recommendation of the Community Services Committee, 29 January 2020****9.4.2 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP -  
ROCKHAMPTON & DISTRICT MOTOCROSS CLUB INC**

**File No:** 12535  
**Attachments:** Nil  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Kerri Dorman - Administration Supervisor

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**SUMMARY**

*An application from the Rockhampton and District Motocross Club Inc for Major Sponsorship assistance towards the 2020 KTM Australia Junior Motocross (AJMX) Championships event is presented for Council consideration.*

**COMMITTEE RECOMMENDATION**

THAT Council considers the Major Sponsorship application from Rockhampton and District Motocross Club Inc for funding to assist with the staging of the 2020 KTM Australia Junior Motocross (AJMX) Championships to be held from 6 to 11 July 2020, and approves an amount of \$15,000.00 in sponsorship.

**Recommendation of the Community Services Committee, 29 January 2020****9.4.3 COMMUNITY ASSISTANCE PROGRAM****File No:** 12535**Attachments:** Nil**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Kerri Dorman - Administration Supervisor

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**SUMMARY**

*An application from the Mount Morgan Golf Club Inc for Minor Sponsorship assistance towards the 2020 Robinson Cup event is presented for Council consideration.*

**COMMITTEE RECOMMENDATION**

THAT Council considers the Minor Sponsorship application from Mount Morgan Golf Club Inc for funding to assist with the staging of the 2020 Robinson Cup to be held from 11 to 13 September 2020 and approves an amount of \$4,500.00 in sponsorship.

**Recommendation of the Community Services Committee, 29 January 2020****9.4.4 COMMUNITY ASSETS AND FACILITIES MONTHLY OPERATIONAL REPORT - NOVEMBER 2019**

**File No:** 1464

**Attachments:** 1. Community Assets and Facilities Monthly Operational Report - November 2019

**Authorising Officer:** Richard Dunkley - Manager Community Assets and Facilities  
Colleen Worthy - General Manager Community Services

**Author:** Sophia Czarkowski - Coordinator Facilities

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**SUMMARY**

*This report provides information on the activities of Community Assets and Facilities for the month of November 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Community Assets and Facilities monthly operational report for November 2019 be received.

**Recommendation of the Community Services Committee, 29 January 2020****9.4.5 COMMUNITY ASSETS AND FACILITIES MONTHLY OPERATIONAL REPORT - DECEMBER 2019**

<b>File No:</b>	<b>1464</b>
<b>Attachments:</b>	<b>1. Monthly Report for Community Assets and Facilities - December 2019</b>
<b>Authorising Officer:</b>	<b>Richard Dunkley - Manager Community Assets and Facilities Colleen Worthy - General Manager Community Services</b>
<b>Author:</b>	<b>Sophia Czarkowski - Coordinator Facilities</b>

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**SUMMARY**

*This report provides information on the activities of Community Assets and Facilities for the month of December 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Community Assets and Facilities monthly operational report for December 2019 be received.

**Recommendation of the Community Services Committee, 29 January 2020****9.4.6    ROCKHAMPTON       SHOWGROUNDS       VENUE       HIRE       EXCLUSION  
             CONSIDERATION****File No:** 1464**Attachments:** Nil**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** John Webb - Manager Communities and Culture

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**SUMMARY**

*This report describes the recent practice of like hirer exclusion periods at Rockhampton Showgrounds and recommends the removal of this practice.*

**COMMITTEE RECOMMENDATION**

THAT Council confirm the removal of any exclusion period for like hirers at the Rockhampton Showground and venue hirers are confidentially informed of like events allowing market forces and prospective hirers to determine usage within this limits of the site's capacity and availability.

**Recommendation of the Community Services Committee, 29 January 2020****9.4.7 COMMUNITIES & CULTURE OPERATIONAL REPORT NOVEMBER 2019****File No: 1464****Attachments: 1. Communities & Culture Operational Report  
November 2019****Authorising Officer: Colleen Worthy - General Manager Community Services****Author: John Webb - Manager Communities and Culture**

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**SUMMARY**

*The report provides information on the programs and activities of the Communities and Culture Section for November 2019.*

**COMMITTEE RECOMMENDATION**

THAT the Communities and Culture Operational Report for November 2019 be 'received'.

**9.5 PARKS, RECREATION AND SPORT COMMITTEE MEETING - 29 JANUARY 2020****RECOMMENDATION**

THAT the Minutes of the Parks, Recreation and Sport Committee meeting, held on 29 January 2020 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 and Sport Committee, 29 January 2020****9.5.1 LIFTING MATTERS FROM THE TABLE**

**File No:** 11979  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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**SUMMARY**

*Items laid on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the Parks Recreation and Sport Committee meeting on 29 January 2020.*

**COMMITTEE RECOMMENDATION**

THAT the following matter be lifted from the table and dealt with accordingly:

- Lease Period Extension for Rockhampton Capras Rugby League Club

**Recommendation of the Parks, Recreation and Sport Committee, 29 January 2020****9.5.2 LEASE PERIOD EXTENSION FOR ROCKHAMPTON CAPRAS RUGBY LEAGUE CLUB**

**File No:** 8865

**Attachments:** 1. Construction Photos  
2. Building Upgrade Plans

**Authorising Officer:** Aaron Pont - Acting General Manager Community Services  
Colleen Worthy - General Manager Community Services

**Author:** Jacinta James - Supervisor Sports and Administration

**Previous Items:** 8.1 - Lease Period Extension for Rockhampton Capras Rugby League Club - Parks, Recreation and Sport Committee - 27 Nov 2019 12.30pm

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**SUMMARY**

*Central Queensland Capras Rugby League Football Club Inc holds a Trustee lease over part of Leichhardt Park that is due to expire on 31 January 2021. The Club are seeking an extension to the term of the lease following upgrades to their existing structure.*

**COMMITTEE RECOMMENDATION**

THAT Council approve the renewal of the Trustee Lease for Central Queensland Capras Rugby League Club Inc with an extended term from six years to ten years (new agreement to expire on 30 June 2031).

**Recommendation of the Parks, Recreation and Sport Committee, 29 January 2020****9.5.3 FREEHOLD LEASE WITH GLENMORE BULLS AUSTRALIAN FOOTBALL CLUB INC. AT STENLAKE PARK**

**File No:** 374  
**Attachments:** 1. Existing Structure  
**Authorising Officer:** Aaron Pont - Acting General Manager Community Services  
Colleen Worthy - General Manager Community Services  
**Author:** Jacinta James - Supervisor Sports and Administration

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**SUMMARY**

*This report seeks to formalise a Freehold Lease agreement over the existing structure at Stenlake Park.*

**COMMITTEE RECOMMENDATION****THAT**

1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) Council enter into a Freehold Lease (~618m<sup>2</sup>) with Glenmore Bulls Australian Football Club Inc. as identified in the report; and
2. Council authorises the Chief Executive Officer (Supervisor Sports & Administration) to negotiate the terms and conditions of the agreement in preparation for execution by the delegated officer.

**Recommendation of the Parks, Recreation and Sport Committee, 29 January 2020****9.5.4 MONTHLY OPERATIONAL REPORT - NOVEMBER & DECEMBER 2019****File No:** 1464**Attachments:** 1. Operational Report - November and December**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Aaron Pont - Manager Parks

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**SUMMARY**

*This report provides information on the activities and services of the Parks section for November and December 2019.*

**COMMITTEE RECOMMENDATION**

THAT the report on the activities and services of the Parks section for November and December 2019 be received.

**Recommendation of the Parks, Recreation and Sport Committee, 29 January 2020****9.5.5 NAMING OF PEDESTRIAN BRIDGE AT TOUCH OF PARADISE LAGOON, GRACEMERE**

**File No:** 1313  
**Attachments:** 1. Survey Responses  
**Authorising Officer:** Colleen Worthy - General Manager Community Services  
**Author:** Aaron Pont - Manager Parks

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**SUMMARY**

*Council endorsement is sought for the naming of the recently constructed suspension bridge at Touch of Paradise Lagoons, Gracemere following community feedback.*

**COMMITTEE RECOMMENDATION**

THAT Council dedicate the naming of the large suspension bridge at Touch of Paradise Lagoon in recognition of the community service and life achievements of Don and Dianne Close.

**Recommendation of the Parks, Recreation and Sport Committee, 29 January 2020****9.5.6 FREEHOLD AND TRUSTEE LEASE RENEWALS FOR PARKS UNTIL 31 JULY 2020**

**File No:** 374  
**Attachments:** Nil  
**Authorising Officer:** Aaron Pont - Acting General Manager Community Services  
Colleen Worthy - General Manager Community Services  
**Author:** Jacinta James - Supervisor Sports and Administration

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**SUMMARY**

*In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought for the commencement of the renewal of Freehold Leases and Trustee Leases expiring up until 31 July 2020.*

**COMMITTEE RECOMMENDATION****THAT:**

1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) Council approve the renewal of the Freehold Leases and Trustee Leases as identified in the report; and
2. Council authorises the Chief Executive Officer (Supervisor Sports & Administration) to negotiate the terms and conditions of the agreements with the organisations listed in the report in preparation for execution by the delegated officer.

**Recommendation of the Parks, Recreation and Sport Committee, 29 January 2020****9.5.7 ROCKHAMPTON BROTHERS CRICKET INC - REQUEST TO LEASE STRUCTURE AT VICTORIA PARK****File No:** 11081**Attachments:**

1. Victoria Park Clubhouse
2. Letter from Rockhampton Brothers Cricket Club Inc

**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Aaron Pont - Manager Parks

Parks, Recreation and Sport Committee at its meeting on 12 February 2020 resolved that the matter be deferred to the meeting to be held on 29 January 2020.

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**SUMMARY**

*Rockhampton Brothers Cricket Club Inc. is seeking a structure to store cricket equipment in close proximity to the existing Cricket nets located at Victoria Park.*

**COMMITTEE RECOMMENDATION**

THAT Council enter into a lease with Rockhampton Brothers Cricket Club for a period of 2 years with special conditions relating to building maintenance and future development of the site.

THAT the annual fee of \$600 be waived in lieu of the maintenance responsibility.

**10 COUNCILLOR/DELEGATE REPORTS****10.1 LEAVE OF ABSENCE - COUNCILLOR DREW WICKERSON - 14 MARCH TO 28 MARCH 2020****File No:** 10072**Attachments:** Nil**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Megan Careless - Executive Support Officer

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**SUMMARY**

*Councillor Drew Wickerson is seeking leave of absence from Saturday 14 March 2020 to Saturday 28 March 2020 inclusive.*

**OFFICER'S RECOMMENDATION**

THAT Councillor Drew Wickerson be granted leave of absence from Saturday 14 March 2020 to Saturday 28 March 2020 inclusive.

**BACKGROUND**

Councillor Drew Wickerson has advised the Chief Executive Officer that he wishes to take leave of absence from Saturday 14 March 2020 to Saturday 28 March 2020 inclusive.

## 11 OFFICERS' REPORTS

### 11.1 PLANNING ACT 2016 AND SUSTAINABLE PLANNING ACT 2009 - TEMPORARY DELEGATION OVER ELECTION PERIOD

**File No:** 12660  
**Attachments:** Nil  
**Authorising Officer:** Tracy Sweeney - Manager Workforce and Governance  
**Author:** Allysa Brennan - Coordinator Legal and Governance

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#### SUMMARY

*The purpose of this report is to obtain a temporary delegation for the Chief Executive Officer to facilitate the statutory requirements of the Planning Act 2016 and the Sustainable Planning Act 2009 to accommodate the Council meeting recess over the election period.*

#### OFFICER'S RECOMMENDATION

THAT Council resolves as per Section 257 of the *Local Government Act 2009* to delegate its powers as 'Assessment Manager' under the *Planning Act 2016* and the *Sustainable Planning Act 2009* to the Chief Executive Officer for the period 19 February 2020 until the Post-Election Meeting of the new Council.

#### BACKGROUND

Council's role under the *Planning Act 2016* and the *Sustainable Planning Act 2009* is both specific and time constrained as evidenced by the following sections of the *Planning Act 2016*, *Development Assessment Rules* and transitional provisions under the *Planning Act 2016* in relation to the former *Sustainable Planning Act 2009*:

s48(1) of *Planning Act 2016*

48(1) Who is the assessment manager

- (1) The assessment manager for a development application is the person prescribed by regulation as the assessment manager for the application and is responsible for the following:
- (a) administering and deciding a properly made development application; and
  - (b) assessing part or all of a properly made development application.

s22.1 of the *Development Assessment Rules*:

22.1. *The assessment manager must:*

- (a) *assess and decide the application within 35 days (decision period) in accordance with section 60 and 61 of the Act, or a further period agreed between the assessment manager and the applicant, from the end of the last relevant part in section 21.*

s247 of *Sustainable Planning Act 2009*

247 *Role of assessment manager*

*The assessment manager for an application administers and decides the application, but may not always assess all aspects of development for the application.*

S318 of *Sustainable Planning Act 2009*

s318 - *Decision-making period—generally*

- (1) *The assessment manager must decide the application within 20 business days after the day the decision stage starts (the decision-making period).*

- (2) *The assessment manager may, by written notice given to the applicant and without the applicant's agreement, extend the decision-making period by not more than 20 business days.*
- (3) *Only 1 notice may be given under subsection (2) and it must be given before the decision-making period ends.*

After today's meeting, Council's Schedule of Meetings contains one Council meeting (18 February 2020) and one Planning and Regulatory Committee meeting (11 February 2020) by which it can exercise its power as Assessment Manager in compliance with the *Planning Act 2016* and *Sustainable Planning Act 2009*.

Consequently, to ensure legislative compliance during the period 19 February 2020 to the Post-Election Meeting of the new Council, Council must consider the delegation of its powers as Assessment Manager.

This delegation can be achieved under section 257 of *Local Government Act 2009*:

*Delegation of local government powers*

- (1) *A local government may, by resolution, delegate a power under this Act or another Act to—*
  - (a) *the mayor; or*
  - (b) *the chief executive officer; or*
  - (c) *a standing committee, or joint standing committee, of the local government; or*
  - (d) *the chairperson of a standing committee, or joint standing committee, of the local government; or*
  - (e) *another local government, for the purposes of a joint government activity.*
- (2) *Also, a local government must not delegate a power that an Act states must be exercised by resolution.*
- (3) *A joint standing committee, of the local government, is a committee consisting of councillors of 2 or more of the local governments.*

The recommendation as proposed is considered to provide the greatest flexibility to Council in meeting its statutory requirements over this period whilst maintaining the integrity, transparency and accountability of the administration of planning process.

## **LEGISLATIVE CONTEXT**

The *Planning Act 2016* identifies Council as the Assessment Manager for certain types of development. This Act, including through the Development Assessment Rules and transitional provisions in relation to the *Sustainable Planning Act 2009* prescribe the process and timeframes by which Council must discharge its obligations as an Assessment Manager. Section 288 of the *Planning Act 2016* provides that an application lodged under the *Sustainable Planning Act 2009* and not decided prior to the commencement of the *Planning Act 2016* that the *Sustainable Planning Act 2009* continues to apply to the application instead of the *Planning Act 2016*.

*Local Government Act 2009* provides the mechanism by which the Council may delegate its powers as Assessment Manager pursuant to the *Planning Act 2016* and *Sustainable Planning Act 2009*.

The *Local Government Act 2009* prohibits local governments from making major policy decisions during caretaker period. The definition of 'major policy decision' in the *Local Government Act 2009* was recently amended to limit what planning decisions can be made under the *Planning Act 2016* on development applications that include certain variation requests or change applications that involve:

- varying the category of development or category of assessment of consequential development;

- varying the assessment benchmarks or criteria for accepted development that would apply to consequential development; or
- facilitating development that would result in a greater demand on infrastructure than the demand anticipated in the Council's infrastructure plan.

**RISK ASSESSMENT**

Failure to meet the statutory requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009* is considered to be high in the absence of mitigating action. The action as proposed alleviates the risk.

**CONCLUSION**

Due to the local government elections being held on 28 March 2020, there is a period of approximately six weeks where some development applications may not be able to be processed in accordance with the requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009*.

It is considered appropriate to provide a temporary delegation to the Chief Executive Officer to facilitate the statutory requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009*.

**11.2 CAPRICORN FOOD AND WINE FESTIVAL 2020**

**File No:** 6097  
**Attachments:** 1. [Event Report](#)  
**Authorising Officer:** Annette Pearce - Manager Tourism, Events and Marketing  
Evan Pardon - Chief Executive Officer  
**Author:** Bev Marston - Supervisor Events

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**SUMMARY**

*The Capricorn Food and Wine Festival is proposed to run from 25 to 27 September 2020. Capricorn Food and Wine have sought a sponsorship arrangement from Rockhampton Regional Council.*

**OFFICER'S RECOMMENDATION**

THAT the funding contributions set out in this report to the value of \$50,000 made of cash and in kind support be endorsed by Council.

