



ORDINARY MEETING

AGENDA

8 SEPTEMBER 2015

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 8 September 2015 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in blue ink, consisting of several overlapping, sweeping strokes.

ACTING CHIEF EXECUTIVE OFFICER
3 September 2015

Next Meeting Date: 13.10.15

Please note:

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

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1 OPENING

The opening prayer will be presented by Reverend Narelle Kidson from St Andrew's Anglican Parish, Gracemere.

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

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

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 11 August 2015

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 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 31 AUGUST 2015

RECOMMENDATION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 31 August 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Audit and Business Improvement Committee, 31 August 2015**9.1.1 BUSINESS OUTSTANDING TABLE FOR AUDIT AND BUSINESS IMPROVEMENT COMMITTEE**

File No: 10097
Attachments: 1. Business Outstanding Table for Audit and Business Improvement Committee Meeting
Responsible Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Audit and Business Improvement Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Audit and Business Improvement Committee be received.

Recommendation of the Audit and Business Improvement Committee, 31 August 2015**9.1.2 FINANCIAL STATEMENTS 2015-16****File No:** 8151**Attachments:**

1. **Financial Statements 2014/15**
2. **Memo - Position Paper Road Infrastructure Valuation**

Authorising Officer: Ross Cheesman - General Manager Corporate Services**Author:** Alicia Cutler - Manager Finance

SUMMARY*Draft Financial Statements to be presented to the Auditor General to commence their Audit.***COMMITTEE RECOMMENDATION**

1. THAT the Financial Statements 2015-16 report be received; and
2. THAT the next Audit and Business Improvement Committee meeting be scheduled for Tuesday 24 November 2015 at 3.30pm, rather than 9 October 2015.

9.2 PARKS AND RECREATION COMMITTEE MEETING - 1 SEPTEMBER 2015

RECOMMENDATION

THAT the Minutes of the Parks & Recreation Committee meeting, held on 1 September 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Parks & Recreation Committee, 1 September 2015**9.2.1 BUSINESS OUTSTANDING TABLE FOR PARKS AND RECREATION COMMITTEE**

File No: 10097
Attachments: 1. Business Outstanding Table for Parks and Recreation Committee
Responsible Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Parks and Recreation Committee is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Parks and Recreation Committee be received.

Recommendation of the Parks & Recreation Committee, 1 September 2015**9.2.2 COMMUNITY SERVICES CAPITAL WORKS MONTHLY REPORT - AUGUST 2015**

File No: 1464
Attachments: 1. Community Services Capital Works August 2015
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Andrew Collins - Special Projects Officer

SUMMARY

Project summary report for Capital Projects currently being delivered by Community Services Department on behalf of the Parks and Open Spaces section.

COMMITTEE RECOMMENDATION

THAT the Community Services Capital Works monthly report for August 2015 for Parks and Recreation be 'received'.

Recommendation of the Parks & Recreation Committee, 1 September 2015**9.2.3 UPDATE ON THE PROPOSED CHANGES TO SIR RAYMOND HUISH DRIVE AT VICTORIA PARK**

File No: 1464
Attachments: 1. Draft maps indicating traffic flow options
Authorising Officer: Margaret Barrett - Manager Parks
Michael Rowe - General Manager Community Services
Author: Sophia Czarkowski - Coordinator Parks Recreation Services
Previous Items: 8.2 - Victoria Park Playground Area - Request to Fence - Parks & Recreation Committee - 03 Feb 2015 9.00 am

SUMMARY

An update on the proposed changes to Sir Raymond Huish Drive at Victoria Park.

COMMITTEE RECOMMENDATION

THAT the update on the proposed changes to Sir Raymond Huish Drive at Victoria Park be 'received' and that traffic informational and directional signage be implemented and investigations continue into the establishment of a 20km/hr speed zone.

Recommendation of the Parks & Recreation Committee, 1 September 2015**9.2.4 PARKS AND OPEN SPACE OPERATIONS REPORT - JULY 2015****File No:** 1464**Attachments:** 1. Parks and Open Space Operations Report -
July 2015**Authorising Officer:** Michael Rowe - General Manager Community Services**Author:** Margaret Barrett - Manager Parks

SUMMARY

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

COMMITTEE RECOMMENDATION

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

9.3 COMMUNITIES COMMITTEE MEETING - 1 SEPTEMBER 2015

RECOMMENDATION

THAT the Minutes of the Communities Committee meeting, held on 1 September 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Communities Committee, 1 September 2015**9.3.1 BUSINESS OUTSTANDING TABLE FOR COMMUNITIES COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Communities Committee****Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Communities Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Recommendation of the Communities Committee, 1 September 2015
**9.3.2 REGIONAL ARTS DEVELOPMENT FUND - RECOMMENDATION FROM 2015-16
ROUND ONE**

File No: 8944
Attachments: Nil
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Peter Owens - Manager Arts and Heritage

SUMMARY

Applications received for round one of the 2015/16 Regional Arts Development Fund have been assessed by the RADF Committee and one is recommended for funding.

COMMITTEE RECOMMENDATION

THAT Council approves the following application for funding from the Regional Arts Development Fund:

Applicant	Purpose of Grant	Grant Recommended
Madison Dyer	To attend 2016 JWC music camp in Sydney to improve jazz violin skills.	\$1,046 Pending scholarship application

Recommendation of the Communities Committee, 1 September 2015
9.3.3 COMMUNITY ASSISTANCE PROGRAM - RECOMMENDATIONS FROM 2015-16 ROUND ONE

File No: 7822

Attachments: 1. **Community Assistance Program - Round 1 Recommendations**

Authorising Officer: Michael Rowe - General Manager Community Services

Author: Cheryl Haughton - Manager Community Services

SUMMARY

Twelve applications for funding were received in round one of the Community Assistance Program for the 2015-16 year. The applications have been assessed and ten are recommended for funding for a total amount of \$38,475.

COMMITTEE RECOMMENDATION

THAT Council approves the following applications for funding from the Community Assistance Program:

Applicant	Purpose of Grant/Sponsorship	Amount
AFS Men's Shed @ PCYC	The AFS Snag Wagon	\$6,000
Capricorn Helicopter Rescue Service	Rescue Chopper Day and Open Day (RCD)	\$2,500
Central Queensland African Association	Africa Day Celebrations 2015	\$500
Gracemere Bowls Club Inc.	5kw Solar Power System	\$4,000
Gracemere Croquet Club Inc.	Gracemere Croquet Club Ground Security	\$2,872
Indoor Sports Arena Rockhampton	Small Business Expo 2015	\$500
Kalapa Hall and Sports Committee	Kalapa Hall Toilet Replacement	\$3,975.87
Rockhampton Model Aero club	Family BBQ Area Upgrade	\$5,127
Stitch and Chat Inc.	Central Queensland Craft Expo 2015	\$3,500
The Scout Assoc. of Australia Qld. Branch Inc. – Warripari Scout Group	Warripari Scout Den - Raising and Restumping (Stage 4)	\$9,500

Recommendation of the Communities Committee, 1 September 2015**9.3.4 COMMUNITIES AND FACILITIES MONTHLY OPERATIONAL REPORT**

File No: 1464
Attachments: 1. Report for September meeting
Authorising Officer: Michael Rowe - General Manager Community Services
Author: Cheryl Haughton - Manager Community Services

SUMMARY

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

COMMITTEE RECOMMENDATION

THAT the Operational Report on the activities of the Communities and Facilities section for the month of July 2015 be received.

Recommendation of the Communities Committee, 1 September 2015**9.3.5 MONTHLY OPERATIONS REPORT FOR ARTS AND HERITAGE FOR JULY 2015**

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

SUMMARY

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

COMMITTEE RECOMMENDATION

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

9.4 HEALTH AND COMPLIANCE COMMITTEE MEETING - 1 SEPTEMBER 2015

RECOMMENDATION

THAT the Minutes of the Health & Compliance Committee meeting, held on 1 September 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Health & Compliance Committee, 1 September 2015**9.4.1 BUSINESS OUTSTANDING TABLE FOR HEALTH AND COMPLIANCE COMMITTEE**

File No: 10097
Attachments: 1. Business Outstanding Table for Health and Compliance Committee
Responsible Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Health and Compliance Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

THAT the Business Outstanding Table for the Health and Compliance Committee be received.

Recommendation of the Health & Compliance Committee, 1 September 2015**9.4.2 PROPOSED ANIMAL INSPECTION PROGRAM****File No:** 7437**Attachments:**

1. **Map of Proposed Inspection Area**
2. **Notice of Proposed Inspection Program**

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

SUMMARY

This report presents an Animal Inspection Program for consideration by Council. Prior to Rockhampton Regional Council officers undertaking an inspection program, the Systematic Inspection Program, to monitor compliance with the Animal Management (Cats and Dogs) Act 2008, Rockhampton Regional Council Local Law 1 (Administration) 2011, and Rockhampton Regional Council Local Law 2 (Animal Management) 2011 must be approved by Council.