**COMMENTARY**

Council has received a Sponsorship Commitment proposal from Capricorn Food and Wine Festival for the September 2020 event.

The proposed financial contribution sought is \$50,000 including GST.

Capricorn Food and Wine seek sponsorship in the following capacity:

- Venue – Hire of Rockhampton riverside carpark, inclusive of access to electricity and water, maintenance to ensure a presentable area pre and post event, provision and removal of rubbish bins during and post festival, and provisions of plants and trees for decorative and theming purposes.
- Marketing and Media – Promotion of the festival, inclusive of permissions to display roadside banners three (3) weeks prior to the festival, event development assistance, promotion of the festive through RRC electronic media boards, and promotion of the festival through RRC contacts, webpages, community, and other promotional avenues leading up to the event.
- Ticketing – Use of Pilbeam Theatre See It Live ticketing system, inclusive of complimentary mail outs to the theatre's subscribed mailing list.
- Financial Contribution – \$35,000 inclusive of GST.

**BACKGROUND**

The annual Capricorn Food and Wine festival is hosted in the first week of the September school holidays, and has proven to be a key drawcard to our region as reflected in past festivals.

The 2019 event resulted in:

- Total economic impact to the Rockhampton Region \$1,226,000.00
- Total individuals visited 7,654
- Total attendances of 10,017
- 57 ticketed events
- 1,166 tickets sold
- 37 food stalls

**PREVIOUS DECISIONS**

Financial contributions were allocated for the 2018 and 2019 Capricorn Food and Wine Festival:

- The value of \$35,000 in monetary contribution for the event
- The value of \$15,000 in-kind contribution for the event

**BUDGET IMPLICATIONS**

Advanced Rockhampton is willing to commit to the following financial contributions funded by the Advance Rockhampton Event operational budget for the

2020 Capricorn Food and Wine Festival:

- The value of \$12,000 in kind for Marketing support through RRC assets.
- The value of \$5,000 in kind for venue hire of Quay Street and amenities.
- The value of \$30,000 plus GST in monetary contribution for the overall event.

**CONCLUSION**

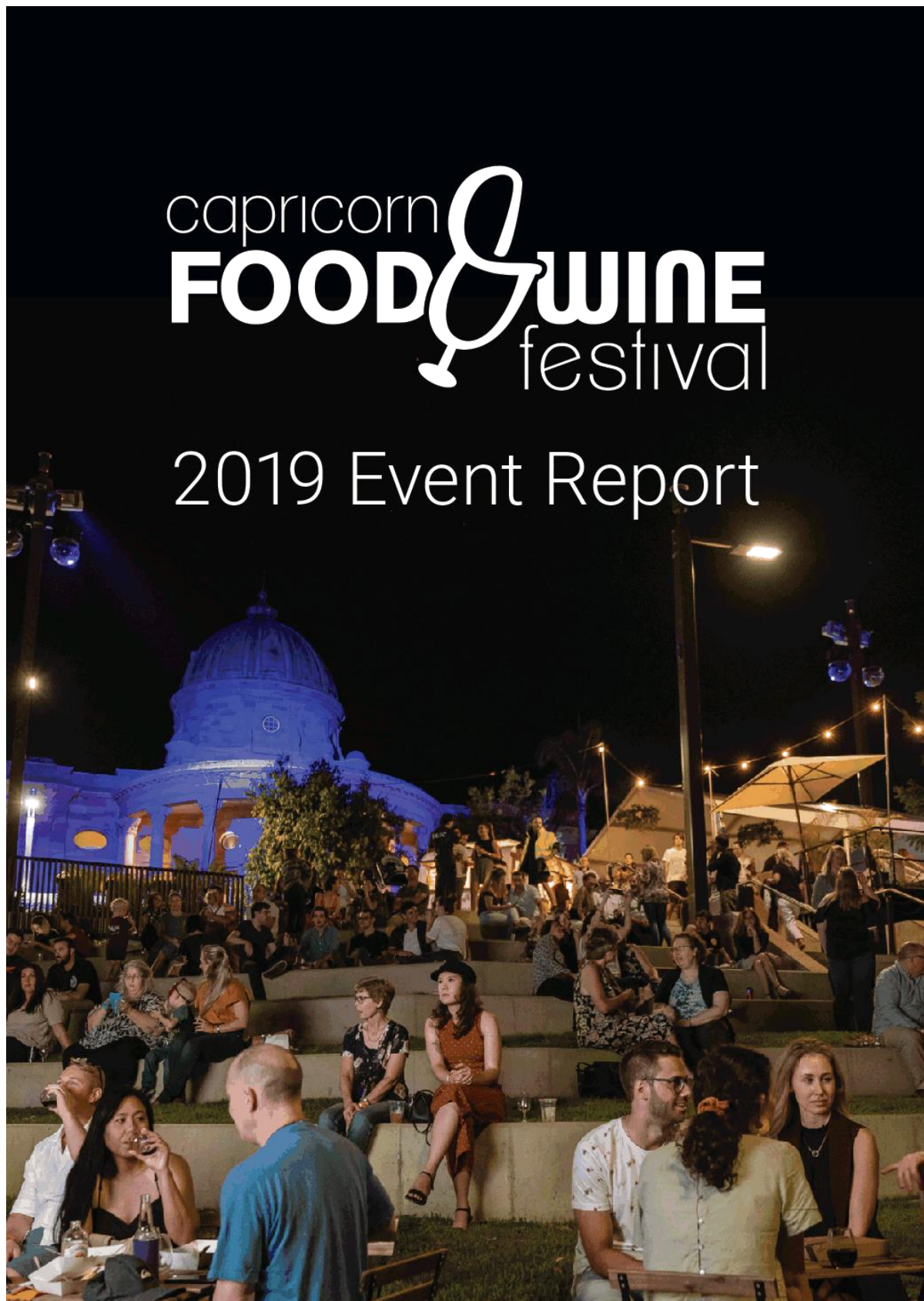
The above financial commitments contribute to the continued success of the event on Quay Street and Riverfront Precinct.

# **CAPRICORN FOOD AND WINE FESTIVAL 2020**

## **2019 Event Report**

**Meeting Date: 4 February 2020**

**Attachment No: 1**







## *Executive Summary*

For the past seven years, The Capricorn Food and Wine Festival has played a significant role in showcasing the Rockhampton Region, it's burgeoning hospitality, food and wine capabilities whilst growing visitation and positioning the region as an exciting and vibrant destination for domestic and interstate visitors.

The Capricorn Food and Wine Festival has evolved to become north Queensland largest Food and Wine Festival and a signature event with the Rockhampton Regions' event calendar.

Capricorn Food and Wine Festival has continued to grow each year and this year took the next step with a succession of new and innovative events and increasing the footprint of the festival by almost one hundred percent (100%).

The festival has successfully continued to attract and grow a legion of loyal and dedicated fans by providing an experience that is memorable, unique, fun and appealing to locals, interstate and intrastate visitors.



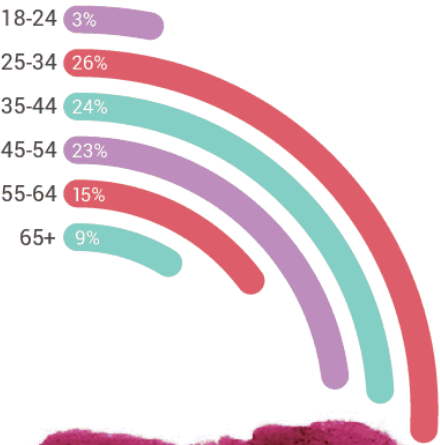
## *Key Deliverables*

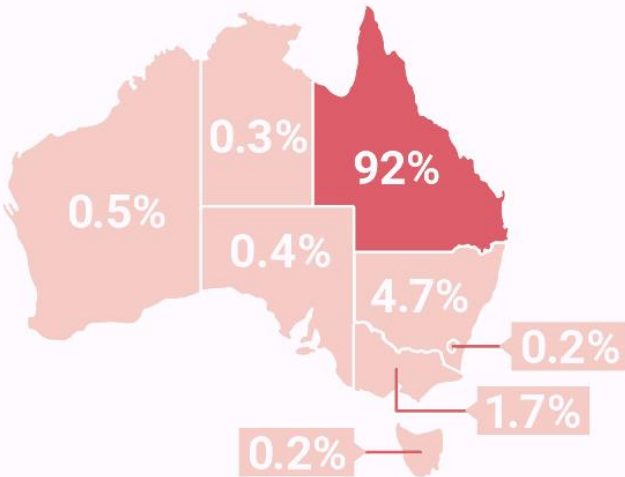
- ✦ Deliver a high-profile signature food and wine festival for the Capricorn Region
- ✦ Positively impact the economic development through
  - Increase in tourism
  - Attraction of local, intrastate and interstate visitation
  - Showcase local produce for export.
- ✦ Increase diversity and growth of the festival
- ✦ Continue to showcase and promote the region's burgeoning local produce and food bowl opportunities.
- ✦ Support and celebrate local talents and business to contribute to Council's mission to create a region that our community values





Key Outcomes



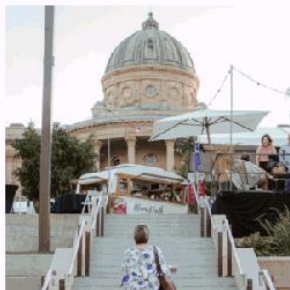




## *Economic Impact*

TOTAL ECONOMIC IMPACT TO  
THE ROCKHAMPTON REGION

**\$1,226,000**





### *Impact on Output*

The total visitor spend attributed to staging the Food and Wine Festival lead to a direct impact on output of \$437,504.

This additional direct output from the economy would lead to an increase in indirect demand for intermediate goods and services across related industry sectors. These indirect industrial impacts (Type 1) are estimated to be an additional \$89,929 in Output.

There would be an additional contribution to Rockhampton Regional Council area economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this resulted in a further increase in Output of \$41,079.

The combination of all direct, industrial and consumption effects would result in total estimated rise in Output of **\$568,512** in Rockhampton Regional Council area economy.



### *Impact on value added and GRP*

The impact of an additional of \$508,725 spend to the local economy as a result of running Food and Wine Festival in Rockhampton Regional Council area lead to a corresponding direct increase in estimated value added of \$234,854. A further \$40,156 in value added would be generated from related intermediate industries.

There would be an additional contribution to Rockhampton Regional Council area economy through consumption effects as correspondingly more wages and salaries are spent in the local economy. It is estimated that this would result in a further increase in value added of \$22,689.

The combination of all direct, industrial and consumption effects would result in an estimated addition in value added of \$297,698 in Rockhampton Regional Council area economy.

Value added by industry represents the industry component of Gross Regional Product (GRP). The impact on Rockhampton Regional Council area's GRP as a result of staging this event is directly equivalent to the change in value added outlined above.

In summary, GRP in Rockhampton Regional Council area is estimated to increase by **\$297,698**.



## *Impact on Employment*

The employment impact of an event is expressed in Full Time Equivalent (FTE) jobs. For example, an event that generates 4 weeks of full time work for 13 people (52 weeks of full time work in total), would have an employment impact equivalent to 1.0 annual FTE job.

The direct addition of spend to the local economy as a result of staging the Food and Wine Festival event in Rockhampton Regional Council area is estimated to lead to a corresponding direct increase of employment equivalent to 7.0 annual FTE jobs across a range of industries. From this direct expansion in the economy it is anticipated that there would be flow on effects into other related intermediate industries, creating an additional employment equivalent to 0.4 annual FTE jobs.

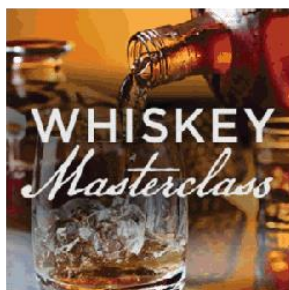
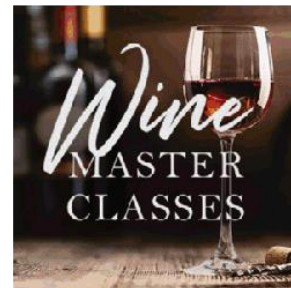
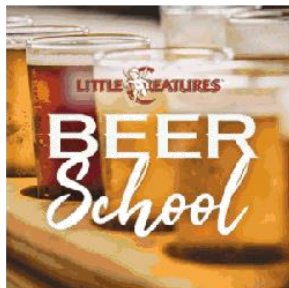
This addition of employment in the local economy would lead to a corresponding increase in wages and salaries, a proportion of which would be spent on local goods and services, creating a further increase equivalent to 0.2 annual FTE jobs through consumption impacts.

The combination of all direct, industrial and consumption effects would result in a total estimated increase of employment equivalent to 7.6 annual FTE jobs located in Rockhampton Regional Council area to the value of **\$360,000**.



## Key Events





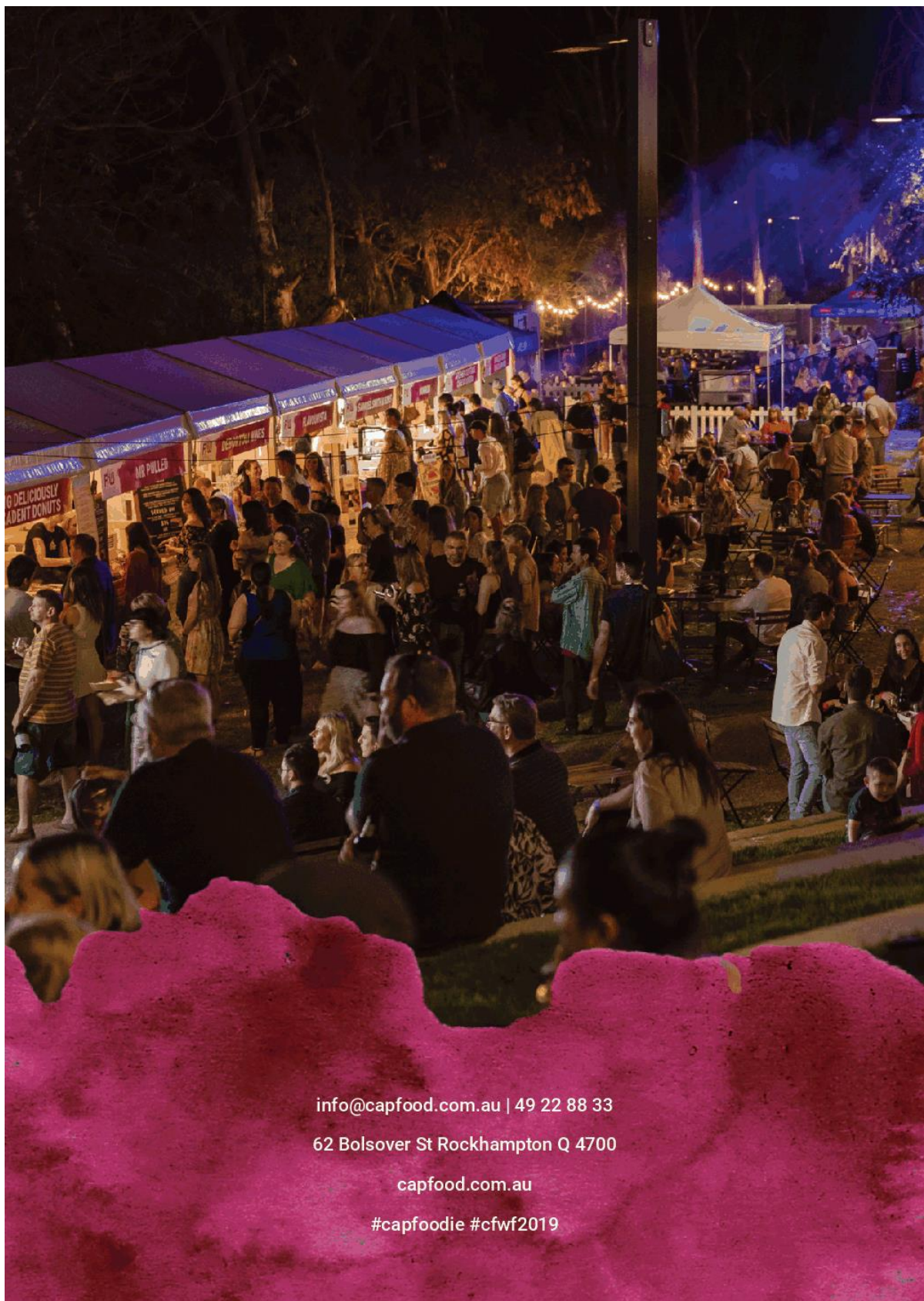


## Sponsors

We take this opportunity to thank all of the great sponsorship and support we received for this years' festival.







[info@capfood.com.au](mailto:info@capfood.com.au) | 49 22 88 33

62 Bolsover St Rockhampton Q 4700

[capfood.com.au](http://capfood.com.au)

#capfoodie #cfwf2019

**11.3 LOCAL GOVERNMENT INFRASTRUCTURE PLAN ADOPTION**

<b>File No:</b>	<b>5732</b>
<b>Attachments:</b>	<b>1. Engage HQ Public Consultation Summary Report</b> <b>2. Responses to Submissions (included in Confidential)</b>
<b>Authorising Officer:</b>	<b>Martin Crow - Manager Infrastructure Planning</b> <b>Peter Kofod - General Manager Regional Services</b>
<b>Author:</b>	<b>Stuart Harvey - Coordinator Infrastructure Planning</b>

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**SUMMARY**

*Council formally advertised the proposed Local Government Infrastructure Plan (LGIP) Interim amendment for public consultation from Wednesday 11 December 2019 to Friday 24 January 2020. This report seeks Council approval to adopt the LGIP, respond to all submissions and to publish a public notice stating Council's decision to adopt the interim amendment.*

**OFFICER'S RECOMMENDATION**

THAT Council:

1. Adopt the LGIP in accordance with the Interim amendment with a commencement date of 3 March 2020;
2. Formally respond to all submitters in accordance with the recommended responses proposed in the letters attached to this report;
3. Publish a public notice stating Council's decision to adopt the interim amendment.

**COMMENTARY**

Council resolved on 10 December 2019 to undertake public consultation for the interim amendment to the LGIP. Subsequently, public consultation commenced on Wednesday 11 December 2019 and ended Friday 24 January 2020.

The attached survey summary report (Attachment 1) shows the variety of people who were aware (114 webpage visits), informed (57 downloaded documents) and engaged (1 responses) on the LGIP amendment.. The only submission received related to the provision of water infrastructure for the locality of Ridgeland and surrounds. As the LGIP only applies to urban development within the Priority Infrastructure Area, no change to the interim amendment is recommended. A final submission was received from the Urban Development Institute of Australia Queensland, supporting the proposed amendments. Responses have been prepared and are attached to this report (Attachment 2 – included in confidential).

In accordance with the Ministers Guidelines and Rules under the Planning Act 2016, on adoption of the interim amendment, Council must publish a public notice in the Queensland Government Gazette, local newspaper and on Council's website. Given the lack of submissions on the LGIP amendment it is recommended that Council adopt the Interim LGIP Amendment and set a commencement date of 3 March 2020. This allows some time to publish the notice and update Council's website.

Due to size restrictions, the LGIP document and mapping has been included in a Sharefile Link that was sent to Councillors notifying the Agendas have been finalised.

**BACKGROUND**

The Local Government Infrastructure Plan (LGIP) is a part of the Rockhampton Regional Planning Scheme that highlights how Council will provide adequate trunk infrastructure to service the proposed development growth in the region.

The document is underpinned by the Planning Assumptions Model data and desired standards of service and these are used to plan and forecast required trunk infrastructure projects across the networks of Water, Sewer, Transport, Stormwater and Parks.

The current LGIP includes projects that are no longer required, projects that are not required until later (due to changes in population forecasts) and projects where Council has substantially progressed designs and cost estimates. In addition to this, the recent Planning Assumptions model (Adopted by Council in June 2019) includes changes to the region's population forecasts that need to be reflected in the timings of proposed trunk infrastructure projects. The interim amendment will update the LGIP to reflect these changes.

### **PREVIOUS DECISIONS**

On 25 June 2019 Council adopted the recent update to the Planning Assumptions Model.

On 10 December 2019 Council adopted the Local Government Infrastructure Plan for community consultation between 11 December 2019 and 24 January 2020.

### **LEGISLATIVE CONTEXT**

The requirements to make, and administer amendments to the LGIP must comply with the requirements under the Planning Act 2016 and the Ministers Guidelines and Rules under the Planning Act 2016.

### **CORPORATE/OPERATIONAL PLAN**

The requirement to update and amend the Local Government Infrastructure Plan is Item 1.1.3.1 in the Operational Plan 2019-2020.

### **CONCLUSION**

The public submission has been considered in accordance with the Ministers Guidelines and Rules under the Planning Act 2016 and no changes to the interim amendment are recommended. Council can now update the LGIP and publish a public notice stating Council's decision to adopt the interim amendment.

# **LOCAL GOVERNMENT INFRASTRUCTURE PLAN ADOPTION**

## **Engage HQ Public Consultation Summary Report**

**Meeting Date: 4 February 2020**

**Attachment No: 1**

# Summary Report

15 April 2019 - 27 January 2020

## Engage Rockhampton Region

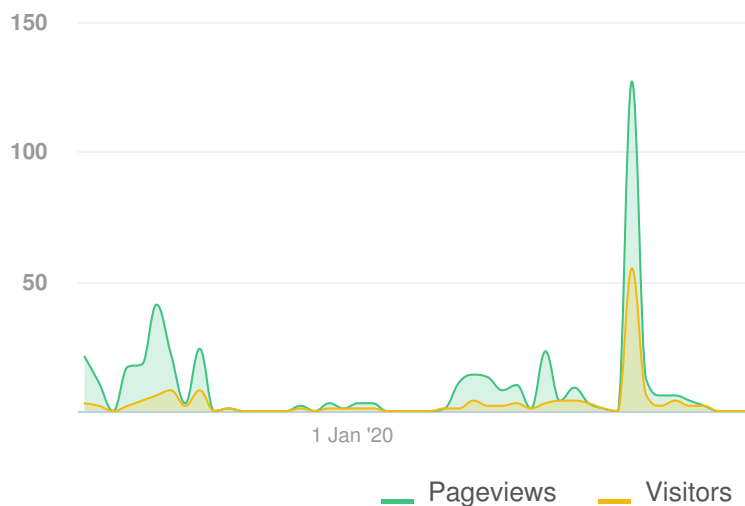
PROJECTS SELECTED: 1

Amendment to the Local Government Infrastructure Plan (LGIP)

FULL LIST AT THE END OF THE REPORT



### Visitors Summary



### Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
169	55	
NEW REGISTRATIONS		
5		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
3	57	114

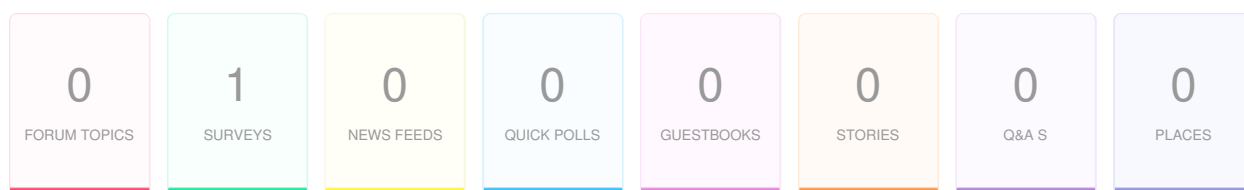
## PARTICIPANT SUMMARY

ENGAGED	3 ENGAGED PARTICIPANTS				TOP PROJECTS	
		Registered	Unverified	Anonymous		Participants (%)
INFORMED		Contributed on Forums	0	0	0	Amendment to the Local Gov... 3 (2.6%)
		Participated in Surveys	3	0	0	
		Contributed to Newsfeeds	0	0	0	
		Participated in Quick Polls	0	0	0	
AWARE		Posted on Guestbooks	0	0	0	
		Contributed to Stories	0	0	0	
		Asked Questions	0	0	0	
		Placed Pins on Places	0	0	0	
		Contributed to Ideas	0	0	0	
				* A single engaged participant can perform multiple actions		
				* Calculated as a percentage of total visits to the Project		

ENGAGED	57 INFORMED PARTICIPANTS				TOP PROJECTS	
				Participants		Participants (%)
INFORMED		Viewed a video		0	Amendment to the Local Gov...	57 (50.0%)
		Viewed a photo		0		
		Downloaded a document		48		
		Visited the Key Dates page		0		
AWARE		Visited an FAQ list Page		0		
		Visited Instagram Page		0		
		Visited Multiple Project Pages		40		
		Contributed to a tool (engaged)		3		
					* A single informed participant can perform multiple actions	
				* Calculated as a percentage of total visits to the Project		

ENGAGED	114 AWARE PARTICIPANTS				TOP PROJECTS	
				Participants		Participants
INFORMED		Visited at least one Page		114	Amendment to the Local Gov...	114
AWARE						
				* Aware user could have also performed an Informed or Engaged Action		
				* Total list of unique visitors to the project		

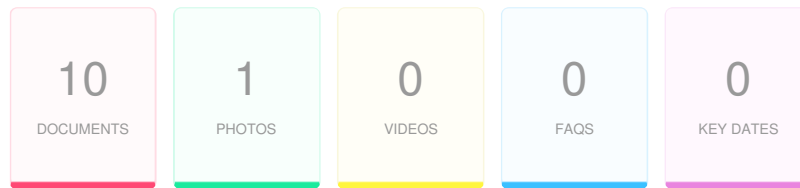
## ENGAGEMENT TOOLS SUMMARY



SURVEYS SUMMARY	
1	Surveys
3	Contributors
3	Submissions

TOP 3 SURVEYS BASED ON CONTRIBUTORS
<p>3</p> <p>Contributors to</p> <hr/> <p>Proposed Interim Amendment to the Local Government Infrastructure Plan</p>

## INFORMATION WIDGET SUMMARY



DOCUMENTS	
10	Documents
48	Visitors
110	Downloads

TOP 3 DOCUMENTS BASED ON DOWNLOADS		
29	21	16
Downloads	Downloads	Downloads
LGIP Part 4 and Schedule 3	LGIP Mapping Parks 5-0 to 5-21	LGIP Mapping Roads 3-0 to 3-14

PHOTOS	
1	Photos
0	Visitors
0	Views

TOP 3 PHOTOS BASED ON VIEWS	
0	
Views	
Capture	

## TRAFFIC SOURCES OVERVIEW

REFERRER URL	Visits
m.facebook.com	34
www.rockhamptonregion.qld.gov.au	11
www.facebook.com	10
android-app	4
l.facebook.com	3
themorningbulletin.pressreader.com	1
lm.facebook.com	1
www.google.com	1

## SELECTED PROJECTS - FULL LIST

PROJECT TITLE	AWARE	INFORMED	ENGAGED
Amendment to the Local Government Infrastructure Plan (LGIP)	114	57	3

**11.4 AMENDMENTS TO CARETAKER POLICY AND COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY****File No:** 11979

**Attachments:**

1. Final Draft Caretaker Period Policy - Tracked Changes [↓](#)
2. Final Draft Caretaker Period Policy - Final Version [↓](#)
3. Final Draft Councillor Acceptable Request Guidelines Policy - Tracked Changes [↓](#)
4. Final Draft Councillor Acceptable Request Guidelines Policy - Final Version [↓](#)

**Authorising Officer:** Ross Cheesman - Acting Chief Executive Officer  
Evan Pardon - Chief Executive Officer

**Author:** Damon Morrison - Executive Coordinator to the Mayor

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**SUMMARY**

*Presentation of the Caretaker Policy and Councillor Acceptable Request Guidelines Policy with amendments to implement provisions contained in the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the amended Caretaker Policy and Councillor Acceptable Request Guidelines Policy as attached to the report.

**COMMENTARY**

In October 2017 the Queensland Government commenced the delivery of a rolling reform agenda in the local government sector. The first stage of the reforms arose out of the Crime and Corruption Commission's "Operation Belcarra" which were introduced into the Queensland Parliament in March 2018.

On 16 October 2019 the Queensland Parliament passed the second stage of its reforms – the *Local Government (Implementing Stage 2 of Belcarra) and other Legislation Amendment Bill 2019* (the Bill).

The policy objective of the Bill was stated to:

*"...continue the Government's rolling local government reform agenda guided by four key principles of integrity, transparency, diversity (reflecting electorate diversity) and consistency, as appropriate, with State and Commonwealth electoral and governance frameworks."*

Changes in effect following the Governor's assent of the Bill on 30 October 2019 include new restrictions on decisions during the caretaker period preceding each quadrennial local government election.

Changes in the Bill that commenced on 18 November 2019 include Councillor rights to access Council information, changes to Mayoral powers to direct CEOs and senior executive officers and restrictions on the allocation of Councillor Discretionary Funds.

The Caretaker Policy and Councillor Acceptable Request Guidelines Policy have been amended to include requirements contained in the Bill and update references to, or remove sections already defined in other legislative documents including the *Local Government Act 2009* and *Local Government Regulation 2012*.

Minor formatting changes have also been implemented as per the Governance Administration Framework Policy and Procedure.

**CONCLUSION**

The amended Caretaker Policy and Councillor Acceptable Request Guidelines Policy as attached to the report is provided to Council for consideration and adoption.

# **AMENDMENTS TO CARETAKER POLICY AND COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY**

## **Final Draft Caretaker Period Policy - Tracked Changes**

**Meeting Date: 4 February 2020**

**Attachment No: 1**

# CARETAKER PERIOD POLICY

## (ADMINISTRATIVE POLICY)



### 1 Scope

This policy applies to Councillors, employees, contractors and volunteers and quadrennial elections of Rockhampton Regional Council. This policy does not apply to by-elections and fresh elections.

### 2 Purpose

The purpose of this policy is to ensure the ordinary business of Council continues in a responsible, transparent and legally-compliant manner in the period leading up to an election.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Government Electoral Act 2011*

*Local Government Electoral Regulation 2012*

*Local Law No. 1 (Administration) 2011*

[Planning Act 2016](#)

[Subordinate](#) *Local Law No 1.4 (Installation of Advertising Devices) 2019*<sup>1</sup>

Advertising Spending Policy

~~Advice Guidelines for Councillor Requests for Advice to Help a Councillor Make a Decision Policy~~

Code of Conduct

Community Grants and Minor Sponsorship Policy

Community Grants and Minor Sponsorship Procedure – Community Assistance Program

Community Grants and Minor Sponsorship Procedure – Councillors Discretionary Funds

~~Councillors Vehicle Use Policy~~

Councillor Acceptable Request Guidelines Policy

Election Management Plan

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

~~Guidelines for Councillor Requests for Information Policy~~

#### LEGAL & GOVERNANCE USE ONLY

Adopted/Approved:	<u>Adopted, 13 October 2015</u> <u>DRAFT</u>	Department:	Office of CEO
Version:		Section:	<u>Office of the Mayor</u> <u>Governance Support</u>
Reviewed Date:		Page No:	Page 1 of 9

## 4 Definitions

To assist in interpretation, the following definitions apply:

<u>By-election</u>	<u>As defined in the <i>Local Government Electoral Act 2011</i>, an election to replace a Councillor after the Councillor's office becomes vacant.</u>
Caretaker Period	As defined in section 90A of the <i>Local Government Act 2009</i> , the period during an election for a local government that starts on the day when the public notice of the holding of the election is given <u>under the <i>Local Government Electoral Act 2011</i>, section 25(1)</u> and ends at the conclusion of the election. <u>There is no caretaker period during a by-election or fresh election.</u>
CEO	Chief Executive Officer 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.
Civic Events	An event or ceremony which involves a guest(s) of honour and invited guests approved by the Mayor. Civic events are initiated by the Mayor.
Committee	A committee established under the <i>Local Government Regulation 2012</i> : Standing Committee - A group of Councillors created by a resolution of the Council to undertake functions as determined under the <i>Local Government Act 2009</i> or <i>Local Government Regulation 2012</i> decided by a Council resolution. A standing committee may either be a delegated or non-delegated committee. Advisory Committee – A group of Councillors, and in some cases, non-elected representatives, for the performance of any duty, not of a permanent nature, created by resolution of the Council to undertake functions as determined under the <i>Local Government Act 2009</i> or <i>Local Government Regulation 2012</i> decided by a Council resolution. An advisory committee cannot be a delegated committee.
Community Events	An event, ceremony or gathering aimed at the whole community which demonstrates a clear community benefit, or serves an educational or welfare purpose.
Conclusion of Election	As defined in section 7(a) of the <i>Local Government Electoral Act 2011</i> , the day on which the last declaration of a poll conducted in the election is <u>published on the electoral commission's website under section 100(2) of the <i>Local Government Electoral Act 2011</i></u> displayed at the office of the returning officer.
Contractor	A person, <u>organisation or entity</u> that performs a specific act or acts including the provision of services <u>and/or materials</u> to <u>another person, organisation or entity</u> Council under an agreement enforceable by law.
Council	Rockhampton Regional Council
Council Table	The body of elected Councillors of Council.
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Election Material	As defined in section 90D of the <i>Local Government Act 2009</i> , anything able to, or intended to: (a) Influence an elector about voting at an election; or (b) Affect the result of an election.
Election Period	As defined in the <i>Local Government Electoral Act 2011</i> , the period starting on the day when public notice of the holding of the election is given under section 25(1) and ending on the close of the poll for the election.