COMMITTEE RECOMMENDATION

THAT in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Local Government Act 2009*, Council approves an inspection program, the Systematic Inspection Program, for the identified area of Gracemere and Stanwell between 1 October 2015 and 13 February 2016.

Recommendation of the Health & Compliance Committee, 1 September 2015**9.4.3 MONTHLY OPERATIONS REPORT FROM COMMUNITY STANDARDS AND COMPLIANCE UNIT FOR JULY 2015****File No:** 1464**Attachments:**

1. Monthly Operations Report Community Standards and Compliance Section July 2015
2. Traffic Light Report for July 2015
3. Financial Matters Report for July 2015

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

SUMMARY

The monthly Operations Report for Community Standards and Compliance Section as at 31 July 2015 is presented for Councillor's information.

COMMITTEE RECOMMENDATION

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

9.5 BUSINESS ENTERPRISE COMMITTEE MEETING - 2 SEPTEMBER 2015

RECOMMENDATION

THAT the Minutes of the Business Enterprise Committee meeting, held on 2 September 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Business Enterprise Committee, 2 September 2015**9.5.1 BUSINESS OUTSTANDING TABLE FOR BUSINESS ENTERPRISE COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Business Enterprise Committee****Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Business Enterprise Committee is presented for Councillors information.

COMMITTEE RECOMMENDATION

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

Recommendation of the Business Enterprise Committee, 2 September 2015**9.5.2 REPORTING ON COMMERCIAL AND PROMOTIONAL MATTERS -
ROCKHAMPTON AIRPORT**

File No: 1392
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - General Manager Corporate Services

SUMMARY

Committee Chairman and Officers to update the Committee on commercial and promotional matters pertaining to the Rockhampton Airport.

COMMITTEE RECOMMENDATION

THAT the report on Commercial and Promotional Matters – Rockhampton Airport be “received”.

Recommendation of the Business Enterprise Committee, 2 September 2015

9.5.3 ROCKHAMPTON REGIONAL WASTE AND RECYCLING OPERATIONAL AND ANNUAL PERFORMANCE REPORT FOR THE PERIOD OF JULY 2015

File No: 7927

Attachments: 1. RRWR Operational and Performance Plan Report July 2015

Authorising Officer: Robert Holmes - General Manager Regional Services

Author: Gavin Carlisle - Coordinator Collections

SUMMARY

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

COMMITTEE RECOMMENDATION

THAT the RRWR Operations and Annual Performance Plan report be received.

Recommendation of the Business Enterprise Committee, 2 September 2015**9.5.4 CORPORATE SERVICES DEPARTMENT - ROCKHAMPTON AIRPORT -
MONTHLY OPERATIONS AND ANNUAL PERFORMANCE PLAN REPORT****File No:** 7927**Attachments:** 1. **Airport Monthly Operations & Annual
Performance Plan Report****Authorising Officer:** **Ross Cheesman - General Manager Corporate Services****Author:** **Tracey Baxter - Acting Manager Airport**

SUMMARY

The monthly operations and annual performance plan report for the Rockhampton Airport as at 31 July 2015 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Corporate Services Departmental Operations and Annual Performance Plan Report for the Rockhampton Airport as at 31 July 2015 be "received".

9.6 WATER COMMITTEE MEETING - 2 SEPTEMBER 2015

RECOMMENDATION

THAT the Minutes of the Water Committee meeting, held on 2 September 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Water Committee, 2 September 2015**9.6.1 BUSINESS OUTSTANDING TABLE FOR WATER COMMITTEE**

File No: 10097
Attachments: 1. **Business Outstanding Table for Water Committee**
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Water Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Recommendation of the Water Committee, 2 September 2015

9.6.2 FRW MONTHLY OPERATIONS REPORT - JULY 2015

File No: 1466
Attachments: 1. FRW Monthly Operations Report - July 2015
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Nimish Chand - Manager FRW

SUMMARY

This report details Fitzroy River Water's financial position and other operational matters for the Council's information as at 31 July 2015.

COMMITTEE RECOMMENDATION

THAT the FRW Monthly Operations Report for July 2015 be received.

Recommendation of the Water Committee, 2 September 2015**9.6.3 REPORT ON LEAKAGE IN THE ROCKHAMPTON NETWORK**

File No: 1466
Authorising Officer: Robert Holmes – General Manager Regional Services
Author: Nimish Chand – Manager FRW

SUMMARY

Following discussions during Fitzroy River Water's Monthly Operational report, it was decided that a further report be brought to the Water Committee relating to leakage in the Rockhampton Region water supply.

COMMITTEE RECOMMENDATION

THAT a report on leakages in the Rockhampton Water Supply Scheme including defining those areas in the Supply Scheme experiencing the greatest level of leakage and a comparison with the National Standard and other Local Governments be provided to the Committee.

9.7 INFRASTRUCTURE COMMITTEE MEETING - 2 SEPTEMBER 2015

RECOMMENDATION

THAT the Minutes of the Infrastructure Committee meeting, held on 2 September 2015 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Infrastructure Committee, 2 September 2015**9.7.1 BUSINESS OUTSTANDING TABLE FOR INFRASTRUCTURE COMMITTEE****File No:** 10097**Attachments:** 1. **Business Outstanding Table for Infrastructure Committee****Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the 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, 2 September 2015**9.7.2 CYCLE NETWORK LOCAL GOVERNMENT GRANTS PROGRAM**

File No: 5732

Attachments:

1. Program Guidelines
2. Upper Dawson Road Working Plan
3. North Street Concept Plan

Authorising Officer: Robert Holmes - General Manager Regional Services

Author: Martin Crow - Manager Engineering Services

SUMMARY

The Department of Transport and Main Roads have recently called for funding submissions under the Cycle Network Local Government Grants Program. Council Officers are proposing to submit several projects under this program.

COMMITTEE RECOMMENDATION

THAT Council

1. Endorse the submission of the following projects for round 1 of the Cycle Network Local Government Grants Program:
 - a. Upper Dawson Road between Nathan Street and Blackall Street
 - b. North Street between Canning Street and West Street; and
2. Agree to fund 50% of the project cost should a funding submission be successful.

COMMITTEE RECOMMENDATION

THAT Council engage with the sporting cyclists with a view to documenting and delivering a program of small works and improving the cycle network within Rockhampton Region.

Recommendation of the Infrastructure Committee, 2 September 2015**9.7.3 MOUNT MORGAN MINE REPROCESSING TRANSPORT ROUTES**

File No: 8054
Attachments: 1. Correspondence from Charlton Earthmoving
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Robert Holmes - General Manager Regional Services

SUMMARY

Council has received a request for support from Charlton Earthmoving, on behalf of Carbine Resources to have the refusal of their Mass permit application by the National Heavy Vehicle Regulator (NHVR) reversed (see Attachment 1). This permit is seeking a concessional mass limit of 57.5 tons (PBS Level 2) as opposed to the 50.5 tons (PBS Level 1) that they are currently permitted to operate at. Effectively this is a payload gain of 7 ton per truck. The proposed haulage is for approximately 250,000 ton of pyrite per year and would require 7,575 trucks (15,150 movements) at Level 1 load limits or 6,157 trucks (12,314 movements) at Level 2 load limits. Council Officers met with Charlton Earthmoving and Mini Excavation representatives on Friday 28 August to discuss this matter and Council direction is now sought on its acceptance or otherwise of this level of operation on Council roads.

COMMITTEE RECOMMENDATION

1. THAT Council agree to the use of Council roads subject to the proponents entering in to a satisfactory Road Use Agreement that is to address asset protection/maintenance matters and road safety and intersection impacts.
2. THAT Council approach DNRM with a view to negotiating a contribution from the savings that it would get from the decreasing need to address the environmental impacts from the mine tailings towards road improvement required for the transport of the reprocessed material from the Mt Morgan Mine.

Recommendation of the Infrastructure Committee, 2 September 2015**9.7.4 CIVIL OPERATIONS MONTHLY OPERATIONS REPORT - SEPTEMBER 2015****File No: 7028****Attachments:**

1. **Monthly Operations Report Civil Operations Section - 31 July 2015**
2. **Works Program - August - September 2015**

Authorising Officer: Martin Crow - Acting General Manager Regional Services**Author: David Bremert - Manager Civil Operations**

SUMMARY

This report outlines Civil Operations Monthly Operations Report 31 August 2015 and also Works Program of planned projects for the months August – September 2015.