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Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Fresh Election	As defined in the <i>Local Government Electoral Act 2011</i> and <i>Local Government Act 2009</i> , an election of all the Councillors of a local government that is not a quadrennial election.
Major Policy Decision	As defined in the <i>Local Government Act 2009</i> , a decision: (a) About the appointment of a CEO <u>of the local government</u> ; (b) About the remuneration of the CEO <u>of</u> the local government; (c) To terminate the employment of the CEO <u>of the</u> local government; or (d) <u>To enter into a contract the total value of which is more than the greater of \$200,000 or 1% of local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report; or</u> (e) <u>Relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation made under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or</u> (f) <u>To make, amend or repeal a local law; or</u> (g) <u>To make, amend or repeal a local planning instrument under the Planning Act; or</u> (h) <u>Under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act if the application proposes to vary the category of development or category of assessment of development or vary the assessment benchmarks or criteria for accepted development that would apply to development or facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan; or</u> ( <del>d</del> )(i) <u>Under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that includes a change to a variation approval if the application is being assessed under section 82 of that Act and the application proposes to further vary the category of development or category of assessment of development or further vary the assessment benchmarks or criteria for accepted development that would apply to development or facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan.</u>
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with extra responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
<u>Quadrennial Election</u>	<u>As defined in the <i>Local Government Act 2009</i>, the election for local governments that is held in 2012, and every fourth year after 2012.</u>
<u>Region</u>	<u>Rockhampton Regional Area defined by the Local Government Areas of Queensland.</u>
Resources	Includes employees, <u>volunteers, contractors,</u> services, information, equipment, printing, photographs, graphic design, public funds, grants, media services, materials published by Council (for example newsletters), hospitality, stationery, property, facilities, website, vehicles, administrative tools, and telecommunication devices.

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Term of Office	<p>As defined in section 159 of the <i>Local Government Act 2009</i>, a Councillor's term starts on:</p> <p>(a) If the Councillor is elected—the day after the conclusion of the Councillor's election; or</p> <p>(b) If the Councillor is appointed—the day on which the Councillor is appointed.</p> <p>As defined in section 160 of the <i>Local Government Act 2009</i>, a Councillor's term ends:</p> <p>(a) If the Councillor is elected at a quadrennial election or at a fresh election—at the conclusion of the next quadrennial election; or</p> <p>(b) If the Councillor is elected at a fresh election and a declaration is also made under a regulation—at the conclusion of the quadrennial election after the next quadrennial election; or</p> <p>(c) If the Councillor is elected or appointed to fill a vacancy in the office of another Councillor—at the end of the other Councillor's term; or</p> <p><del>(d) When the Legislative Assembly ratifies the dissolution of the local government under section 123; or</del></p> <p><del>(e)</del><u>(d)</u> When the Councillor's office becomes otherwise vacant.</p>
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

## 5 Policy Statement

Council will enter a caretaker period prior to Local Government quadrennial elections. During this time certain restrictions apply to Council, Councillors, employees, contractors and volunteers ~~to ensure ordinary business continues.~~

Council reaffirms its commitment during an election period to:

- (a) The efficient continuation of Council's day to day business;
- (b) Transparent actions and decision-making;
- (c) Actions that do not, or cannot be perceived to, bind an incoming Council table in its operational delivery;
- (d) The suspension of major policy decisions;
- (e) The neutrality of Council employees, contractors and volunteers; and
- (f) The continuation of the principle that the use of public funds for electoral purposes is unacceptable.

Councillors should take particular care in any campaign activity to ensure that there can be no possible perception of the use of Council provided resources and/or facilities that could be perceived as having electoral favour.

It is acknowledged that during an election period candidates may make election commitments which they intend to honour if they are elected. Such commitments are not subject to this policy.

### 5.1 Timing and Planning

The dates of a caretaker period are determined by the Electoral Commission Queensland.

### 5.2 Meetings and Committees

Council table meetings and committees will continue to meet during the caretaker period for the purpose of making decisions in the public interest. However, decisions will be deferred from being made during the caretaker period which:

- (a) Could be perceived to unreasonably bind an incoming Council table in its operational delivery; or
- (b) Constitute a major policy decision for which Ministerial approval has not been received ~~(refer to~~

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~~section 5.3).~~

## 5.3 Major Policy Decisions

### 5.3.1 Prohibition on Major Policy Decisions

In accordance with the *Local Government Act 2009* the following prohibitions on major policy decisions in caretaker period apply:

- (a) The Council table must not make any major policy decisions during a caretaker period.
- (b) However, if the Council table considers that, having regard to exceptional circumstances that apply, it is necessary to make a major policy decision in the public interest, the Council Table resolve to apply to the Minister for approval to make the decision.
- (c) The Minister may give approval if the Minister is satisfied that, having regard to exceptional circumstances that apply, it is necessary for the Council Table to make the major policy decision in the public interest.
- (d) The Minister's decision may include conditions with which the Council Table must comply.

### 5.3.2 Invalidity of a Major Policy Decision in a Caretaker Period ~~Without Approval~~

In accordance with the *Local Government Act 2009* the following invalidities apply:

- (a) A major policy decision made by the Council Table during a caretaker period is ~~considered~~ invalid to the extent if the Council Table:
  - (i) Does not have the Minister's approval to make the decision; or
  - (ii) Does not comply with any conditions of the Minister's approval.
- (b) A contract is void if it is the subject of a major policy decision that is invalid.
- (c) A person who acts in good faith in relation to a major policy decision of the Council Table, or in relation to a contract that is the subject of a major policy decision, but who suffers loss or damage because of any invalidity of the decision or because the contract is void, has a right to be compensated by Council for the loss or damage.
- (d) The person may bring a proceeding to recover the compensation in a court of competent jurisdiction.

## 5.4 Use of Council Resources and Facilities During an Election Period

Councillors are entitled to use Council resources and/or facilities as outlined in the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy, until their term of office concludes.

However, Council resources and facilities are unavailable to be used for election purposes. To clarify in particular for vehicles, where private rights have been approved or purchased, this vehicle may be used subject to the following paragraph.

Councillors are not permitted to affix, or allowed to remain affixed, to Council property any election material that promotes the Councillor as an actual or potential candidate for any election.

## 5.5 Civic and Community Events

Representation of Council at civic and community events will continue during an election period provided the event meets one or more of the following criteria:

- (a) It is a planned event endorsed by Council's current Operational Plan;
- (b) It is, or plans to be, routinely held at the same time of year;
- (c) It is a commemorative or anniversary event held on or near the anniversary date;
- (d) It demonstrates a clear community benefit, or serves an educational or welfare purpose;
- (e) It contributes to cultural development, social awareness or sense of community identity; and/or

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- (f) It is an event to be hosted by or on behalf of the Mayor in fulfilling their statutory responsibilities for ceremonial and civic functions, including but not limited to, civic receptions, courtesy calls or hosting VIP guests to the Region.

## 5.6 Community Programs and Engagement

Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the caretaker period. However, community engagement may continue if it is part of an ongoing project that requires the engagement. Where community engagement has occurred prior to the caretaker period but the report has not yet proceeded to Council Table, results of the consultation will not be provided to the Council Table until the caretaker period has concluded.

## 5.7 Grants and Sponsorships

### 5.7.1 Community Grants

~~Community grants Activities approved under community grants~~ prior to the commencement of the caretaker period may continue during a caretaker period in accordance with the Community Grants and Minor Sponsorship Policy.

Any funding round for community grants that is open during the caretaker period may remain open but applications received during this time will not be determined until after the election.

Councillors will not approve community grant payments during the caretaker period other than if representation is made to the CEO for approval to support funding if it meets one or more of the following criteria:

- (a) It is an event that meets Council's vision and objectives;
- (b) It is, or plans to be, held routinely at the same time of year;
- (c) It is a commemorative or anniversary event held on or near the anniversary date;
- (d) It demonstrates a clear community benefit, or serves an educational or welfare purpose; and/or
- (e) It contributes to cultural development, social awareness or a sense of community identity.

### 5.7.2 Sponsorship

No new sponsorship will be approved or entered into during the caretaker period. This includes providing sponsorship, in-kind sponsorship, or seeking sponsorship from external entities. Any sponsorship approved prior to the commencement of the caretaker period may continue in accordance with the Community Grants and Minor Sponsorship Policy.

Sponsorship applications may continue to be received during the caretaker period however no decisions on sponsorships will be made until ~~after~~ the conclusion of the election.

### 5.7.3 Councillor Discretionary Funds

In accordance with the Local Government Regulation 2012 a Councillor must not allocate the Councillor's discretionary funds:

- (a) Starting on 1 January in the year a quadrennial election must be held; and
- (b) Ending at the conclusion of the election.

~~Funds will not be committed from Councillor discretionary funds during a caretaker period.~~

Funds committed prior to a caretaker period for an event or activity scheduled to take place during a caretaker period will not be realised.

~~However, a Councillor may make a recommendation to the CEO that discretionary funding should be allowed for an event or activity to be held during a caretaker period if it meets one or more of the following criteria:~~

- ~~— There is little or no discretion to change the date of the event or activity to a date outside the caretaker period; and/or~~

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~~(b) It is an event or activity organised by an external entity that is regularly held at the same time each year and is routinely supported through discretionary funding.~~

~~The CEO will determine whether the funding should be committed and advise all parties.~~

## 5.8 Media

Media releases prepared by Council during the caretaker period must be of public interest, relate to day-to-day Council business and must not be reasonably interpreted as being for political purposes.

During the caretaker period, Council will respond to media enquiries that relate to operational matters only.

Media events may continue to be held during a caretaker period provided the media event relates to core Council business or an ongoing project and is not used for political purposes.

If a Councillor is at a media event and is asked a political question, under no circumstances should a response be attributed to Council. If seeking re-election, the Councillor should respond in their capacity as a candidate. If the Councillor is not seeking re-election, they should respond as an individual not affiliated with Council.

During the caretaker period, employees, contractors or volunteers will not offer advice, assistance or scheduling to any Councillor in relation to a Councillor newsletter, media segment such as radio or a newspaper column. Any general requests for information to assist with such media will be directed through the CEO.

## 5.9 Website

Council will retain material placed on Council's website prior to the commencement of the caretaker period, however, this material will be reviewed to ensure no materials promote individual Councillors.

~~Councillor profiles on the website will be amended to satisfy legislative statutory requirements.~~

Updates of Council's website will be limited to the following:

- (a) Uploading of essential operational media releases, restricted to administrative or operational information of public interest and of a time-sensitive nature;
- (b) Road work updates or road closures;
- (c) Health or emergency warnings;
- (d) Material that is purely factual regarding Council's decisions and operations;
- (e) Updates to existing forms;
- (f) Aesthetic changes;
- (g) Fixing broken links or repairing web issues; and/or
- (h) Compliance with legislative requirements.

## 5.10 Prohibition of Election Material

In accordance with section 90D of the *Local Government Act*, Councillors and ~~employees, contractors and volunteers~~ must not publish or distribute election material which is able to or intended to influence an elector about voting at an election or affect the result of an election.

## 5.11 Electoral Signage

~~Candidates Electoral signage are required to must~~ comply with ~~the~~ *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2014* and any applicable electoral signage permit conditions in the lead up to any election. Authorised employees ~~are may authorised to~~ remove electoral signage erected in contravention of *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2019* and/or take enforcement action in accordance with *Local Law No. 1 (Administration) 2011*.

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## 5.12 Provision of Information to Candidates

Requests for information by candidates during the caretaker period will be dealt with as per the process for a member of the public. The process for requesting and providing information will remain the same.

## 5.13 Councillor Correspondence

Councillors may continue to correspond with electors on matters related to Council business during the caretaker period, however, in responding to correspondence, Councillors will not purport to make policy commitments binding the incoming Council Table.

## 5.14 Requests for Information by Councillors

All requests for information or advice from Councillors will continue to be responded to in accordance with the ~~Advice Guidelines for Councillor Requests for Advice to Help a Councillor Make a Decision Policy and Guidelines for Councillor Requests for Information Policy~~Councillor Acceptable Request Guidelines Policy.

## 5.15 Councillor Conduct Complaints

Complaints about Councillor conduct made during the caretaker period will continue to be assessed ~~by the CEO~~ and dealt with in accordance with the *Local Government Act 2009*.

If the Councillor about whom the complaint was made is seeking re-election and is not successful, the complaint process will continue ~~to be heard~~ in accordance with legislative requirements.

## 5.16 Employees, Contractors and Volunteers

Employees, contractors and volunteers will maintain the normal business activities of Council during the caretaker period. Employees, contractors and volunteers will undertake their duties in an appropriate way and take all steps to avoid any real or perceived prejudice in order to protect Council's ability to impartially serve any incoming Council Table following an election.

Employees, contractors and volunteers will not fulfil any request that is, or could be perceived to be, an electioneering activity.

Councillor Executive Support Officers will continue to provide support to Councillors for Council endorsed activities and core Council business.

Any employee, contractor or volunteer proposing to stand as a candidate for the election must complete an Election Management Plan.

As a candidate, employees ~~, contractor or volunteer~~ are entitled to be a leave of absence, for a period of not more than two monthst on leave from their appointment during the ~~entire~~ election period in accordance with section 203 of the *Local Government Electoral Act 2011*.

## 5.17 Compliance

Failure to comply with this policy may constitute inappropriate conduct, misconduct, or ~~official mis~~corrupt conduct and may be dealt with as follows:

- Official mis~~Corrupt~~ conduct will be referred to the Crime and Corruption Commission;
- Breaches by employees will be managed under the Code of Conduct; and
- Breaches by Councillors will be managed under the conduct and performance obligations of the *Local Government Act 2009*.

## 5.18 Responsibilities

The CEO will inform Councillors and employees, contractors and volunteers of an impending election period and the restrictions that apply, by no later than two months before the commencement of an election period.

The CEO is the principal adviser to the Council Table in relation to the application of this policy. As such, the CEO is the final decision-maker in relation to this policy.

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## 6 Review Timelines

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

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	<del>Chief Executive</del> <a href="#">Coordinator to the Mayor</a> <del>Officer</del>
Policy Owner	<a href="#">Executive Coordinator to the Mayor</a> <del>Manager Government Support</del>
Policy Quality Control	Legal and Governance



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# **AMENDMENTS TO CARETAKER POLICY AND COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY**

## **Final Draft Caretaker Period Policy - Final Version**

**Meeting Date: 4 February 2020**

**Attachment No: 2**

# CARETAKER PERIOD POLICY

## (ADMINISTRATIVE POLICY)



### 1 Scope

This policy applies to Councillors, employees, contractors and volunteers and quadrennial elections of Rockhampton Regional Council. This policy does not apply to by-elections and fresh elections.

### 2 Purpose

The purpose of this policy is to ensure the ordinary business of Council continues in a responsible, transparent and legally-compliant manner in the period leading up to an election.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Government Electoral Act 2011*

*Local Government Electoral Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Planning Act 2016*

*Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2019*

Advertising Spending Policy

Code of Conduct

Community Grants and Minor Sponsorship Policy

Community Grants and Minor Sponsorship Procedure – Community Assistance Program

Community Grants and Minor Sponsorship Procedure – Councillors Discretionary Funds

Councillor Acceptable Request Guidelines Policy

Election Management Plan

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

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## 4 Definitions

To assist in interpretation, the following definitions apply:

By-election	As defined in the <i>Local Government Electoral Act 2011</i> , an election to replace a Councillor after the Councillor's office becomes vacant.
Caretaker Period	As defined in section 90A of the <i>Local Government Act 2009</i> , the period during an election for a local government that starts on the day when the public notice of the holding of the election is given under the <i>Local Government Electoral Act 2011</i> , section 25(1) and ends at the conclusion of the election. There is no caretaker period during a by-election or fresh election.
CEO	Chief Executive Officer 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.
Civic Events	An event or ceremony which involves a guest(s) of honour and invited guests approved by the Mayor. Civic events are initiated by the Mayor.
Committee	A committee established under the <i>Local Government Regulation 2012</i> : Standing Committee - A group of Councillors created by a resolution of the Council to undertake functions as determined under the <i>Local Government Act 2009</i> or <i>Local Government Regulation 2012</i> decided by a Council resolution. A standing committee may either be a delegated or non-delegated committee. Advisory Committee – A group of Councillors, and in some cases, non-elected representatives, for the performance of any duty, not of a permanent nature, created by resolution of the Council to undertake functions as determined under the <i>Local Government Act 2009</i> or <i>Local Government Regulation 2012</i> decided by a Council resolution. An advisory committee cannot be a delegated committee.
Community Events	An event, ceremony or gathering aimed at the whole community which demonstrates a clear community benefit, or serves an educational or welfare purpose.
Conclusion of Election	As defined in section 7(a) of the <i>Local Government Electoral Act 2011</i> , the day on which the last declaration of a poll conducted in the election is published on the electoral commission's website under section 100(2) of the <i>Local Government Electoral Act 2011</i> .
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Council Table	The body of elected Councillors of Council.
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
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Fresh Election	As defined in the <i>Local Government Electoral Act 2011</i> and <i>Local Government Act 2009</i> , an election of all the Councillors of a local government that is not a quadrennial election.
Major Policy Decision	<p>As defined in the <i>Local Government Act 2009</i>, a decision:</p> <p>(a) About the appointment of a CEO of the local government;</p> <p>(b) About the remuneration of the CEO of the local government;</p> <p>(c) To terminate the employment of the CEO of the local government; or</p> <p>(d) To enter into a contract the total value of which is more than the greater of \$200,000 or 1% of local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report; or</p> <p>(e) Relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation made under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or</p> <p>(f) To make, amend or repeal a local law; or</p> <p>(g) To make, amend or repeal a local planning instrument under the <a href="#">Planning Act</a>; or</p> <p>(h) Under the Planning Act, <a href="#">chapter 3, part 3, division 2</a> on a development application that includes a variation request under that Act if the application proposes to vary the category of development or category of assessment of development or vary the assessment benchmarks or criteria for accepted development that would apply to development or facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan; or</p> <p>(i) Under the Planning Act, <a href="#">chapter 3, part 5, division 2, subdivision 2</a> on a change application under that Act that includes a change to a variation approval if the application is being assessed under section 82 of that Act and the application proposes to further vary the category of development or category of assessment of development or further vary the assessment benchmarks or criteria for accepted development that would apply to development or facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan.</p>
Mayor	The Mayor is an elected member of Council, also referred to as a Councillor, with extra responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Quadrennial Election	As defined in the <i>Local Government Act 2009</i> , the election for local governments that is held in 2012, and every fourth year after 2012.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Resources	Includes employees, volunteers, contractors, services, information, equipment, printing, photographs, graphic design, public funds, grants, media services, materials published by Council (for example newsletters), hospitality, stationery, property, facilities, website, vehicles, administrative tools, and telecommunication devices.