COMMITTEE RECOMMENDATION

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

Recommendation of the Infrastructure Committee, 2 September 2015**9.7.5 ENGINEERING SERVICES MONTHLY OPERATIONS REPORT - SEPTEMBER 2015**

File No: 7028
Attachments: 1. Monthly Operations Report - Engineering Services - 31 July 2015
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Martin Crow - Manager Engineering Services

SUMMARY

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

COMMITTEE RECOMMENDATION

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

Recommendation of the Infrastructure Committee, 2 September 2015

9.7.6 ROCKHAMPTON CBD TRANSLINK BUS STATION

File No: 4807
Authorising Officer: Robert Holmes – General Manager Regional Services
Author: Martin Crow – Manager Engineering Services

SUMMARY

Councillor Williams raised that a report be prepared regarding the Rockhampton CBD Translink Bus Station.

COMMITTEE RECOMMENDATION

THAT a report be prepared for Council's consideration including preferred options for the Translink Bus Station in the Rockhampton CBD.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

File No:	4107
Attachments:	1. Legislative Delegations 2. Financial Delegations 3. Exclusions, Limitations and Constraints
Authorising Officer:	Tracy Sweeney - Manager Workforce and Strategy Ross Cheesman - General Manager Corporate Services
Author:	Kerrie Barrett - Coordinator Corporate Improvement & Strategy

SUMMARY

In accordance with s257(4) of the Local Government Act 2009 the legislative delegations to the Chief Executive Officer are presented for Council's annual review. The Chief Executive Officer's financial delegations, exclusions limitations and constraints are also presented for review.

OFFICER'S RECOMMENDATION

THAT:

1. In accordance with s257(4) of the *Local Government Act 2009*, the report containing the annual review of the legislative delegations to the CEO, as well as the financial delegations, exclusions, limitations and constraints be 'received'.
2. The CEO's amended financial delegation, as detailed within the report and as contained within attachment 2, be adopted.
3. The exclusions, limitations and constraints to CEO's powers contained within attachment 3 be removed for the reasons stated within the report.
4. The powers previously delegated to the CEO for the *Weapons Regulation 1996* be revoked for the reasons stated within the report.

COMMENTARY

This report provides Council's annual review of the current legislative delegations (refer attachment 1) for the Chief Executive Officer (CEO) as per statutory requirements. Attachment 1 contains a summary of legislative sections delegated previously by Council to CEO at various meetings throughout both this year and preceding years. Please note that the full descriptions of the specific powers for the sections identified within the attachment have been viewed and endorsed by Council at the abovementioned meetings.

CEO's financial delegations (attachment 2), exclusions, limitations and constraints (attachment 3) are also presented for review.

Through the review process, Council officers sought legal advice on certain delegations as well as the exclusions, limitations and constraints to ensure that they are relevant and remain consistent with Council's policy direction and intent. The proposed amendments, as recommended by Council's legal advisors, MacDonnells Law, are detailed below for Council's consideration.

Proposed Amendments to Legislative Delegations (Attachment 1)

Detailed instruments containing the specified sections of the legislative acts and regulations contained within attachment 1 have previously been presented to Council and adopted at various Council meetings. Only one amendment to this document is recommended (as marked up within attachment 1) in accordance with recent advice received from MacDonnells Law.

Powers previously delegated by Council to CEO for s25B(7) of the *Weapons Regulation 1996* (detailed below) are recommended to be **revoked** as MacDonnells Law has advised that delegable powers do not exist under this regulation. MacDonnells Law advised that the revocation of this power will pose no risk or negative impacts to Council as firearms and group licences are governed and issued by the State. No sub-delegations have been granted for this power.

Section of Regulation	Details
25B(7)	...a group licence only authorises a person who is a member, officer or employee of a body to possess or use a weapon for the specific purpose for which the weapon was issued to the person by the body.

Proposed Amendments to Financial Delegations and Exclusions, Limitations and Constraints

Attachment 2 – Financial Delegation

The review of CEO's financial delegation identified an inconsistency with Council's Debt Recovery Policy. Specifically, CEO's financial delegation only allowed the approval for waiver of debts for amounts no greater than **\$500**, whereas Council's Debt Recovery Policy allows for approval by specified subordinate officers of a greater amount of **\$1,000**. In order to ensure consistency with Council's adopted Debt Recovery Policy, Item E within attachment 2 has been amended to increase the amount from \$500 to \$1,000.

Item F within attachment 2 has been amended to remove the requirement for the CEO to provide a quarterly report to Council of refunds that have been issued.

Legal advice recently received from MacDonnells Law has suggested that, going forward, all of the financial delegations contained within attachment 2 should instead be included within relevant Council policies (for example the Financial Delegations Policy, Investment Policy, etc.), negating the need for this separate attachment. Any amendments to policies to include these delegations will need to be presented to Council for adoption. It is the intention of the Corporate Improvement and Strategy unit to liaise with relevant policy owners to implement such actions within the coming twelve months.

Attachment 3 – Exclusions, Limitations and Constraints

Council is entitled to impose limitations on the delegation of its powers. These can be either specific or broad. All powers delegated to CEO contain limitations endorsed by Council which are displayed on each of the CEO's individually issued instruments.

Legal advice was recently sought from MacDonnells Law regarding the exclusions, limitations and constraints originally adopted by Council in 2010 (refer attachment 3). This advice was sought as, in the opinion of the Author, the items listed were not considered limitations to powers and were essentially a statement of the CEO's role and responsibilities. MacDonnells Law agreed with this notion and recommended that this attachment should be **removed** as it is surplus to needs. The below table provides commentary against each of the items contained within attachment 3 to provide Councillors with an explanation as to why these items are recommended to be removed.

Item Proposed to be Removed/Amended	Comments
Exclusions	
a) <i>The exercise of any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council.</i>	Covered by the standard MacDonnells Law limitations that are already referenced within each of the CEO's individual Instruments.
Limitations and Constraints	
a) <i>Developing business and corporate plans, budgets and strategies for consideration by the Council and, to the extent approved by the Council in its budget, implementing these plans, budgets and strategies.</i>	Not considered a limitation/constraint to CEO's delegation. This function is part of the general roles and responsibilities of CEO.
b) <i>Identifying and managing operational risks on a daily basis and, where those risks could have a material impact on the Council's business operations, formulating strategies for managing these risks for consideration by Council.</i>	Not considered a limitation/constraint to CEO's delegation. This function is part of the general roles and responsibilities of CEO.
c) <i>Managing the Council's current financial and other reporting mechanisms as well as its control and monitoring systems to ensure that these mechanisms and systems capture all relevant material information on a timely basis and are functioning effectively.</i>	Not considered a limitation/constraint to CEO's delegation. This function is part of the general roles and responsibilities of CEO.
d) <i>Ensuring that the Council and its various committees are provided with sufficient information on a timely basis in regard to the Council's business and, in particular, with respect to the Council's performance, financial condition, operating results and prospects, to enable the Council and those committees to fulfil their governance responsibilities.</i>	Not considered a limitation/constraint to CEO's delegation. This function is part of the general roles and responsibilities of CEO.
e) <i>Implementing the Policies and Procedures approved by the Council and not exercising any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.</i>	Covered by the standard MacDonnells Law limitations that are already referenced within each of the CEO's individual Instruments.
f) <i>Conducting correspondence between Council and other persons.</i>	This is considered a power as opposed to a limitation/constraint. The CEO has the power given directly under the LGA 2009 to sign documents under s236. Legislative powers to CEO also exist under s240(1) of the LGA 2009. Further, CEO has the administrative delegation "signing of correspondence".
g) <i>Employing, disciplining, co-ordinating and empowering under various legislation; the activities of all employees of the Council.</i>	This is considered a function as opposed to a limitation/constraint. Certain powers and restrictions relating to human resource

	<p>management are stipulated within various pieces of legislation. For example, discipline powers are given to CEO directly under the <i>LG Regulation 2012</i>.</p> <p>Further, Council's Human Resource Management Delegations Policy provides a framework for the delegation of approvals for all human resource management functions and states, where applicable, legislative references.</p>
h) <i>In accordance with s196 of the Local Government Act 2009, appoint senior executive employees of the Council.</i>	This is considered a power as opposed to a limitation/constraint. This power is given directly to the CEO under the <i>LGA 2009</i> .
i) <i>Meeting Council's statutory, legal and administrative obligations.</i>	Not considered a limitation/constraint to CEO's delegation. This function is part of the general roles and responsibilities of CEO.

PREVIOUS DECISIONS

Specified sections of the legislative acts and regulations as well as the financial delegations, exclusions, limitations and constraints contained within the attachments have previously been presented to Council and adopted at various Council meetings.

The last statutory annual review report was presented to the Performance and Service Committee meeting 29 July 2014.