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Term of Office	<p>As defined in section 159 of the <i>Local Government Act 2009</i>, a Councillor's term starts on:</p> <p>(a) If the Councillor is elected—the day after the conclusion of the Councillor's election; or</p> <p>(b) If the Councillor is appointed—the day on which the Councillor is appointed.</p> <p>As defined in section 160 of the <i>Local Government Act 2009</i>, a Councillor's term ends:</p> <p>(a) If the Councillor is elected at a quadrennial election or at a fresh election—at the conclusion of the next quadrennial election; or</p> <p>(b) If the Councillor is elected at a fresh election and a declaration is also made under a regulation—at the conclusion of the quadrennial election after the next quadrennial election; or</p> <p>(c) If the Councillor is elected or appointed to fill a vacancy in the office of another Councillor—at the end of the other Councillor's term; or</p> <p>(d) When the Councillor's office becomes otherwise vacant.</p>
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

## 5 Policy Statement

Council will enter a caretaker period prior to Local Government quadrennial elections. During this time certain restrictions apply to Council, Councillors, employees, contractors and volunteers.

Council reaffirms its commitment during an election period to:

- (a) The efficient continuation of Council's day to day business;
- (b) Transparent actions and decision-making;
- (c) Actions that do not, or cannot be perceived to, bind an incoming Council table in its operational delivery;
- (d) The suspension of major policy decisions;
- (e) The neutrality of Council employees, contractors and volunteers; and
- (f) The continuation of the principle that the use of public funds for electoral purposes is unacceptable.

Councillors should take particular care in any campaign activity to ensure that there can be no possible perception of the use of Council provided resources and/or facilities that could be perceived as having electoral favour.

It is acknowledged that during an election period candidates may make election commitments which they intend to honour if they are elected. Such commitments are not subject to this policy.

### 5.1 Timing and Planning

The dates of a caretaker period are determined by the Electoral Commission Queensland.

### 5.2 Meetings and Committees

Council table meetings and committees will continue to meet during the caretaker period for the purpose of making decisions in the public interest. However, decisions will be deferred from being made during the caretaker period which:

- (a) Could be perceived to unreasonably bind an incoming Council table in its operational delivery; or
- (b) Constitute a major policy decision for which Ministerial approval has not been received.

### 5.3 Major Policy Decisions

#### 5.3.1 Prohibition on Major Policy Decisions

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In accordance with the *Local Government Act 2009* the following prohibitions on major policy decisions in caretaker period apply:

- (a) The Council table must not make any major policy decisions during a caretaker period.
- (b) However, if the Council table considers that, having regard to exceptional circumstances that apply, it is necessary to make a major policy decision in the public interest, the Council Table resolve to apply to the Minister for approval to make the decision.
- (c) The Minister may give approval if the Minister is satisfied that, having regard to exceptional circumstances that apply, it is necessary for the Council Table to make the major policy decision in the public interest.
- (d) The Minister's decision may include conditions with which the Council Table must comply.

### **5.3.2 Invalidity of a Major Policy Decision in a Caretaker Period**

In accordance with the *Local Government Act 2009* the following invalidities apply:

- (a) A major policy decision made by the Council Table during a caretaker period is invalid to the extent the Council Table:
  - (i) Does not have the Minister's approval to make the decision; or
  - (ii) Does not comply with any conditions of the Minister's approval.
- (b) A contract is void if it is the subject of a major policy decision that is invalid.
- (c) A person who acts in good faith in relation to a major policy decision of the Council Table, or in relation to a contract that is the subject of a major policy decision, but who suffers loss or damage because of any invalidity of the decision or because the contract is void, has a right to be compensated by Council for the loss or damage.
- (d) The person may bring a proceeding to recover the compensation in a court of competent jurisdiction.

## **5.4 Use of Council Resources and Facilities During an Election Period**

Councillors are entitled to use Council resources and/or facilities as outlined in the Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy, until their term of office concludes.

However, Council resources and facilities are unavailable to be used for election purposes. To clarify in particular for vehicles, where private rights have been approved or purchased, this vehicle may be used subject to the following paragraph.

Councillors are not permitted to affix, or allowed to remain affixed, to Council property any election material that promotes the Councillor as an actual or potential candidate for any election.

## **5.5 Civic and Community Events**

Representation of Council at civic and community events will continue during an election period provided the event meets one or more of the following criteria:

- (a) It is a planned event endorsed by Council's current Operational Plan;
- (b) It is, or plans to be, routinely held at the same time of year;
- (c) It is a commemorative or anniversary event held on or near the anniversary date;
- (d) It demonstrates a clear community benefit, or serves an educational or welfare purpose;
- (e) It contributes to cultural development, social awareness or sense of community identity; and/or
- (f) It is an event to be hosted by or on behalf of the Mayor in fulfilling their statutory responsibilities for ceremonial and civic functions, including but not limited to, civic receptions, courtesy calls or hosting VIP guests to the Region.

## **5.6 Community Programs and Engagement**

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Surveys, blogs, invitations to put forward submissions, and other community engagement activities should be avoided during the caretaker period. However, community engagement may continue if it is part of an ongoing project that requires the engagement. Where community engagement has occurred prior to the caretaker period but the report has not yet proceeded to Council Table, results of the consultation will not be provided to the Council Table until the caretaker period has concluded.

## 5.7 Grants and Sponsorships

### 5.7.1 Community Grants

Community grants approved prior to the commencement of the caretaker period may continue during a caretaker period in accordance with the Community Grants and Minor Sponsorship Policy.

Any funding round for community grants that is open during the caretaker period may remain open but applications received during this time will not be determined until after the election.

Councillors will not approve community grant payments during the caretaker period other than if representation is made to the CEO for approval to support funding if it meets one or more of the following criteria:

- (a) It is an event that meets Council's vision and objectives;
- (b) It is, or plans to be, held routinely at the same time of year;
- (c) It is a commemorative or anniversary event held on or near the anniversary date;
- (d) It demonstrates a clear community benefit, or serves an educational or welfare purpose; and/or
- (e) It contributes to cultural development, social awareness or a sense of community identity.

### 5.7.2 Sponsorship

No new sponsorship will be approved or entered into during the caretaker period. This includes providing sponsorship, in-kind sponsorship, or seeking sponsorship from external entities. Any sponsorship approved prior to the commencement of the caretaker period may continue in accordance with the Community Grants and Minor Sponsorship Policy.

Sponsorship applications may continue to be received during the caretaker period however no decisions on sponsorships will be made until the conclusion of the election.

### 5.7.3 Councillor Discretionary Funds

In accordance with the *Local Government Regulation 2012* a Councillor must not allocate the Councillor's discretionary funds:

- (a) Starting on 1 January in the year a quadrennial election must be held; and
- (b) Ending at the conclusion of the election.

Funds committed prior to a caretaker period for an event or activity scheduled to take place during a caretaker period will not be realised.

## 5.8 Media

Media releases prepared by Council during the caretaker period must be of public interest, relate to day-to-day Council business and must not be reasonably interpreted as being for political purposes.

During the caretaker period, Council will respond to media enquiries that relate to operational matters only.

Media events may continue to be held during a caretaker period provided the media event relates to core Council business or an ongoing project and is not used for political purposes.

If a Councillor is at a media event and is asked a political question, under no circumstances should a response be attributed to Council. If seeking re-election, the Councillor should respond in their

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capacity as a candidate. If the Councillor is not seeking re-election, they should respond as an individual not affiliated with Council.

During the caretaker period, employees, contractors or volunteers will not offer advice, assistance or scheduling to any Councillor in relation to a Councillor newsletter, media segment such as radio or a newspaper column. Any general requests for information to assist with such media will be directed through the CEO.

## **5.9 Website**

Council will retain material placed on Council's website prior to the commencement of the caretaker period, however, this material will be reviewed to ensure no materials promote individual Councillors.

Updates of Council's website will be limited to the following:

- (a) Uploading of essential operational media releases, restricted to administrative or operational information of public interest and of a time-sensitive nature;
- (b) Road work updates or road closures;
- (c) Health or emergency warnings;
- (d) Material that is purely factual regarding Council's decisions and operations;
- (e) Updates to existing forms;
- (f) Aesthetic changes;
- (g) Fixing broken links or repairing web issues; and/or
- (h) Compliance with legislative requirements.

## **5.10 Prohibition of Election Material**

In accordance with section 90D of the *Local Government Act*, Councillors and employees, must not publish or distribute election material which is able to or intended to influence an elector about voting at an election or affect the result of an election.

## **5.11 Electoral Signage**

Electoral signage must comply with *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2019* and any applicable electoral signage permit conditions in the lead up to any election. Authorised employees may remove electoral signage erected in contravention of *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2019* and/or take enforcement action in accordance with *Local Law No. 1 (Administration) 2011*.

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## 5.12 Provision of Information to Candidates

Requests for information by candidates during the caretaker period will be dealt with as per the process for a member of the public. The process for requesting and providing information will remain the same.

## 5.13 Councillor Correspondence

Councillors may continue to correspond with electors on matters related to Council business during the caretaker period, however, in responding to correspondence, Councillors will not purport to make policy commitments binding the incoming Council Table.

## 5.14 Requests for Information by Councillors

All requests for information or advice from Councillors will continue to be responded to in accordance with the Councillor Acceptable Request Guidelines Policy.

## 5.15 Councillor Conduct Complaints

Complaints about Councillor conduct made during the caretaker period will continue to be assessed and dealt with in accordance with the *Local Government Act 2009*.

If the Councillor about whom the complaint was made is seeking re-election and is not successful, the complaint process will continue in accordance with legislative requirements.

## 5.16 Employees, Contractors and Volunteers

Employees, contractors and volunteers will maintain the normal business activities of Council during the caretaker period. Employees, contractors and volunteers will undertake their duties in an appropriate way and take all steps to avoid any real or perceived prejudice in order to protect Council's ability to impartially serve any incoming Council Table following an election.

Employees, contractors and volunteers will not fulfil any request that is, or could be perceived to be, an electioneering activity.

Councillor Executive Support Officers will continue to provide support to Councillors for Council endorsed activities and core Council business.

Any employee, contractor or volunteer proposing to stand as a candidate for the election must complete an Election Management Plan.

As a candidate, employees are entitled to a leave of absence, for a period of not more than two months during the election period in accordance with section 203 of the *Local Government Electoral Act 2011*.

## 5.17 Compliance

Failure to comply with this policy may constitute inappropriate conduct, misconduct, or corrupt conduct and may be dealt with as follows:

- (a) Corrupt conduct will be referred to the Crime and Corruption Commission;
- (b) Breaches by employees will be managed under the Code of Conduct; and
- (c) Breaches by Councillors will be managed under the conduct and performance obligations of the *Local Government Act 2009*.

## 5.18 Responsibilities

The CEO will inform Councillors and employees, contractors and volunteers of an impending election period and the restrictions that apply, by no later than two months before the commencement of an election period.

The CEO is the principal adviser to the Council Table in relation to the application of this policy. As such, the CEO is the final decision-maker in relation to this policy.

## 6 Review Timelines

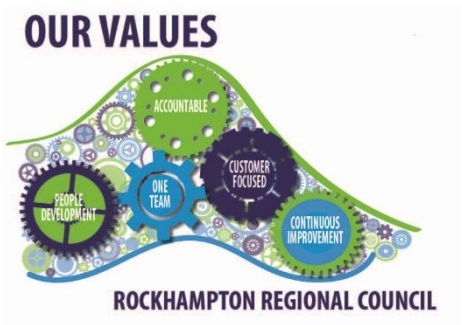
This policy will be reviewed when any of the following occur:

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- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	Executive Coordinator to the Mayor
Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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**AMENDMENTS TO  
CARETAKER POLICY AND  
COUNCILLOR ACCEPTABLE  
REQUEST GUIDELINES POLICY**

**Final Draft Councillor Acceptable  
Request Guidelines Policy –  
Tracked Changes**

**Meeting Date: 4 February 2020**

**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

The purpose of this policy is 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

#### 3.1 Primary

*Local Government Act 2009*

#### 3.2 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	Chief Executive Officer 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 Councillors of 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 Council or the community, or damage the reputation of Council if not dealt with promptly.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .

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<u>Former Conduct Review Body</u>	<u>As defined in the <i>Local Government Act 2009</i>, a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the <i>Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018</i>, section 18.</u>
<u>Manager</u>	<u>Employee appointed to a position delegated a corporate band 3.</u>
Mayor	The Mayor is an elected member of 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	<u>Pathway Request Module.</u> Council's <del>corporate</del> customer request/ <u>enquiry and complaints</u> system.
Senior Executive Employee	<p>As defined in <del>section 196(6) of the <i>Local Government Act 2009</i>:</del>  <del>A senior executive employee, of a local government, is</del> <u>An local government employee of the local government:</u></p> <p>(a) Who reports directly to the CEO; and</p> <p>(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.</p> <p>Senior executive employees within Council consists of the <u>Deputy Chief Executive Officer and</u> general managers <del>and Executive Managers.</del></p>

## 5 Policy Statement

The following protocol guides all day-to-day communication between Councillors and employees. 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 or Executive Support Officers. ~~Councillor Support Officers should enter~~ Customer service requests should be entered into Pathway on behalf of the Councillor, rather than directly referring requests to an individual employee.

### 5.1 Requests for Advice or Information

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 policy documents;
- Be conducted in good faith; and
- Be conducted in a respectful, reasonable and professional manner.

Councillors may request advice or information from employees who are a manager, senior executive employee or CEO. Where these nominated employees are not available, another suitably qualified employee may provide the advice or information requested subject to the following paragraph.

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/nominated employees, in specific circumstances. In these circumstances, written approval will be provided to both the Councillor and employee.

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

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

The CEO must comply with a request made by a Councillor within 10 business days. If the CEO reasonably believes that is not practicable, they must advise of that belief and the reasons for the belief within 10 business days and then comply with 20 business days after receiving the request.

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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.

Councillor's use of any advice or information obtained is specifically constrained by section 171 and 171A of the *Local Government Act 2009*.

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

Other than in emergency situations (as per the following paragraph) 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.

When an emergency situation occurs after hours, Councillors may contact one of the following:

- (a) CEO;
- (b) Senior executive employee; or
- (c) Manager.

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.

## 5.3 Exemptions to this Policy

In accordance with section 170A(43) of the *Local Government Act 2009* Councillors may not ask for information:

- (a) That is a record of the Councillor Conduct Tribunal ~~regional conduct review panel or the tribunal~~; or
- (b) That was a record of a former conduct review body; or
- (c) If disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
- (d) That would be privileged from production in a legal proceeding on the ground of legal professional privilege.

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*).

Other than in accordance with this policy, Councillors will not:

- (a) 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(4) of the *Local Government Act 2009*);
- (b) Behave towards employees in an overbearing or threatening manner;
- (c) Coerce or entice, or attempt to coerce or entice any employee to do anything that does not comply with this policy;
- (d) Unduly disrupt an employee:
  - (i) Undertaking routine employment obligations;
  - (ii) During meal breaks; or
  - (iii) In the workplace ie. lengthy, unscheduled discussions with an employee in the corridor or

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unplanned attendance at employee's work station;

- (e) 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
- (f) Direct or pressure an employee in relation to their work or recommendations they should make or action they should take.

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

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

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

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.

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

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.

Specifically, employees will not:

- (a) 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;
- (b) 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
- (c) Improperly use, or allow the improper use of, their official powers or position.