LEGISLATIVE CONTEXT

Section 257 *Local Government Act 2009* allows Council to delegate its powers to one or more individuals or standing committees, including to the CEO. Pursuant to section 257(4) *Local Government Act 2009* a legislative delegation to the CEO must be reviewed annually by Council. This annual review ensures that the delegation remains consistent with the local government's policy direction and intent.

To further streamline the decision making process, section 259 of the *Local Government Act 2009* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

The statutory requirement for an annual review is only relevant to the CEO, not other delegates.

Under section 260 of the *Local Government Act 2009*, the CEO must establish a register of delegations. The CEO must record all delegations by the local government, mayor or CEO in the register.

CONCLUSION

For the reasons stated within the report, it is recommended that Council's annual review of the legislative and financial delegations and exclusions, limitations and constraints to the CEO, including proposed amendments, be endorsed and implemented.

ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

Legislative Delegations

Meeting Date: 8 September 2015

Attachment No: 1

ATTACHMENT 1 - LEGISLATIVE DELEGATIONS

<i>Legislation Title</i>	<i>Sections Delegated to CEO</i>
<i>Aboriginal Cultural Heritage Act 2003</i>	56(1), 61(2), 62, 63, 64, 65, 68(1), 68(4), 76, 91, 96, 99, 100, 101, 103, 106(2) 111, 113(2)
<i>Acquisition of Land Act 1967</i>	4B(2), 7(1), 8(2), 8(2)(b), 8(2A), 9(2), 12(5A), 12(7), 13(1)(b), 15, 15C(1), 15D(1), 15D(3), 16(1), 16(1B), 17(1), 17(5), 19(4), 21(1), 21(1A), 21(2), 29(1), 37(2), 37(5), 38(1)
<i>Animal Care & Protection Act 2001</i>	36(1), 156(2), 157(2), 189(2), 214A(2)
<i>Animal Management (Cats & Dogs) Act 2008</i>	39, 42(4), 48(2), 49(2), 51(a), 55(2), 55(4), 56(1), 58(2), 58(4), 64(1)(b), 74(1), 75(1), 75(3), 75(5), 77(1), 79, 84(1), 84(4)(b), 84(5)(a), 84(5)(b), 87(1), 89, 89(4), 90(1), 92, 94(1), 94(2), 95(1), 95(4), 100(3), 102, 114(1), 173(1)(b), 174(1), 175(2), 176(3), 177(1), 183(2), 185A(2), 186(1), 187(2), 209(2), 212(3), 228(3)
<i>Body Corporate & Community Management (Accommodation Module) Regulation 2008</i>	159(6)(b)
<i>Body Corporate & Community Management (Commercial Module) Regulation 2008</i>	117(6)(b)
<i>Body Corporate & Community Management (Small Schemes Module) Regulation 2008</i>	95(6)(b)
<i>Body Corporate & Community Management (Standard Module) Regulation 2008</i>	161(6)(b)
<i>Body Corporate & Community Management Act 1997</i>	60(1), 60(4)
<i>Building Act 1975</i>	37(2), 51(2), 52, 53(2), 55(3), 63, 65(2), 66(2), 67(3), 68(3), 71(8), 71(9), 71(11), 74(2)(b), 80(2), 92(2), 92(5), 93(1), 95(1)(a)(b), 117(2), 206(1), 207(2), 207(3), 221(2)(a), 221(2)(b), 221(3), 221(4), 222(2), 228(2), 231AL(1), 231AL(3), 231AL(4), 236, 237(1), 237(3), 238(1), 238(2), 242(1)(b), 242(2), 242(3), 245A, 245B(1), 245B(2) 245B(3), 245C(1), 245C(2), 245E(2), 245E(3), 246AE(2), 246AF(2), 246AG(1), 246AG(5), 246AG(6), 246AG(7), 246X(1), 246X(2), 248(1), 248(2), 248(3), 249(1), 256(2)(d), 256(2)(e), 256(2)(f), 256(2)(g), 256(2)(h), 256(2)(i), 256(2)(k), 262(3), 266

Legislation Title	Sections Delegated to CEO
Building Units & Group Titles Act 1980	8(3)(b), 9(8)(b), 11(1), 12(1), 22(1), 22(2), 22(7), 24(3), 24(5), 25(3), 25(4), 25(4A)
Coastal Protection & Management Act 1995	115B(a), 119(2), 190(5), 193(5)
Disaster Management Act 2003	29, 31, 37, 57(1), 57(2)(g), 59(1), 60(1)(c), 60(3), 61
Environmental Protection Act 1994	128(2), 129(2), 130(3), 131(d), 133(1)(b), 134(4), 140(1), 143(2), 145(1), 145(3), 147(3), 150(1)(c), 152(3), 159(2), 159(3), 159(4), 159(5)(b)(i), 159(5)(b)(ii), 159(5)(b)(iii), 160, 161(3), 162(1), 168(2), 168(4), 170(2)(a), 170(2)(b), 171(2)(a), 171(2)(b), 172(2), 173(1), 173(3), , 195, 198(2), 198(4), 203(1), 203(2), 204(2), 209(4), 211, 212(2), 212A(2), 212A(3), 212(3), 213(2), 213(3), 214(2), 214(3), 215(1), 215(1)(a), 216, 217, 218, 219(1), 219(3), 220, 221(2)(b), 227A(2), 227A(3), 227A(5), 228, 229, 230(2), 233(3), 237(1)(b), 238(3)(a), 238(7), 240(1), 240(2), 240(3), 242(1)(b), 242(3), 247(1), 247(2)(c), 247(3), 248(b), 249, 250C(a), 254(1), 255(1)(b), 255(2), 258(2), 261(2), 264(2)(a), 265, 266(1), 269(a), 269(b)(i), 269(b)(ii), 269(c), 275(a)(ii), 275(b), 278(1), 280(1), 281, 282(1), 282(1)(a), 282(1)(b), 282(3), 283(1), 283(2), 284C, 284F(1)(a)(ii), 284F(1)(b), 287, 292(1), 292(2), 292(3), 295(1), 295(2)(c), 295(4), 296, 299(2), 300, 301(1), 301(2), 304(1), 305(1)(a), 305(1)(b), 305(3), 305(5), 306(1), 306(3), 306(6), 308(2), 310(1), 311, 312, 314(2), 314(3), 314(5), 315(1), 322(1), 322(2), 323(1), 323(2), 326B(1), 326B(2), 326F(2), 326G(4), 326G(5), 326G(7), 326G(7)(a), 326G(8), 326H, 326I(2), 326I(3), 332(1), 332(2), 334A(1), 336(1), 336(2), 336(3), 336(4), 336A(1), 337(1), 337(2), 337(2), 338(1), 339(1), 339(2), 340(1), 340(2)(b), 340(2)(c), 340(3), 342(2), 343A(2)(B), 344(3), 344(4), 344A(2), 344A(3), 344B, 344C(1), 344C(2), 352(1), 355(1), 357E(1), 357E(2), 357F, 357J, 358, 359, 445(1)(c), 445(2), 448, 451(1), 454(1), 454(3)(b), 458(2), 463(2), 490, 502A(2), 517(2), 521(2)(a)(ii), 521(5), 521(8), 531(1), 544(1), 568, 620(2), 620(5)(b), 621(1), 621(2), 621(4), 623(2), 626(3)(a), 634(1), 671(2), 697(1), 698(1), 698(2), 698B, 699(4), 699(5), 701(2), 715B(4), 715B(5)
Environmental Protection (Water) Policy 2009	24(2)
Environmental Protection Regulation 2008	19C, 51(1), 51(2), 52(1), 53(1), 53(2), 58(2), 63(2), 81U(1)(b), 81W(1), 81X(1), 81Y(1), 81ZF(1)(b), 81ZF(2), 81ZG(1)(a), 81ZH(1)(a), 81ZH(2)(a), 81ZI(2), 81ZI(2)(a)(i), 81ZI(2)(a)(ii), 81ZJ(2), 81ZK(2)(a), 81ZK(2)(b), 81ZL(1), 81ZL(1)(a), 81ZL(1)(b), 81ZL(4), 81ZM, 81ZQ(1), 81ZR(2)(b), 133, 150(3), 151(2), 153(2)
Fire and Emergency Services Act 1990	104SG(2), 104SI(2)(b)(ii), 105(1) "Prescribed property" paragraph (b), 112(2), 113(6), 117(3), 121(2), 126(1), 134(2), 140, 146(2)

Legislation Title	Sections Delegated to CEO
Food Act 2006	55, 56(1), 56(2), 57, 58(a), 58(b), 59(1)(a), 59(1)(b), 60(2), 62(1), 62(2), 62(3), 64, 67, 68(1), 68(2), 69(1)(e), 69(2)(b), 69(3), 71, 72(3), 72(4), 72(5), 73(3), 73(4), 73(5), 74(3), 74(4), 74(5), 74(6), 74(7), 75(1), 78(2), 79(1)(a), 79(2), 80(2), 81, 82(1)(b), 82(2)(a), 82(2)(b), 82(3), 83, 83(2), 83(4), 91(1)(b), 91(2), 92(2), 97(1), 97(2), 97(3), 97(5), 103(1), 103(2), 104, 105(1), 106(2), 107(4), 108(1), 108(2), 108(3), 109(2), 109(2)(a), 109(3), 110(1), 110(2), 110(3), 110(4), 112(4), 112(5), 112(6), 113(1), 114(1), 114(2), 114(3)(c), 115(2), 118(1), 119(2), 120, 121(1)(b), 121(2), 121(3), 238(2), 239, 239(1), 255(1)(b)
Food Production (Safety) Act 2000	83(1)c
Health (Drugs & Poisons) Regulation 1996	290(3)(a), 291(3)(b)
Housing Act 2003	25(1), 26(2)(b), 65
Information Privacy Act 2009	29, 33(a), 33(c), 33(c)(i), 34(1), 44(3), 49(2), 50(5)(b), 52(1)(b), 52(2), 53(2), 53(5), 54(5)(b), 55(1), 55(3), 56(1), 56(3)(b), 56(3)(c), 56(3)(d), 56(4), 57(2), 59(2), 60(1), 61(1), 62(3), 63(3), 65(a), 68(1), 69(2), 70, 72(1), 73(1), 74, 76(3)(b), 76(5), 76(5)(b), 81(1), 82(2), 82(3), 87(1), 87(2), 88(1), 88(2), 88(3), 89(c), 90, 91(2), 91(3)(a), 91(3)(b), 94(2), 97(1), 97(2), 97(3), 102(2), 106(1)(b), 112(2), 114(2), 114(3), 115(1), 131(1), 132(1), 157(1), 159(1), 159(3)(b), 172(1), 2(5)(b), 7(3), 10(1)(b), 10(1)(d), 11(1)(c), 11(1)(e), 11(1)(f)(iv)
Integrity Act 2009	71(4)
Land Act 1994	18(1), 26(2), 31C(1), 31C(3), 31D(1), 31D(2), 31D(3), 34(1), 34(2), 34(3), 34H(1), 34I(1), 34I(3), 34I(4), 38A(1), 38A(2), 38A(3), 38A(4), 38G(1), 47(2), 52(5), 55A(1), 55A(2), 55A(1), 55H, 57(1), 57(2A), 60(1), 64(4), 66(1), 84(1), 94(2), 99(1), 99(3), 99(6), 103(1), 109A(1), 109B(1), 120A(1), 136(5), 164C(1), 164C(2), 164C(7), 164H(1)(b), 169(b)(i), 176(1), 176K(1), 176XA, 177A(1), 177A(2), 179(2), 180A(1), 180A(2), 180A(4), 180H(1), 210, 212B(5), 214A 240G(1), 240I(4), 327, 327A, 327B, 327C(1), 327C(2), 327C(3), 327I(1), 358(1), 358(2), 360C, 360D(2), 360D(3), 368(2)(a), 481B(1), 481B(4), 481B(5), 481J(1), 492(1), 521ZL(2), 521ZM(2)

Legislation Title	Sections Delegated to CEO
Land Protection (Pest & Stock Route Management) Act 2002	48(1), 51(2), 51(3), 51(5), 52(1), 53(1), 53(2), 53(3), 53(4), 54(2), 54(4), 54(5)(a), 78(1)(b), 78(2), 78(3)(b), 79(3), 79(4), 80(1), 80(3), 81(1), 82(1)(c), 116(2)(c)(i)(B), 116(2)(c)(ii), 117(1), 117(2), 118(1), 118(2), 118(2)(b), 119(1)(b), 121(a), 123(1), 123(2), 124(1)(b), 125(a), 126(1), 127(3), 127(4), 127(5), 128(1), 128(2)(a), 130(1), 135(1), 135(2), 136(1), 136(2), 137(1)(b), 139(b), 141(1), 142(1), 143(3), 143(4), 143(5), 144(1), 144(2)(a), 146(1), 147(2), 148(1), 149(1), 156(1), 161(2), 163(1), 180(1), 180(2), 212(3)
Liquor Act 1992	105B(1), 105B(4), 117(2), 117A(2), 173C(1), 173C(2), 173D(6), 173E(1), 173N(4)
Local Government Act 2009	29(1), 61(1), 62(7), 65(1), 65(3), 67(2), 69(1), 69(2)c, 69(3), 69(5), 70(3), 70(4), 70(7)(a), 71(2), 71(4)(a), 72(1)(b), 72(2), 72(3), 72(4), 74(4), 75(2), 75(4), 77(1), 77(3), 77(4), 78(4), 78(5), 80A(1), 80B(1), 80B(3), 95(3)(a), 107(3), 110(2), 133(3), 134(5), 137(2)(a), 140(1)(a), 142(6), 147(3)(a), 176A(2), 176A(3), 196(4), 198(2), 220B(2), 220C, 226(1), 226(4), 236(1), 240(1), 262(2), 268(1), 268A
Local Government Regulation 2012	55(4), 58(2)(b), 138(3), 143(2), 194(a), 201(2), 225(3), 225(4), 228(8), 228(9), 232(2), 232(4), 307A(2), 307A(3)
Mineral Resources Act 1989	19(1), 19(2), 19(3), 19(4), 20(3), 20(6), 26(3), 26(9)(a)(i), 32(2), 34(1), 46(1), 47(1), 47(2), 47(4), 51(2)(a), 54(a), 65(1)(a), 71(2), 85(1)(a), 125(9)(a)(i), 125(10), 129(1)(a)(ii), 129(3)(a), 129(6), 163(2), 164(1)(b), 164(3)(a), 167(1), 169(1)(a), 181(4)(b)(ii), 181(8)(a), 181(11), 190(7), 190(8)(a), 211(2), 212(1)(b), 212(3)(a), 216(1), 217(1)(a), 237(2)(d)(i), 237(2)(d)(ii), 238(1)(a), 238(2)(a), 254(1)(a), 260(2), 279(1)(a), 280(1), 283A(2), 317(10), 318EQ(1), 318ET(1), 318EX(1)(b), 318EX(2), 403(1)(e)
Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	88(1)(d), 88(3), 88(4), 88(5A)
Peaceful Assembly Act 1992	4 - definition of "representative" - paragraph (b), 10(2)(b), 11(1), 11(4), 11(5), 12(1), 13(1)(b), 13(1)c, 13(1)(d), 13(3), 15(1)
Plumbing & Drainage Act 2002	84(3), 85(3), 85(6), 85(7), 85(8), 85(10), 85A(2), 85C(2)(b)(i), 85C(2)(b)(ii), 85D(2)(b)(i), 85D(2)(b)(ii), 85D(2)(b)(iii), 85E(4)(b), 86(5), 86(6), 86(7), 86(8), 86(9), 86(10), 86(12), 86(13), 86AA(2), 86A(3)(b), 86A(4), 86A(5), 86A(6), 86A(8), 86B(3), 86D(3), 86E(3), 86G(1), 107(1), 115(1), 116(1), 116(2), 117(1), 117(2), 127A, 128, 128OA, 128P(2), 128P(4), 143B, 143C