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.

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.

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.

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

An allegation of a breach of this policy by a Councillor (including the Mayor) may constitute a breach of the Councillor Code of Conduct and will be referred to the Office of the Independent Assessor, for investigation and action as appropriate. will be dealt with in accordance with sections 176—182 of the Local Government Act 2009.

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

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- (-) 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.

## 406 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by Council.

## 417 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	<del>Manager Governance Support</del> Deputy Chief Executive Officer
Policy Quality Control	Legal and Governance



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**AMENDMENTS TO  
CARETAKER POLICY AND  
COUNCILLOR ACCEPTABLE  
REQUEST GUIDELINES POLICY**

**Final Draft Councillor Acceptable  
Request Guidelines Policy –  
Final Version**

**Meeting Date: 4 February 2020**

**Attachment No: 4**

# COUNCILLOR ACCEPTABLE REQUEST GUIDELINES POLICY

## STATUTORY POLICY



### 1 Scope

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

### 2 Purpose

The purpose of this policy is 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

#### 3.1 Primary

*Local Government Act 2009*

#### 3.2 Secondary

*Public Sector Ethics Act 1994*

Code of Conduct

### 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	Chief Executive Officer 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 Councillors of 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 Council or the community, or damage the reputation of Council if not dealt with promptly.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .

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Former Conduct Review Body	As defined in the <i>Local Government Act 2009</i> , a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the <i>Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018</i> , section 18.
Manager	Employee appointed to a position delegated a corporate band 3.
Mayor	The Mayor is an elected member of 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	Pathway Request Module. Council's customer request/enquiry and complaints system.
Senior Executive Employee	As defined in the <i>Local Government Act 2009</i> . A local government employee: (a) Who reports directly to the CEO; 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 Council consists of the Deputy Chief Executive Officer and general managers.

## 5 Policy Statement

The following protocol guides all day-to-day communication between Councillors and employees. 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 or Executive Support Officers. Customer service requests should be entered into Pathway on behalf of the Councillor, rather than directly referring requests to an individual employee.

### 5.1 Requests for Advice or Information

Communication between Councillors and employees must:

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

Councillors may request advice or information from employees who are a manager, senior executive employee or CEO. Where these nominated employees are not available, another suitably qualified employee may provide the advice or information requested subject to the following paragraph.

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

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

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

The CEO must comply with a request made by a Councillor within 10 business days. If the CEO reasonably believes that is not practicable, they must advise of that belief and the reasons for the belief within 10 business days and then comply with 20 business days after receiving the request.

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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Councillor's use of any advice or information obtained is specifically constrained by section 171 and 171A of the *Local Government Act 2009*.

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

Other than in emergency situations (as per the following paragraph) 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.

When an emergency situation occurs after hours, Councillors may contact one of the following:

- (a) CEO;
- (b) Senior executive employee; or
- (c) Manager.

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.

## 5.3 Exemptions to this Policy

In accordance with section 170A(4) of the *Local Government Act 2009* Councillors may not ask for information:

- (a) That is a record of the Councillor Conduct Tribunal; or
- (b) That was a record of a former conduct review body; or
- (c) If disclosure of the information or document to the Councillor would be contrary to an order of a court or tribunal; or
- (d) That would be privileged from production in a legal proceeding on the ground of legal professional privilege.

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*).

Other than in accordance with this policy, Councillors will not:

- (a) Direct, or attempt to direct an employee (except for the Mayor, who is entitled to direct the CEO in accordance with section 170 of the *Local Government Act 2009*);
- (b) Behave towards employees in an overbearing or threatening manner;
- (c) Coerce or entice, or attempt to coerce or entice any employee to do anything that does not comply with this policy;
- (d) Unduly disrupt an employee:
  - (i) Undertaking routine employment obligations;
  - (ii) During meal breaks; or
  - (iii) In the workplace ie. lengthy, unscheduled discussions with an employee in the corridor or unplanned attendance at employee's work station;
- (e) 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

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- (f) Direct or pressure an employee in relation to their work or recommendations they should make or action they should take.

A Mayoral direction may be given to the CEO in accordance with Mayoral responsibilities outlined in section 12(4)(c) of the *Local Government Act 2009*.

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

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

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.

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

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.

Specifically, employees will not:

- (a) 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;
- (b) 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
- (c) Improperly use, or allow the improper use of, their official powers or position.

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.

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.

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.

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

An allegation of a breach of this policy by a Councillor (including the Mayor) may constitute a breach of the Councillor Code of Conduct and will be referred to the Office of the Independent Assessor, for investigation and action as appropriate.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or

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(c) Other circumstances as determined from time to time by Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Deputy Chief Executive Officer
Policy Quality Control	Legal and Governance



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**11.5 GATES AND GRIDS POLICY**

<b>File No:</b>	<b>11698</b>
<b>Attachments:</b>	<b>1. Gates and Grids Policy – Local Law Policy (Draft)</b> <a href="#"><u>↓</u></a> <b>2. Gates and Grids Policy</b> <a href="#"><u>↓</u></a> <b>- Community Policy</b>
<b>Authorising Officer:</b>	<b>Evan Pardon - Chief Executive Officer</b>
<b>Author:</b>	<b>Peter Kofod - General Manager Regional Services</b>

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**SUMMARY**

*In October 2019 Council endorsed a new Gates and Grid Policy. This report seeks Council's endorsement to incorporate the addition of a public notification process for new gates and grids applications and other minor adjustments necessary to clarify the overall processing of these applications.*

**OFFICER'S RECOMMENDATION**

THAT Council endorse the revised Gates and Grids Policy.

**COMMENTARY**

Upon further review of the Gates and Grids Policy, it was determined that public consultation was not sufficiently addressed and was agreed that additional provisions would be drafted for Council's consideration.

Given the nature of these applications, identification and notification of potentially affected stakeholders can be difficult. After reviewing options, it is recommended the policy be amended to require public notification for a period of three weeks, by the placement of a sign at the proposed gate or gate and grid location.

Further changes are also recommended as follows:

- Related Documents updated to include Human Rights Act, new customer forms, fact sheet, compliance inspection checklist and public notification guide.
- Processes updated throughout to include new related documents.
- Minor updates to the Definitions List.
- Further clarification added to the application assessment process.
- Additional detail included for the management of existing structures.
- Approval term reduced from two years to 12 months (financial year), to align with insurance terms and for improved efficiency of the renewal process.
- Further clarification added to the obligations of a responsible person.
- Process rewritten for abandoned and non-compliant structures.
- Overall incorporation of additional procedural content to align with the definition of a Local Law Policy in the Governance Administration Framework Policy.

**BACKGROUND**

Through the recent Local Law Review completed in 2019, *Rockhampton Regional Council Gates and Grids (Application of Continuing Local Law) Local Law 2009*, was repealed and on 1 October 2019 *Subordinate Local Law No. 1.17 (Gates and Grids) 2019* was made. On this date, Council also endorsed a new Gates and Grids Policy.

**LEGISLATIVE CONTEXT**

The *Local Government Act 2009* and the *Local Government Regulation 2012* provide the legislative guidance for the making of Local and Subordinate Local Laws.

**CONCLUSION**

The amended Gates and Grids Policy gives clarity on the processing of an application and provides an appropriate public notification process giving the community an opportunity to be aware of and comment on an application before it is decided by Council.

# **GATES AND GRIDS POLICY**

## **Gates and Grids Policy – Local Law Policy (Draft)**

**Meeting Date: 4 February 2020**

**Attachment No: 1**

# GATES AND GRIDS POLICY

## LOCAL LAW POLICY



### 1 Scope

This policy applies to gates and grids across a road under Rockhampton Regional Council's control.  
This policy does not apply to gates and grids located on property boundaries.

### 2 Purpose

The purpose of this policy is to outline Council's approach for managing gates and grids installed across Council controlled roads.

### 3 Related Documents

#### 3.1 Primary

*Subordinate Local Law No. 1.17 (Gates and Grids) 2019*

#### 3.2 Secondary

*Anti-Discrimination Act 1991*

*Human Rights Act 2019*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*

*Transport Operations (Road Use Management) Act 1995*

Capricorn Municipal Development Guidelines – Heavy Duty Cattle Grid Standard Drawing CMDG-G-020 and 6.0m Gate Detail Standard Drawing CMDG-G-019

Compliance Inspection Checklist

Fees and Charges Schedule

Gates and Grids Application Form

Gates and Grids Approval Renewal Form

Gates and Grids Cancellation or Transfer Form

Gates and Grids Fact Sheet

Gates and Grids Public Notification Guide

Queensland Manual of Uniform Traffic Control Devices Department of Transport and Main Roads

Refund, Exemption and Reduction of Fees and Charges Policy

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## 4 Definitions

To assist in interpretation, the following definitions apply:

Authorised person	A person who is appointed under the <i>Local Government Act 2009</i> and other Acts to ensure that members of the public comply with the relevant Local Government Acts in relation to the local government and the Region.
Council	Rockhampton Regional Council
Gate	As defined in <i>SLL 1.17</i> , a hinged or sliding barrier used to close an opening in a wall, fence or hedge.
Grid	As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019</i> , a structure designed to: (a) Permit the movement of pedestrian or vehicular traffic along a road; but (b) Prevent the passage of livestock.
Local Law No. 1	<i>Local Law No. 1 (Administration) 2011</i>
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Responsible person	As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019</i> , for a gate or grid installed across a road, means each of the following persons: (a) The person who installed the gate or grid, or the gate and the grid; (b) The person for whose use or benefit of the gate or grid, or the gate and the grid, were installed; (c) The person who has the benefit of the gate or grid, or the gate and the grid installed across the road.
Road	As defined in Local Law No. 1: (a) A road as defined in the <i>Local Government Act 2009</i> , section 59; and (b) A State-controlled road: (i) Prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and (ii) In respect of which the chief executive has given written agreement under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 66(5)(b).
SLL1.17	<i>Subordinate Local Law No. 1.17 (Gates and Grids) 2019</i>

## 5 Policy Statement

Council endeavours to minimise unreasonable nuisance and the potential for motorists to be exposed to safety hazards whilst utilising a road.

Council does however acknowledge that a gate, or a gate and a grid may be required under certain circumstances where other methods of controlling livestock, such as fencing is impractical. This policy will ensure that where a gate, or a gate and a grid are permitted they are installed, managed and maintained to an acceptable and consistent standard which minimises unreasonable nuisance and safety risk to road users.

Council will not approve the installation of a grid without a gate.

### 5.1 Prescribed Activities and Compliance with Local Laws

The installation of a gate, or a gate and a grid across a road, and being a responsible person for a gate, or a gate and a grid installed across a road are prescribed activities within SLL1.17. Such

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activities must be approved and remain compliant in accordance with this subordinate law. Approvals may be transferred in accordance with Local Law No. 1.

## 5.2 Applications for New Installations

Applicants seeking approval for new installations must complete the Gates and Grids Application Form and submit with the required supporting documentation and application fee.

Applications received will be assessed in accordance with the criteria specified within SLL1.17 and this policy.

### 5.2.1 Public Notification

Public notification is required to be completed by applicants as part of the application process. The applicant will be advised when this should commence.

The public notification period must last for 15 business days and involves the erection of a notice at the location of the proposed gate or gate and grid. The notice must be in the approved form as detailed in the Gates and Grids Public Notification Guide.

Evidence of the public notification must be supplied to Council not more than 10 business days after the public notification period ends (or a further agreed period) before the application is progressed. If not received, the application may lapse.

Submissions must be received by Council in writing within the public notification period and must:

- (a) State the name and residential address of the submitter; and
- (b) State the grounds for the submission, including facts and circumstances relied on for the grounds.

### 5.2.2 Application Assessment

Applications will be assessed in accordance with the criteria specified in SLL1.17 and with consideration to the following:

- (a) The need to contain livestock and if a viable alternative method is available;
- (b) Applications will generally only be considered on roads that are unfenced, or partly fenced;
- (c) If the proposed gate or gate and grid creates an unreasonable obstruction, or disruption to vehicular or pedestrian traffic;
- (d) Submissions received during the public notification period; and
- (e) The characteristics of the road assessed as follows:

Table of Assessment			
Road Class	Annual Average Daily Vehicle Count	Sealed	Unsealed/unformed/formed
10	≤10	Gate and Grid	Gate or Gate and Grid
30	11-30	Gate and Grid	Gate or Gate and Grid
75	31-75	Gate and Grid	Gate and Grid
100	76-100	Consideration may be given for Gate and Grid	
125	101-125	Not acceptable	
150	126-150	Not acceptable	
199	>150	Not acceptable	

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If an application is approved, a Decision Notice Approval is issued to the applicant and is valid to 30 June.

If an application is refused, a Decision Notice Refusal and Information Notice is issued to the applicant. The applicant may request a decision review under Local Law No. 1.

### **5.3 Approval Cancellations or Transfers on Property Sales**

If the responsible person sells their property, they must notify Council on the Gates and Grids Cancellation or Transfer Form within 30 business days of the transfer of ownership of the property to cancel or transfer their approval thus cancelling their responsibility for the gate or grid, or the gate and the grid that was covered by the approval. Fees paid previously will not be refunded when the approval is cancelled or transferred.

If an application to cancel or transfer has not been received within 30 business days, Council may consider the structure to be abandoned and will commence procedures as set out in paragraph 5.7 of this policy.

There is no fee associated with a transfer application and transferred approvals shall apply to the end of the current approval period.

### **5.4 Approval of Existing Gate or Grid, or Gate and Grid**

For an existing gate or grid, or gate and grid installed prior to 4 February 2020 where a responsible person has been identified, the structure will be inspected and assessed by Council in accordance with the criteria specified in SLL1.17 and with consideration to the following:

- (a) The general condition and safety of the structure(s) and warning signage. Note: Provided existing structures are, in the opinion of the authorised person, of a safe and appropriate standard, they will not be required to meet current engineering standards and specifications;
- (b) The need to contain livestock and if a viable alternative method is available;
- (c) Whether the existing gate or grid, or gate and grid is on a road that is unfenced, or partly fenced;
- (d) If the existing gate or grid, or gate and grid creates an unreasonable obstruction, or disruption to vehicular or pedestrian traffic; and
- (e) The current road classification and usage.

If approved, a Decision Notice Approval is issued valid to 30 June and the approval holder will be subject to the conditions of the approval and the provisions set out in paragraphs 5.3 and 5.5 – 5.7 of this policy.

If an authorised person is not able to approve the structure, the responsible person will be contacted to negotiate an acceptable outcome. Where an acceptable outcome cannot be achieved, the structure may be considered non-compliant and procedures set out in paragraph 5.7 may commence.

### **5.5 Approval Term and Renewals**

Approvals will be granted until 30 June.

Council will issue a renewal notice before the approval expires and will include a Gates and Grids Approval Renewal Form and a Compliance Inspection Checklist.

Council will assess renewals to ensure the gate or grid, or the gate and the grid continues to comply with SLL 1.17 and the conditions of approval before issuing a new Decision Notice Approval.

If the approval is not renewed before expiry, Council may consider the gate or grid, or the gate and the grid to be non-compliant and may commence procedures as set out in paragraph 5.7 of this policy.

### **5.6 Obligations of Responsible Person**

Conditions of an approval will outline all obligations of the responsible person which may include:

- (a) Carrying out all work and/or bearing all costs associated with the permanent signage, installation and maintenance of the gate or grid, or the gate and the grid in accordance with the approved specifications and to the satisfaction of an authorised person;

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- (b) Ensuring compliance at all times with the standards and conditions as specified in the approval;
- (c) Constructing drainage in association with the gate or grid, or the gate and the grid to ensure that no damming or ponding of stormwater run-off occurs on the road, road reserve or adjoining property or approaches;
- (d) Erecting and maintaining permanent signage in accordance with the Department of Transport and Main Roads Queensland Manual of Uniform Traffic Control Devices;
- (e) Notifying Council at the completion of the work to arrange a final inspection;
- (f) Ensuring ongoing compliance by submitting the completed Compliance Inspection Checklist when applying to renew an approval;
- (g) Maintaining the road, for a distance of five metres on each side of the structure in good, sufficient repair; and
- (h) Maintaining public liability insurance and providing Council with a Certificate of Currency and being personally liable for any damage or injury caused by the structure.

## **5.7 Abandoned or Non-Compliant Gate or Grid, or Gate and Grid**

### **5.7.1 Abandoned Gate or Grid, or Gate and Grid**

An authorised person may consider that a gate or grid, or a gate and a grid is abandoned for a number of reasons including:

- (a) No new responsible person is identified after 30 business days of a cancellation of an approval holder; or
- (b) An unapproved or non-compliant structure where a responsible person cannot be determined.

In these cases, Council will:

- (a) Erect a public notice at the location of the gate or grid, or the gate and the grid a minimum of 20 business days prior to its removal; and
- (b) After this time, if no application is received, may seize and impound the structure in accordance with Local Law No. 1.

### **5.7.2 Non-Compliant Gate or Grid, or Gate and Grid**

If at any time, an authorised person considers a gate or grid, or a gate and a grid to be non-compliant. Council will:

- (a) Where practical and possible, liaise with the responsible person to correct the non-compliances; and
- (b) May issue a compliance notice in accordance with Local Law No. 1.

Where non-compliances are not remedied, the structure may be seized and impounded and costs recovered in accordance with Local Law No. 1.

## **5.8 Fees and Charges**

An application fee and renewal fee applies as per Council's adopted Fees and Charges Schedule for the current financial year.

There is no fee associated with a cancellation or transfer application.

Application fees are not refundable if an application for an approval is refused or where an approval is cancelled. Fees may be refunded as per Council's Refund, Exemption and Reduction of Fees and Charges Policy.

## **5.9 Amending, Suspending or Cancelling Approval**

Council may consider there are grounds under section 17 of Local Law No. 1 to amend, suspend or cancel an approval. These grounds and procedures are set out in sections 17 – 19 of Local Law No.1.

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## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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# **GATES AND GRIDS POLICY**

## **Gates and Grids Policy – Community Policy**

**Meeting Date: 4 February 2020**

**Attachment No: 2**

# GATES AND GRIDS POLICY

## COMMUNITY POLICY



### 1 Scope

This policy applies to gates and grids across a road under Rockhampton Regional Council's control.  
This policy does not apply to gates and grids located on property boundaries.

### 2 Purpose

The purpose of this policy is to outline Council's approach for managing gates and grids installed across Council controlled roads.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Anti-Discrimination Act 1991*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

*Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*

*Subordinate Local Law No. 1.17 (Gates and Grids) 2019*

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*

*Transport Operations (Road Use Management) Act 1995*

Capricorn Municipal Development Guidelines – Heavy Duty Cattle Grid Standard Drawing CMDG-G-020 and 6.0m Gate Detail Standard Drawing CMDG-G-019

Department of Transport and Main Roads Manual of Uniform Traffic Control Devices

Fees and Charges Schedule

Refund, Exemption and Reduction of Fees and Charges Policy

### 4 Definitions

To assist in interpretation, the following definitions apply:

Authorised Person	A person who is appointed under the <i>Local Government Act 2009</i> and other Acts to ensure that members of the public comply with the relevant Local Government Acts in relation to the local government and the Region.
Council	Rockhampton Regional Council

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Gate	As defined in <i>Subordinate Local Law No. 1.17 (Gates and Grids) 2019</i> , a hinged or sliding barrier used to close an opening in a wall, fence or hedge.
Grid	As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018</i> , a structure designed to: (a) Permit the movement of pedestrian or vehicular traffic along a road; but (b) Prevent the passage of livestock.
MUTCD	Manual of Uniform Traffic Control Devices
Responsible Person	As defined in <i>Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019</i> , for a gate or grid installed across a road, means each of the following persons: (a) The person who installed the gate or grid, or the gate and the grid; (b) The person for whose use or benefit of the gate or grid, or the gate and the grid, were installed; (c) The person who has the benefit of the gate or grid, or the gate and the grid installed across the road.
Road	As defined in <i>Local Law No. 1 (Administration) 2011</i> : (a) A road as defined in the <i>Local Government Act 2009</i> , section 59; and (b) A State-controlled road: (i) Prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and (ii) In respect of which the chief executive has given written agreement under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 66(5)(b).
SLL1.17	<i>Subordinate Local Law No. 1.17 (Gates and Grids) 2019</i>

## 5 Policy Statement

In order to minimise unreasonable nuisance and the potential for motorists to be exposed to safety hazards whilst utilising a road.

Council does however acknowledge that a gate, or a gate and grid may be required under certain circumstances for genuine primary production purposes where other methods of controlling livestock, such as fencing is impractical. This policy will ensure that where a gate, or a gate and grid are permitted they are installed, managed and maintained to an acceptable and consistent standard which minimises unreasonable nuisance and safety risk to road users.

Council will not approve the installation of a grid without a gate.

### 5.1 Prescribed Activities and Compliance with Local Laws

The installation of a gate, or a gate and a grid across a road, and being a responsible person for a gate, or a gate and a grid across a road are prescribed activities within Council's SLL1.17. Such activities must be approved and remain compliant in accordance with this subordinate law.

### 5.2 Application for Approval

Applicants must conform to Council's SLL1.17 and apply to Council to:

- (a) Install a new gate, or gate and a grid across a road;
- (b) Transfer ownership of an existing approved gate or grid, or gate and a grid installed across a road; and
- (c) Seek approval of an existing gate, grid, or gate and grid installed across a road.

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Applicants seeking approval for any of the above must complete the Road Reserve Works (Gates and Grids) Application Form located on Council's website and submit with required supporting documentation and application fee.

Applications received will be assessed within 10 working days in accordance with the criteria specified within SLL1.17 and this policy. If approved a permit for a two year term will be issued to applicants. A permit maybe renewed for a further two year period upon application.

Council reserves the right to:

- (a) Terminate approval;
- (b) Refuse to renew the approval; and
- (c) Refuse to transfer the approval,

If:

- (a) Changes occur to the classification or alignment of the road on which it is situated;
- (b) There is a demonstrated change in road usage patterns;
- (c) The original purpose of the gate or gate and grid no longer exists; or
- (d) The gate or grid or gate and grid is not compliant.

### 5.2.1 Application Assessment – Proposed Installation of new Gate, or Gate and Grid

Applications will be assessed in accordance with the criteria specified in SLL1.17 and with consideration to the following:

- (a) The current need to contain livestock and if an alternative method is available;
- (b) Applications will generally only be considered on roads that are unfenced, or partly fenced;
- (c) If the proposed gate or gate and grid will allow current road usage to continue;
- (d) Submissions received from residents directly impacted in relation to the application;
- (e) The characteristics of the road assessed as follows:

Table of Assessment			
Road Class	Vehicle Count	Sealed	Unsealed/unformed/ formed
10	<10	Grid with Gate	Gate
30	10-30	Grid with Gate	Gate
75	30-75	Grid with Gate	Grid with Gate
100	75-100	Consideration may be given for Grid with Gate	
125	100-125	Not acceptable	
150	125-150	Not acceptable	
199	>150	Not acceptable	

Council may consider applications on roads with higher traffic volumes in special circumstances where considered reasonably appropriate.

### 5.2.2 Approval Transfers on Property Sales

If the responsible person sells their property, the responsible person must notify Council to cancel their approval thus cancelling their responsibility for the gate or grid, or gate and grid that was covered by the approval. Fees paid previously will not be refunded when the approval is cancelled.

New property owners will have 30 days to make an application for an approval to be transferred

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to a new responsible person.

If a transfer application has not been received by a new property owner within 30 days Council will consider the gate or grid, or gate and grid to be non-compliant/abandoned and will commence procedures as set out in paragraph 5.4 of this policy.

There is no fee associated with a transfer application and approvals applied to transfers shall apply to the end of the current approval period for the approval just cancelled.

### **5.2.3 Approval of Existing Gate, Grid, or Gate and Grid**

For an existing gate, grid, or gate and grid installed prior to <policy adoption date>, an application for approval must be sought by the owner. Such approval shall be subject to the conditions of the approval. The gate or grid, or gate and grid will be audited by Council for compliance with the conditions of approval. If the gate or grid, or gate and grid is found to be non-compliant the non-compliance will be managed in accordance with paragraph 5.4 of this policy.

### **5.2.4 Approval Renewals**

Council will issue a renewal notice 30 days before the approval expires. If the approval is not renewed before expiry Council will consider the gate or grid, or gate and grid to be non-compliant/abandoned and will commence procedures as set out in paragraph 5.4 of this policy.

## **5.3 Obligations of Responsible Person**

The responsible person is responsible for:

- (a) Notifying directly affected property owners/occupiers of any proposed works no later than two weeks prior to proposed commencement of the works;
- (b) Carrying out all work and bearing all costs associated with the signage, installation and maintenance of a gate, or a gate and grid in accordance with the approved specifications and to the satisfaction of an authorised person;
- (c) Ensuring compliance at all times with the standards as specified in the approval and being personally liable for any damage or injury caused by the structure;
- (d) Constructing drainage in association with the gate, grid or a gate and grid to ensure that no damming or ponding of stormwater run-off occurs on the road, road reserve or adjoining property or approaches;
- (e) Displaying temporary and permanent signage during construction and/or maintenance in accordance with the Department of Transport and Main Roads MUTCD;
- (f) Undertaking compliance inspections of the structure and submitting the required documentation at intervals specified within the conditions of approval; and
- (g) Maintaining public liability insurance and providing Council with a Certificate of Currency.

## **5.4 Abandoned or Non-Compliant Gate, Grid or Gate and Grid**

### **5.4.1 Abandoned Gate, Grid or Gate and Grid**

Where an authorised person considers that a gate, grid or a gate and grid is abandoned Council will:

- (a) Take reasonable steps to identify the owner of the structure;
- (b) Where an owner has been identified, issue a notice to the owner to advise of their responsibilities under SLL1.17 and this policy, and request that the person seek approval for the prescribed activity within a specified timeframe. Should the owner fail to comply with the notice, Council will remove the structure with the costs recoverable from the property owner.
- (c) Where the owner cannot be identified, Council will remove the structure and impound in accordance with Council's local laws.

#### **LEGAL AND GOVERNANCE USE ONLY**

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#### 5.4.2 Non-compliant Gate, Grid or Gate and Grid

Where the owner/responsible person is known to Council, Council will liaise with the owner/responsible person to ensure that the gate, grid or the gate and grid installed across a road conforms to requirements. Should the owner/responsible person fail to comply, Council will undertake compliance and enforcement action in accordance with Council's local laws.

### 5.5 Fees and Charges

An application fee, annual fee and renewal fee applies as per Council's adopted Fees and Charges Schedule for the current financial year.

An application fee will not apply where an application is received by Council before 30 June 2020 for an existing gate, grid, or gate and grid installed prior to the adoption of this policy.

There is no fee associated with a transfer application.

Application fees are not refundable if an application for an approval is refused. Fees may be refunded as per Council's Refund, Exemption and Reduction of Fees and Charges Policy.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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**11.6 SOLE SOURCE SUPPLIER - AIRPORT PAVEMENT ENGINEERING SPECIALISTS PTY LTD****File No:** 1656**Attachments:** Nil**Authorising Officer:** Marcus Vycke - Manager Airport**Author:** Beverley Pearson - Coordinator Airport Operations

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**SUMMARY**

*The purpose of this report is to seek a Council resolution that the nominated Airport Pavement Engineer can be deemed a Sole Supplier in accordance with Section 235 (b) of the Local Government Regulation 2012.*

**OFFICER'S RECOMMENDATION**

THAT pursuant to s235(b) of the Local Government Regulation 2012, Council approve the nominated Airport Pavement Engineer supplier, known as Airport Pavement Engineering Specialists Pty Ltd, to be an approved Sole Supplier of Airport pavement engineering services.

**COMMENTARY**

Airport Pavement Engineering Specialists Pty Ltd is a unique industry leader specialised in Airport Pavement Engineering Services, uniquely experienced with the Rockhampton Airport through prior engagement being the Rockhampton Airport Pavement Project in 2018, post ex Tropical Cyclone Debbie (2017), as well as being extensively respected and engaged by multiple other Airports in Australia.

Further planning for upcoming works in the General Aviation apron and taxiway movement areas, as well as ongoing monitoring of existing operational pavement assets, requires Airport pavement engineering specific input and advice.

Due to the specialised, highly technical, and confidential nature required of Airport pavement engineering services, in addition to Airport Pavement Engineering Specialists Pty Ltd's previous knowledge and specific past experience with Rockhampton Airport, as well as the engagement of this supplier by other Australian Airports, Rockhampton Airport recommends engaging Airport Pavement Engineering Specialists Pty Ltd under s235(b) of the Local Government Regulation 2012.

Deeming this supplier as a Sole Supplier will allow staff to engage this supplier as required without calling for other contractors who are unable to supply the same level of previous knowledge and continuity of service.

**PREVIOUS DECISIONS**

Previous Council recommendation: 7 November 2017: Item 11.7

**COUNCIL RESOLUTION**

*THAT Council resolves to enter into the contract with Airport Pavement Engineering Specialists Pty Ltd under s235 of the Local Government Regulation 2012 for the provision of confidential specialist advice, support and documentation preparation for Stages 2-4 of the Rockhampton Airport Pavement Project.*

**LEGISLATIVE CONTEXT**

Section 235 of the Local Government Regulation 2012 states that:

*"Other exceptions:*

*A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—*

---

*(b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders;"*

**CONCLUSION**

It is recommended that Council approve for Airport Pavement Engineering Specialists Pty Ltd to be deemed as a Sole Supplier to Rockhampton Airport.

**11.7 ADOPTION OF MASTER PLAN FOR ROCKHAMPTON AIRPORT TERMINAL REFURBISHMENT****File No:** 3821**Attachments:**  
1. [Airport Master Plan Ground Floor](#)↓  
2. [Airport Master Plan Upper Floor](#)↓**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Peter Kofod - General Manager Regional Services

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**SUMMARY**

*Council has received funding from the Federal Government to purchase and install new Cabin Baggage, Checked Baggage and Body Scanning Equipment at the Rockhampton Airport Terminal Building. The installation will require extensive reconfiguration of the existing terminal building. A Master Plan for the terminal building has been developed for this project.*

**OFFICER'S RECOMMENDATION**

THAT Council:

1. Accept this Master Plan layout for the Airport terminal building upgrade;
2. Accept in principle the Rockhampton Airport Terminal Building Upgrade project;
3. Accept to commence detailed design and cost estimate to complete remaining upgrade works.; and
4. Council actively explore possibilities of additional grants.

**COMMENTARY**

As part of the Security Equipment Upgrade works an independent Architect was engaged to develop a Master Plan for the Rockhampton Airport Terminal Building. In addition a high level condition audit of the Airport Terminal building identified that the existing main plant room within the Airport Terminal Building will need to be upgraded as part of the security upgrade. All necessary works will ensure compliance with current Australian Standards for safety and fire safety compliance.

The proposed Master Plan will result in increasing the numbers and relocation of 2-3 concessionaires to within the departure lounge in line with other Australian regional airports. This represents a great opportunity to enhance the overall financial return to Council from the airport operation and also provide significant operational efficiencies which have been identified by the airlines and airport management.

Some of the main benefits include:

- Greater operational efficiencies
- Higher returns from Airlines
- A seamless travel experience for the passengers
- Increase Airlines On -Time Performance (OTP)
- Higher commercial rental returns from tenants
- Increased spend rates from passengers.

With the tight timeframe to supply, and install new security screening equipment and ensure building certification prior to 31 December 2020, it is essential to finalise a Master Plan layout and to accept the project in Principle and approve work to proceed to complete detailed design and a cost estimate to complete all the remaining refurbishment works as per this proposed Master Plan layout (copy attached for information and comment).

Council officers will actively explore further grants opportunities to complete these works.

**BACKGROUND**

In April 2019 Council adopted a resolution to pursue the Department of Home Affairs for a grant to upgrade Aviation Security Screening Equipment and also minimum reconfiguration of airport facilities in two (2) stages. Stage -1 with a budget of \$3.044 m for building works involved to accommodate much larger footprint of the recommended new Screen Equipment and \$3.050m in Stage-2 (in the 2022/23 year) for relocating mainly concessionaries within departure lounges.

This did not include any funding for mechanical HVAC and electrical works.

Council separately approved a budget of \$1.346m to replace the air conditioning system chilled water unit and \$0.350 for Airport Terminal LV cable upgrade. Totaling \$7.790m.

While Terminal LV cable upgrade works have been completed, and the works to replace the air conditioning system chilled water unit have progressed to some extent but have been paused pending adoption of proposed Master Plan Layout.

A building works contract is to be awarded only for design and building works connected with the installation of new security equipment and related build refurbishment works.

**BUDGET IMPLICATIONS**

Council currently has approximately a total budget of \$7.79m allocated in its forward Capital List made up of \$4.74 million in the 2019/20 year and \$3.05 million in year 2022/23. So far this year \$2.75m is either committed and or spent for Mechanical Services and LV Cable upgrade to the Terminal Building. Leaving only about \$5.04m for current refurbishment works and detailed design and cost estimate during the current financial year 2019 – 20. Note that a budget amendment will be proposed to bring forward \$3.05 million into the 19/20 year to accommodate Stage 1.

**RISK ASSESSMENT**

Without accepting the complete Airport Terminal Building refurbishment project in principle and commencing construction works related to security equipment installation there is a risk the security upgrade will not be completed within the timeframe. Proper sequencing and staging of the works will reduce Council's overall cost risk during construction phase and ensure the finished structure is fit for purpose.