Legislation Title	Sections Delegated to CEO
Prostitution Act 1999	26(2), 52(2), 63B, Schedule 4 – definition of ‘authorised officer of a relevant local government’
Public Health Act 2005	14(1), 14(3), 16(a), 17(2), 17(4), 22(2), 24(1), 24(2), 25(1), 27(2)(b), 32(3), 32(4), 36(5), 39(1)(a), 39(1)(c), 57B, 90(4)(a), 333(3), 376(2), 376(3), 377(2), 377(2)(b), 377(3), 378, 378(a), 379(1)(b), 379(2), 380(1), 388(2), 393(2), 407(3), 407(4), 427(1), 440(1), 446(1), 446(2), 458(2)
Public Health (Infection Control for Personal Appear Services) Act 2003	33, 34, 35(1), 36, 37(1), 38(1), 38(2), 38(3), 39(4), 40(2), 41(1)(c), 41(2)(b), 41(3), 44(4), 44(5), 44(6), 44(7), 45(1), 47(3), 47(4), 47(5), 47(6), 47(7), 48(1), 49(3), 49(4), 49(5), 49(6), 49(7), 50(1), 51(2), 52(1), 52(2), 53(2), 54(1), 54(3), 55(1), 55(3), 55(4), 56(1), 56(2)(a), 56(2)(c)(i), 62(1), 62(2), 62(3), 62(4), 65(3), 68(1)(b), 68(2), 70(1), 70(2), 72(1), 105(1), 105(2), 121(2), 122(1), 122(2), 140(1), 140(2), 147, 153(3), 154(3), 155(2)
Public Health Regulation 2005	21(2)(c)
Queensland Competition Authority Act 1997	13C(2), 13C(2)(b), 13C(2)(c), 13C(3), 13C(3)(b), 13C(3)(c), 18B(1), 19(5)(b), 36A(4), 84(3)(b)
Queensland Heritage Act 1992	116(1), 117(1), 118
Residential Services (Accreditation) Act 2002	29(2)(a), 29(3), 189(3)(a)
Residential Tenancies and Rooming Accommodation Act 2008	62(1), 62(3), 64(3), 65(2), 66(2), 67, 68(2), 69, 77(4)(h), 78, 81(1)(b), 88(3), 88(5), 91(2), 97(3), 98(3)(a), 98(3)(b), 99(2)(a), 102(3), 105(3), 106(2), 106(3), 107(2), 109(3), 116(1)(b), 117(2)(b), 117(3)(b), 118(2)(b), 118(3)(b), 118(4)(a)(ii), 118(4)(b)(ii), 145(1), 145(2)(b), 154(b), 155(3), 160(1), 168(3)(a), 168(4), 192(1)(h), 192(i), 192(j), 192(1)(l), 193(1)(a), 195(1)(b), 195(5), 197(1)(a), 198(1)(a), 203, 211(1)(a), 211(2)(b), 216(2), 220(2), 223, 229(1)(b), 233(2), 237(2), 238(2)(a), 242(1)(a), 242(1)(b), 248(1), 248(2), 255(1), 257(1), 259(2), 259(4), 270(1), 271, 272(4)(b), 273(2), 273(7), 274(7), 277(2), 277(3), 277(7)(b), 277(7)(c), 280(1), 280(2), 281(1), 282(1), 283(2), 284(1), 285(2), 286(1), 287(2), 288(1), 289(2), 290A, 291, 294(1), 295(1), 296(1), 296A(1), 297(1), 297A, 298(2), 299(2), 300(1)(b), 300(2), 325(2)(a), 326(1)(b), 333(1), 333(2)(b), 335(1), 355(1), 357(1), 359(1), 363(2), 363(4), 366(2), 366(7)(b), 366(7)(c), 368(1), 368(2), 368(3)(d), 368(4), 369(1), 369(2)(d), 369(5), 370(1), 370(2)(b), 371, 371(3)(d), 372(1), 372(2), 374(1), 374(2)(d), 375(2), 375(4), 376(2), 377(1), 388(1), 393(2), 393(5), 395(3), 402(1),

Legislation Title	Sections Delegated to CEO
	402(2), 405(1), 405(2), 408(2), 410(1), 418(1), 419(1), 419(2), 424(1), 429(1), 455(1), 455(3), 527D(1), 527D(4), 527E(1)
Residential Tenancies and Rooming Accommodation Regulation 2009	2(3), 5(1), 6(1)(b)(v), 8(3)(b)(i), 8(3)(ii), 8(5), 10(1), 13(2), 20, 22(1), 27(2), 29(1)(a), 31(1)(b), 34(1), 36(1)(a), 36(1)(b), 39(1), 40(2)(a), 44(4), 44(6), 2(3), 5(1), 6(1)(b)(v), 8(3)(b)(ii), 8(5), 10, 13(2), 14(1)(a), 17(4), 20(1), 22(2), 22(3), 28(2), 30(1)(a), 32(1)(b), 35(1)(a), 36(2), 38(1), 42(1)(a), 42(1)(b), 45(1), 46(2)(a), 50(4), 50(6), 7(3), 7(4), 7(5), 8(4), 9, 10(1), 11(1)(a), 13(2), 14(6), 17, 25, 24(5)(a), 24(5)(b), 25(4), 26(1), 28(1), 31, 33(1)(a), 33(1)(b), 36(1), 37(2)(b), 41(4), 41(6), 42(3), 42(7), 43(2), 45(1), 2(4), 4(2), 6(3)(b)(i) and (ii), 6(5), 8(1), 9(2), 10(2), 11(2), 21(2), 22, 23(1)(a), 23(1)(b), 29(4), 29(6)
Right to Information Act 2009	30(1), 32(1)(b), 32(2), 33(2), 33(3), 33(5), 34(2), 35(1), 35(3), 36(1), 36(2), 36(4), 36(7), 37(1), 37(3)(b), 37(3)(c), 37(4), 38(2), 38(2)(b), 40(2), 41(1), 42(1)(a), 42(1)(a)(ii), 42(6), 43(3), 43(3)(b)(ii), 43(3)(b)(iii), 43(3)(c)(ii), 45(a), 45(b), 47(3), 48(1), 48(3), 49(1), 49(3), 49(5), 50(1), 50(4), 51(1), 51(3), 52(1)(b), 52(2), 54(1), 54(2)(g)(v), 54(2)(g)(vi), 55(2), 64(1), 66(2), 66(3), 68(4), 72(1), 72(2), 73(1), 73(2), 73(3), 74, 75, 76(2), 77(2), 83(1), 83(2), 83(3), 93(1)(b), 99(2), 118, 119, 1(3).
River Improvement Trust Act 1940	3(3), 5(1)(a), 5(1A)(a), 5A(1), 5K(2), 6(1A), 12A(1), 14(1B)
Standard Plumbing & Drainage Regulation 2003	14(6), 14D(3)(c)(ii), 15(1), 15(2), 18(2), 20(2)(a), 22(6), 22(7)(b)(i), 27, 29(1)(b), 29(3), 29A(2), 29B(2), 29B(4)(c), 29B(4)(d), 29B(10), 30(3)(b), 30(4), 32, 34(1), 34(2), 34(3), 34(3)(b), 35(1), 35(2), 35(3), 38(2), 39(1)(d), 39(7)(a), 39(8), 39(9), 41(1)(a), 41(2)(b), 41(3), 44(1)(a), 44(2)(b), 44(3), 45(1), 47(1), 47(2), 52(2), 53(2)(a), 53(3)(a), 54(3)(a), 54(3)(b), 54(3)(c), "Competent person"
State Penalties Enforcement Act 1999	15(1), 23(3)(b), 23(5), 28(1), 28(2)(a), 33(1), 33(2)(b), 57(5), 150(2)(a)(ii), 157(2), 162
Statutory Bodies Financial Arrangements Act 1982	62
Stock Act 1915	19(1), 19(2)
Sustainable Planning Act 2009	96(1), 96(2), 96(4), 97, 98(4), 223(1), 224, 225, 226, 227(2), 256(1), 261(1)(a)(ii)(A)(B), 262(5)(a), 262(5)(b), 263, 266(1), 267(2), 272(b), 274(2)(b), 276(1), 277(1), 277(3), 280(2), 282(1), 282(2), 284(1), 284(3), 285(2), 287, 288(1)(a), 290(1)(a), 290(1)(b)(i), 290(1)(b)(ii), 290(2), 291(2), 297(1), 302(1)(a), 302(1)(b), 303(2), 303(3), 304(1), 305(3), 313(2), 313(3), 314(2), 314(3), 315(1), 316(4), 317, 318(1), 318(2), 318(4), 324(1),