**CONCLUSION**

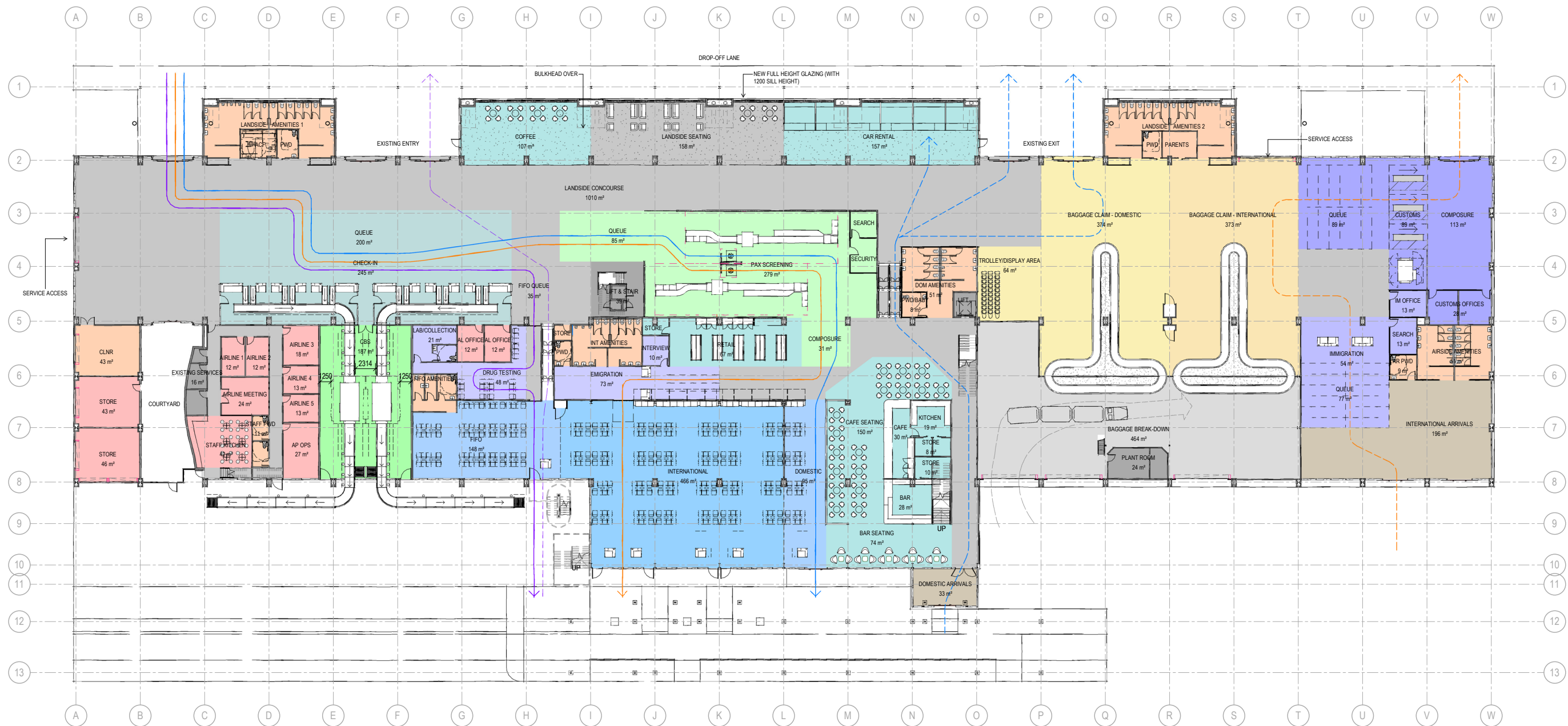
The Airport Terminal Security Upgrade project is now already in construction phase. A Master Plan has been developed to ensure the works are undertaken for the long term optimum use of the current building. It is recommended that Council endorse the Master Plan and the current budgeted works.

# **ADOPTION OF MASTER PLAN FOR ROCKHAMPTON AIRPORT TERMINAL REFURBISHMENT**

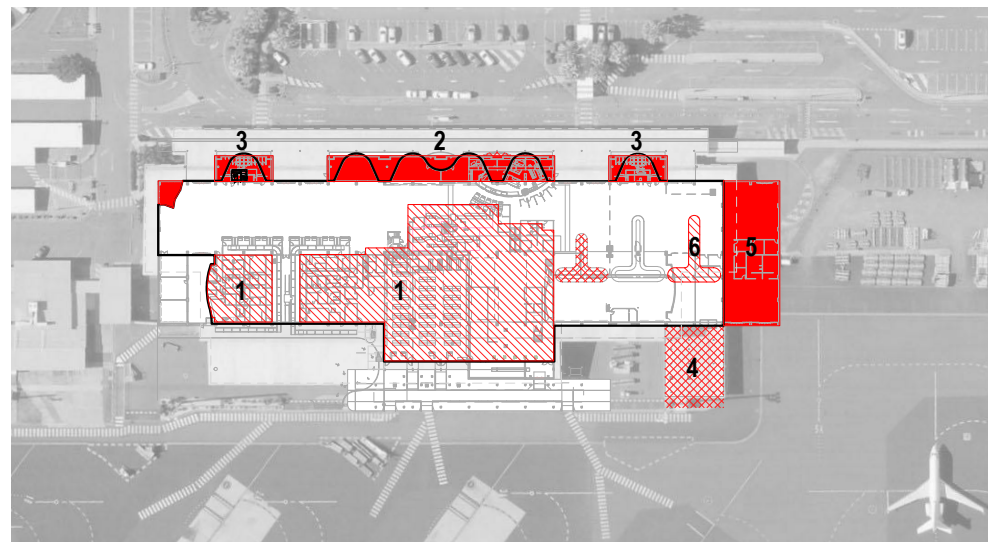
## **Airport Master Plan Ground Floor**

**Meeting Date: 4 February 2020**

**Attachment No: 1**



1 PLAN  
Scale: 1 : 250



LEGEND:

- - NEW EXTENSION
- ▨ - RECONFIGURATION
- ▩ - DEMOLITION

1. Reconfigure internal departure lounge and offices
2. New central landside facade extension
3. New landside toilet extension
4. International Arrivals covered space to be demolished
5. South end of terminal to be extended by a double bay (single storey).
6. Baggage carousel to be shifted to the south
7. New mezzanine level to house airline lounge
8. Reconfiguration of airport management offices
9. New first floor to be constructed in ceiling above current qantas offices. All airline offices to be re-located to the first floor.
10. New floor housing mechanical plant above current CBS and Virgin offices.

NOTE: Due to the size and layout of the existing terminal, this master plan layout does not comply with some "deemed-to-satisfy" elements in Section C - Fire Resistance and Section D - Access and Egress of the Building Code of Australia. Certifier and Fire Engineer input is required to develop a suitable Alternative Solution.

2 PLAN SITE PLAN  
Scale: 1 : 1000

SPACES LEGEND:

- CHECK-IN
- SECURITY - PAX
- SECURITY - CBS
- EMIGRATION
- IMMIGRATION
- CUSTOMS
- DEPARTURE LOUNGE - DOMESTIC
- DEPARTURE LOUNGE - INTERNATIONAL
- DEPARTURE LOUNGE - FIFO
- AIRLINE LOUNGE
- BAGGAGE CLAIM - DOMESTIC
- BAGGAGE CLAIM - INTERNATIONAL
- ARRIVALS HALL
- BAGGAGE MAKE-UP
- BAGGAGE BREAK-DOWN
- CONCESSIONS
- OFFICES
- CIRCULATION
- AMENITIES
- SERVICES & STRUCTURE
- CURBSIDE ACCESS

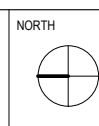
PASSENGER FLOW LEGEND:

- DOMESTIC DEPARTURE
- DOMESTIC ARRIVAL
- INTERNATIONAL DEPARTURE
- INTERNATIONAL ARRIVAL
- FIFO DEPARTURE
- FIFO ARRIVAL

REV	DESCRIPTION	AUTH	CHK	DATE
A	CLIENT ISSUE			10.01.2020
B	Revision B			15.01.20

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• Report any discrepancies to the architect before carrying out any work.

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PROJECT  
ROCKHAMPTON AIRPORT  
SECURITY UPGRADE  
81 Canoona Road, WEST ROCKHAMPTON QLD 4700

DRAWING TITLE  
MASTER PLAN - VERSION 2(B) -  
GROUND LEVEL

FIRST ISSUE 15/01/2020	SCALE @ A1 As indicated
DRAWN DP	CHECKED MC
PROJECT No 19420	STAGE SD
DRAWING No AR-1000-5G	REVISION B

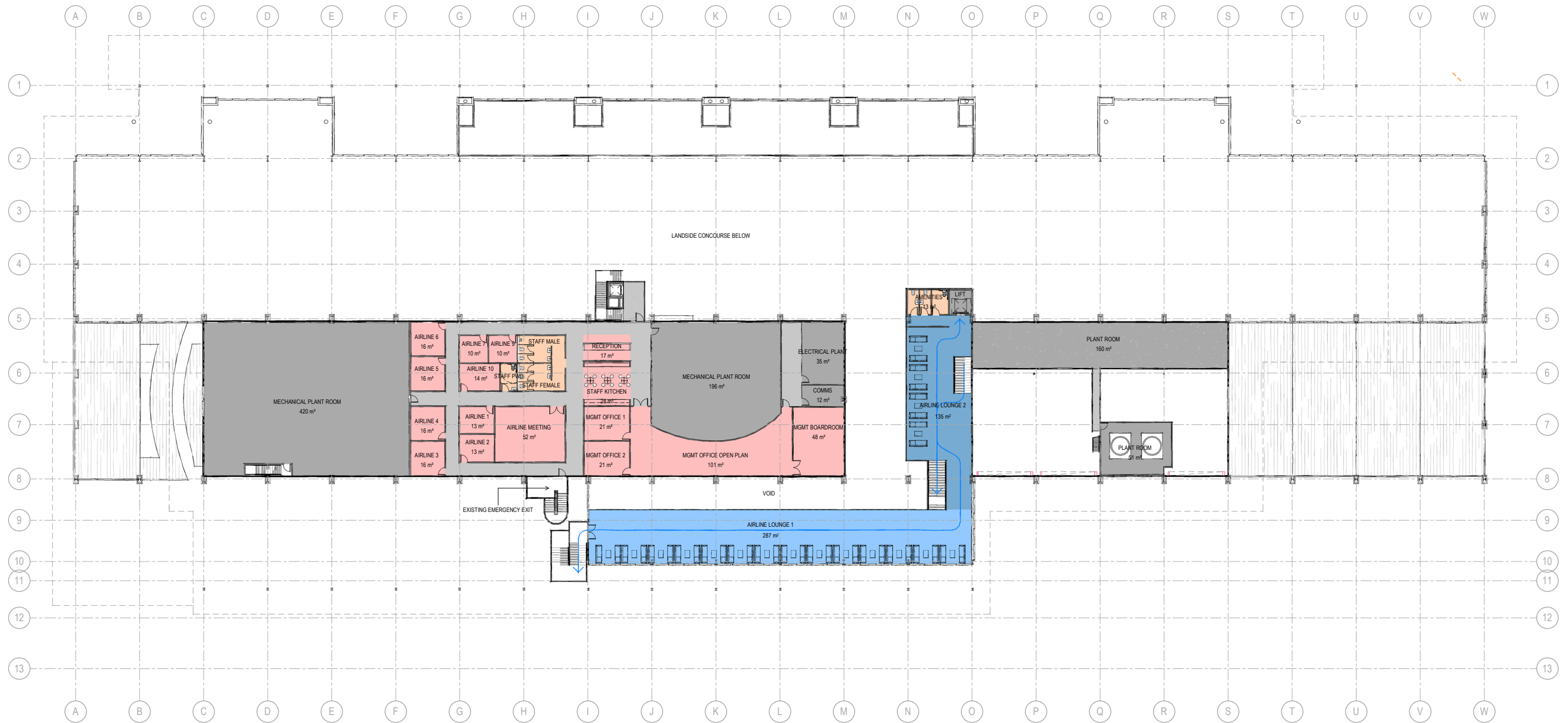
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# **ADOPTION OF MASTER PLAN FOR ROCKHAMPTON AIRPORT TERMINAL REFURBISHMENT**

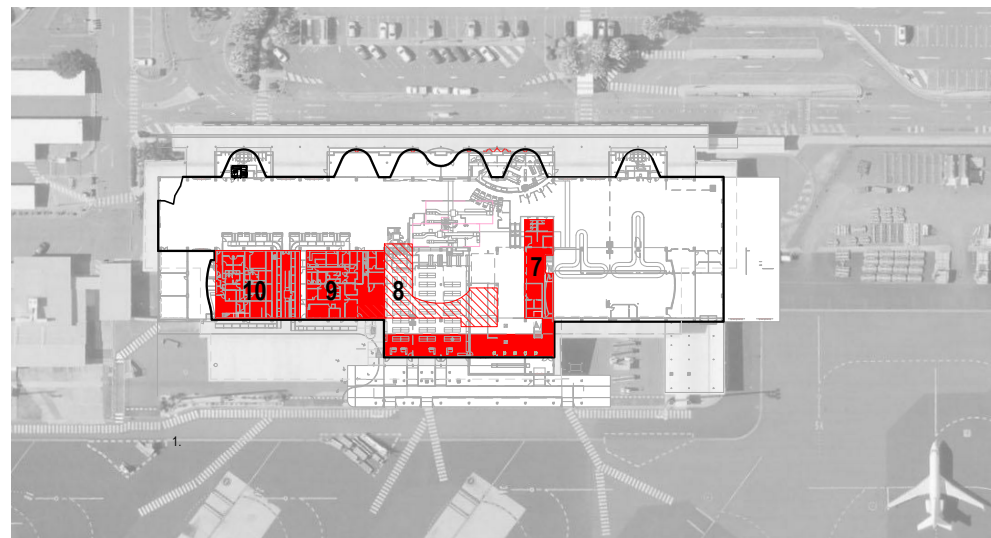
## **Airport Master Plan Upper Floor**

**Meeting Date: 4 February 2020**

**Attachment No: 2**



1 PLAN  
Scale: 1 : 250



- LEGEND:**
- NEW EXTENSION
  - RECONFIGURATION
  - DEMOLITION

- Reconfigure internal departure lounge and offices
- New central landside facade extension
- New landside toilet extension
- International Arrivals covered space to be demolished
- South end of terminal to be extended by a double bay (single storey).
- Baggage carousel to be shifted to the south
- New mezzanine level to house airline lounge
- Reconfiguration of airport management offices
- New first floor to be constructed in ceiling above current qantas offices. All airline offices to be re-located to the first floor.
- New floor housing mechanical plant above current CBS and Virgin offices.

NOTE: Due to the size and layout of the existing terminal, this master plan layout does not comply with some "deemed-to-satisfy" elements in Section C - Fire Resistance and Section D - Access and Egress of the Building Code of Australia. Certifier and Fire Engineer input is required to develop a suitable Alternative Solution.

2 PLAN SITE PLAN  
Scale: 1 : 1000

- SPACES LEGEND:**
- CHECK-IN
  - SECURITY - PAX
  - SECURITY - CBS
  - EMIGRATION
  - IMMIGRATION
  - CUSTOMS
  - DEPARTURE LOUNGE - DOMESTIC
  - DEPARTURE LOUNGE - INTERNATIONAL
  - DEPARTURE LOUNGE - FIFO
  - AIRLINE LOUNGE
  - BAGGAGE CLAIM - DOMESTIC
  - BAGGAGE CLAIM - INTERNATIONAL
  - ARRIVALS HALL
  - BAGGAGE MAKE-UP
  - BAGGAGE BREAK-DOWN
  - CONCESSIONS
  - OFFICES
  - CIRCULATION
  - AMENITIES
  - SERVICES & STRUCTURE
  - CURBSIDE ACCESS

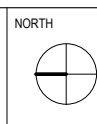
- PASSENGER FLOW LEGEND:**
- DOMESTIC DEPARTURE
  - DOMESTIC ARRIVAL
  - INTERNATIONAL DEPARTURE
  - INTERNATIONAL ARRIVAL
  - FIFO DEPARTURE
  - FIFO ARRIVAL

REV	DESCRIPTION	AUTH	CHK	DATE
A	CLIENT ISSUE			10.01.2020
B	Revision B			15.01.20

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PROJECT  
**ROCKHAMPTON AIRPORT SECURITY UPGRADE**  
81 Canoona Road, WEST ROCKHAMPTON QLD 4700

DRAWING TITLE  
**MASTER PLAN - VERSION 2(B) - UPPER LEVEL**

FIRST ISSUE 20/12/2019	SCALE @ A1 As indicated
DRAWN DP	CHECKED MC
PROJECT No <b>19420</b>	STAGE <b>SD</b>
DRAWING No <b>AR-1000-5U</b>	REVISION <b>B</b>

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## **12 NOTICES OF MOTION**

Nil

## **13 QUESTIONS ON NOTICE**

Nil

**14 URGENT BUSINESS/QUESTIONS**

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

## **15 CLOSURE OF MEETING**