Legislation Title	Sections Delegated to CEO
	327(1), 331(6), 334(1), 337(1), 337(2), 348, 350(1)(b), 350(2), 354(1)(b), 354(4), 355(4), 357(2), 362, 363(1), 363(5), 364(2), 368(3), 369, 371, 371(d), 371(e), 373(1)(a), 374(1) and (2), 375(1)(a) and (b), 375(5), 376(1), 378(3), 378(7), 378(9), 378(9)(a), 378(9)(b), 381(a) and (b), 383(4), 385(a), 385(b), 387(1), 387(3), 389, 402(4), 402(5)(a), 402(5)(b), 405(1), 405(2) and (3), 405(5), 407(1)(a), 407(1)(b), 408(3)(b)(i), 408(3)(b)(ii), 412(3), 412(4), 412(5), 412(6), 412(9), 413(2)(a), 413(2)(c), 413(3), 456(1), 456(2), 461(1), 462(1), 463(2), 464(2), 465(1), 466(1), 467(1), 479(1), 485(4), 485(9)(c), 485(10)(b)(ii), 487(4), 488, 498(1), 510(3), 512, 513(3), 515(1), 515(4), 520(2), 521(a)(ii), 528, 529(1), 530(1)(a)(ii), 531(1), 537(i), 543(4), 543(5), 544(c), 545(b)(ii), 546(c), 547(3)(b), 560(1), 562(1) and (2), 568, 588(1), 588(2), 588(3), 590(1), 590(9), 591(2), 592(2), 597(1), 601(1)(a), 601(1)(b), 601(1)(c), 626(3)(a), 632(2), 635(2), 639(1)(a) and (b), 642, 643(1), 643(4), 646(2), 647(2), 650, 651(2), 655(3), 657(3), 660(1), 660(3), 660(5)(b), 661(1), 662(3), 662(4), 664(2), 669(2)(b), 674(1), 677(1)(a) and (b), 678(3), 678(4), 679(2), 691(8), 695(1), 695(3)(a), 695(3)(b), 709(1), 709(2), 710(1), 710(2)(a), 713, 714(2), 715(1), 716(3), 716(5), 741, 746(1), 749(2), 750, 750(b), 994B(4), 994B(5)
Tobacco & Other Smoking Products Act 1998	26ZO(3), 26ZPD(3), 28(2), 28(3)
Transport Infrastructure Act 1994	25(b), 27(3)(b), 41, 42(1), 43(1), 55(b), 105C(1), 105G(1), 105GB(1), 253(1), 307(1), 309(1), 358(1), 420(3), 421, 423(1), 424, 426(1)
Transport Operations (Road Use Management - Road Rules) Regulation 2009	179(1)(c), 301(4)
Transport Operations (Road Use Management) Act 1995	69(1), 69(2), 69(3), 69(4), 74(2), 75(1), 76(1), 100(1)(b)(ii), 100(3), 100(8), 101(1), 102(1)
Waste Reduction and Recycling Act 2011	52(2), 110(1), 110(2), 111(1), 111(2), 112(3), 128(3)(c), 175, 176(2), 177(2), 178(1)(a), 178(1)(b), 183(1), 187, 246(1), 246(2), 246(3), 248(1), 249(2), 253(1), 256(1), 260(2), 261, 264(2)(c), 270, 278(1), 279(3), 281(3), 284(3)(e), 287(1), 290(3), 293(3)(e)
Waste Reduction and Recycling Regulation 2011	7(b)
Water Act 2000	107C(1), 114(1), 114(3)(c)(ii), 266(1), 698(1), 698(2), 700A(1)(a)(i), 700A(1)(b)

Legislation Title	Sections Delegated to CEO
Water Supply (Safety & Reliability) Act 2008	20(1), 21(1)(c)(ii), 23(1), 23A(2), 25A(1), 26(2), 26(8), 28(1), 28(4)(b), 33(2), 33(4), 34(2), 35(1), 36(2)(b), 41(1), 41(3), 43(1), 44(1), 44(2), 44(3), 44(4), 45(1), 45(2), 52(1), 52(3), 54(1), 54(2), 54(3), 54(5), 57(2), 58(1), 58(2), 59(2), 60(1), 60(2), 61(1), 95(1), 99A(1), 100(2), 102(2), 102(3), 102A(2), 102A(3), 103(2), 107(2)(b), 109(1), 115(3), 142(2)(a), 142(2)(b), 142C(2), 145(1), 166(3), 167(2), 168(1), 168(2)(c), 169(1), 169(2), 180(1), 180(2), 180(3), 180(4), 180(5), 181(1), 182, 183(1), 183(2), 183(3), 183(4), 184(1), 184(2), 184(3), 185(2), 191, 192(1), 192(2), 193(3), 195(1), 195(2), 196AA(1), 196AD(1), 196AE(1), 202(1), 203(1)(b), 208(2), 208(5), 209(1), 212(2), 212(3), 215(1), 215(3), 215(7), 230(2), 230(4), 230(6)(b), 230(9), 259(2)(b), 259(4), 259(6), 270(2), 270(4), 271(2), 271(4), 303(3)(e), 306(1), 307(2), 333(2), 352F, 352G(1), 352G(4), 352O(2)(c)(ii), 352P, 352T(2)(b), 352T(2)(b), 352T(3)(b), 352U(3), 354(3)(b), 359(3), 359(4), 371C, 371H(2), 372(2), 373, 374(2), 375, 378, 379(1), 379(2), 379(3), 381(1), 381(4), 381(6), 383(2), 383(2)(b), 384(3), 391(3), 392, 446(2), 447, 463(1)(d), 475(2)(b) and (c), 475(5), 476(1), 496, 498(1), 512(1), 513(3), 517(1), 524(2), 524A(2), 526, 573, 670(2), 670(3), 671(2), 671(3)(a)
Work Health & Safety Act 2011	38(1), 38(4)(b), 52(1), 52(4), 52(5), 53(1), 53(2), 57(1), 57(2), 71(5), 71(5A), 73(1), 73(2), 76(1), 77(c), 81(2), 87, 89

ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

Financial Delegations

Meeting Date: 8 September 2015

Attachment No: 2

ATTACHMENT 2**FINANCIAL DELEGATION**

- (a) Formally approve any operating expenditure within budget, with the following limitation:

Where a natural disaster and/or extraordinary emergent event has been declared in the local government area, the CEO can exercise the delegation to formally approve expenditure necessary which does not cause a variation of greater than 5% from budget.

- (b) Formally approve any capital expenditure within budget, with the following limitation:

Where a natural disaster and/or extraordinary emergent event has been declared in the local government area, the CEO can exercise the delegation to formally approve expenditure necessary which does not cause a variation of greater than 5% from budget.

- (c) Formally approve the investment or borrowing of money in accordance with Council's approved policy.

- (d) Formally approve Act of Grace payments, on a case-by-case basis, as an equitable remedy to persons who may have been unintentionally disadvantaged by the effects of Council legislation, actions or omissions and who have no other viable means of redress, to the value of not more than \$2,000.

- (e) Formally approve the waiver of debt where all practical means to recover the debt have been exhausted and such debt is less than \$1000.

- (f) Formally approve the refund of fees and charges, on a case by case basis, to the value of not more than \$5,000 unless other wise specified within Council's various Fees and Charges Refund Policies.

ANNUAL REVIEW OF DELEGATION OF POWERS TO CHIEF EXECUTIVE OFFICER

Exclusions, Limitations and Constraints

Meeting Date: 8 September 2015

Attachment No: 3

ATTACHMENT 3**EXCLUSIONS, LIMITATIONS AND CONSTRAINTS**EXCLUSIONS

- a) The exercise of any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council.

LIMITATIONS AND CONSTRAINTS

- a) Developing business and corporate plans, budgets and strategies for consideration by the Council and, to the extent approved by the Council in its budget, implementing these plans, budgets and strategies.
- b) Identifying and managing operational risks on a daily basis and, where those risks could have a material impact on the Council's business operations, formulating strategies for managing these risks for consideration by Council.
- c) Managing the Council's current financial and other reporting mechanisms as well as its control and monitoring systems to ensure that these mechanisms and systems capture all relevant material information on a timely basis and are functioning effectively.
- d) Ensuring that the Council and its various committees are provided with sufficient information on a timely basis in regard to the Council's business and, in particular, with respect to the Council's performance, financial condition, operating results and prospects, to enable the Council and those committees to fulfil their governance responsibilities.
- e) Implementing the Policies and Procedures approved by the Council and not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
- f) Conducting correspondence between Council and other persons.
- g) Employing, disciplining, co-ordinating and empowering under various legislation; the activities of all employees of the Council.
- h) In accordance with section 196 of the *Local Government Act 2009*, appoint senior executive employees in consultation with a Council appointed panel.
- i) Meeting Council's statutory, legal and administrative obligations.

11.2 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No:	4107
Attachments:	<ol style="list-style-type: none">1. Instrument of Delegation - Public Records Act 20022. Instrument of Delegation - Land Title Act 19943. Instrument of Delegation - Work Health and Safety Act 20114. Instrument of Delegation - Land Act 19945. Instrument of Delegation - Local Government Act 20096. Instrument of Delegation - Body Corporate and Community Management Act 19977. Instrument of Delegation - Building Units and Group Titles Act 19808. Instrument of Delegation - Environmental Protection Act 1994
Authorising Officer:	Tracy Sweeney - Manager Workforce and Strategy Ross Cheesman - General Manager Corporate Services
Author:	Kerrie Barrett - Coordinator Corporate Improvement & Strategy

SUMMARY

This report seeks Council's approval of delegations under State legislation to the position of Chief Executive Officer.

OFFICER'S RECOMMENDATION

THAT:

- Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the Instruments of Delegation attached to this report:
 - Public Records Act 2002*
 - Land Title Act 1994*
 - Work Health and Safety Act 2011*
 - Land Act 1994*
 - Local Government Act 2009*
 - Body Corporate and Community Management Act 1997*
 - Building Units and Group Titles Act 1980*
 - Council resolves as per section 518(1)(b) of the *Environmental Protection Act 1994* to delegate its powers as the 'administering authority' to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the Instrument of Delegation attached to this report:
 - Environmental Protection Act 1994*
 - Council resolves as per section 518(2)(b) of the *Environmental Protection Act 1994* to permit the sub-delegation of the 'administering authority's' power to Council officers.
 - All prior resolutions delegating the powers under these acts to the Chief Executive Officer are repealed.
 - These powers must be exercised subject to any limitations contained in schedule 2 of the Instruments of Delegation attached to the report.
-

COMMENTARY

MacDonnells Law has identified new and amended delegable powers under the acts listed within the Officer's Recommendation. Subsequently, the Instruments of Delegation containing new legislative updates/amendments have been prepared for Council's consideration and are attached to this report.

Listed below are the sections relevant to the acts that have been identified as either new, amended, or additional delegable powers to be delegated from Council to the position of the Chief Executive Officer (CEO) in the Instruments of Delegation.

New Legislation Added**Attachment 1 – Public Records Act 2002**

MacDonnells Law has undertaken a review of the *Public Records Act 2002* (the Act) and has identified delegable powers. The new delegable powers are contained within Attachment 1.

For Councillors information, the main purposes of the Act are to ensure:

- a) the public records of Queensland are made, managed, kept and, if appropriate, preserved in a useable form for the benefit of present and future generations; and
- b) public access to records under this Act is consistent with the principles of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

Under the Act the CEO of the public authority has a number of responsibilities for permanent records that have been transferred to the custody of Queensland State Archives (QSA). These records may have been transferred either by the public authority or by predecessor agencies. Council's legal advisors have recommended that the CEO should be formally delegated such powers from Council. The CEO may sub-delegate those powers as necessary.

Attachment 2 – Land Title Act 1994

MacDonnells Law has undertaken a review of the *Land Title Act 1994* and has identified delegable powers. The new delegable powers are contained within Attachment 2.

Please note that the new delegable powers for s105(2)(a), 107(2), and 126(4) have been struck out in the attached instrument as it is recommended that these powers be retained by Council in accordance with Council's *Legal Proceedings – Commencement Cessation and Other Matters Policy*.

For Councillor's information, the objective of this act is to consolidate and reform the law about the registration of freehold land and interests in freehold land and, in particular —

- a) to define the rights of persons with an interest in registered freehold land; and
- b) to continue and improve the system for registering title to and transferring interests in freehold land; and
- c) to define the functions and powers of the registrar of titles; and
- d) to assist the keeping of the registers in the land registry, particularly by authorising the use of information technology.

Changes to Existing Delegable Powers**Attachment 3 – Work Health and Safety Act 2011**

MacDonnells Law has undertaken a periodic review resulting in the addition of sections 54(1), 55(3), 56(3), 58(1), 76(5), 82(2), 141, 224 and 229 and the removal of sections 52(5) and 81(2). Wording for 73(1) has been amended. These amendments have been marked up within the attached instrument.

Attachment 4 – Land Act 1994

MacDonnells Law has undertaken a periodic review resulting in the addition of sections 12(3), 12(4), 13A(4), 13B(1), 13B(2), 13B(6), 18(2), 18(3), 23A(1), 23A(6), 24(3), 25(2), 26(4), 26B(8), 31C(2), 44(4), 48(1)(a), 49, 52(1), 55(1), 82, 99(4), 109A(3), 109B(4), 136(5), 140(1), 140(2), 140(4), 154(1), 155A(2), 155B(2), 155BA(2), 155DA(4), 158(1), 160(3), 166(1), 168(5), 169(a), 176E, 176Q, 176UA(2), 180(2), 180A(5), 210(1), 210(2), 212(1), 212(3), 214(3), 214A(4), 214F(3), 226(5), 232(5), 239(4), 240E(1), 240I(3), 243(1A), 321(1), 322(1B), 322(6), 330(c), 332(1)(a)(i), 332(8), 339(1), 339B(1), 339B(3)(a)(i), 339B(3)(b), 339B(3)(c), 360C(2), 360C(3), 371(2), 371(3), 373B(1)(a), 373C(2)(a), 373D(2), 373L(a), 389H(1), 415(1), 420, 420CB(1), 423, 425(1), 427, 431V(3), 442(4), 442(9), 481A, 481B(3), 521ZE(2) and the removal of sections 47(2), 57(1), 57(3), 60(1), 64(4), 103(1), 136(5), 164C(2). Wording for 18(1), 176K(1) 327, 327A and 360C(1) has been amended. These amendments have been marked up within the attached instrument.

Please note that the new delegable power for s415(1) has been struck out in the attached instrument as it is recommended that this power be retained by Council in accordance with Council's *Legal Proceedings – Commencement Cessation and Other Matters Policy*.

Sections contained within Chapter 7, Part 3B have also been struck out as Council officers have commented that these sections are not relevant given that Council has no declared beach areas within the RRC boundaries.

Attachment 5 – Local Government Act 2009

MacDonnells Law has undertaken a periodic review resulting in the addition of sections 61(5), 62(6), 64(4), 65(4)(a), 65(4)(b), 66(4), 67(1), 67(3), 68(4), 69(4), 74(2), 79(4)(e)(i), 85(6), 90B(2), 120(5), 133(4), 140(2), 143(1), 146(1), 146(2), 148F(2), 148G(2), 162(1)(e), 166(8), 219(2), 265A(1)(b) and the removal of sections 69(3), 72(4), 74(4), 107(3), 110(2), 134(5), 170A(3), 176B(3)(b), 176C(2), 176C(3), 176C(4), 176C(7), 181A(1), 202(1), 202(5), 204(1), 220B(2), 220C, 226(1), 226(4), 248(2), 268(1). Wording for 69(2)(c) has been amended. These amendments have been marked up within the attached instrument.

Please note that the new delegable power for s85(6) has been struck out in the attached instrument as this section relates to the business of indigenous local governments and is therefore not relevant to Council. Sections 90B(2) and 120(5) have also been struck out in the attached instrument as CEO has recommended that these power be retained by Council.

Attachment 6 – Body Corporate and Community Management Act 1997

MacDonnells Law has undertaken a periodic review resulting in the addition of sections 51(1)(a), 51(1)(b), 51(6), 51(7), 51(8), 51(8)(a), 51A(i)(b), 51A(5), 51A(6), 51A(7), 60(3), 316(1), 430(3), 430(4) and 430(5). These amendments have been marked up within the attached instrument.

Attachment 7 – Building Units and Group Titles Act 1980

MacDonnells Law has undertaken a periodic review resulting in the addition of sections 9(7), 10, 24(2), 24(4), 24(5)(a), 26(1) and 128. These amendments have been marked up within the attached instrument.

Attachment 8 – Environmental Protection Act 1994

The *Environmental Protection Act 1994* has been amended by the *Payroll Tax Rebate, Revenue and Other Legislation Amendment Act 2015*. The amendment has resulted in some additional powers within Chapter 7, Part 3, Division 3B relating to transitional environmental programs. These amendments have been marked up within the attached instrument.

BACKGROUND

Without powers being delegated to the CEO and subsequently sub-delegated to relevant positions, Council operations would be impeded significantly as separate resolutions would be required to allow decisions to be made for a vast number of operational activities that are undertaken on a daily basis.

In relation to amendments to the legislative acts listed, Council's legal advisor, MacDonnells Law, provides a regular service of updates/amendments for relevant state legislation to Council. The information provided herein is as recommended by MacDonnells Law.

PREVIOUS DECISIONS

The previous Instrument of Delegation for the acts listed within this report was last considered and approved by Council at the following meetings:

Legislation	Meeting Date
Public Records Act 2002	<i>N/A - New Delegable Power</i>
Land Title Act 1994	<i>N/A - New Delegable Power</i>
Work Health and Safety Act 2011	July 2014
Land Act 1994	November 2014
Local Government Act 2009	November 2014
Body Corporate and Community Management Act 1997	August 2010
Building Units and Group Titles Act 1980	August 2010
Environmental Protection Act 1994	March 2015

LEGISLATIVE CONTEXT

Section 257 of the *Local Government Act 2009* allows Council to delegate its powers to one or more individuals or standing committees, including to the CEO. Pursuant to section 257(4) of the *Local Government Act 2009* a delegation to the CEO must be reviewed annually by Council.

To further streamline the decision making process, section 259 of the *Local Government Act 2009* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

Section 518 of the *Environmental Protection Act 1994* allows Council to delegate its powers to an appropriately qualified entity, being the Mayor, standing committee or chairperson of a standing committee, CEO or an employee having the qualifications, experience or standing appropriate to exercise the power.

To further streamline the decision making process, section 518 of the *Environmental Protection Act 1994* allows the CEO to sub-delegate the powers (including those delegated to him by Council) to another Council employee where appropriate.

LEGAL IMPLICATIONS

Important legal principles which apply to the delegation proposal set out in this report are:-

- Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations. However, the delegated power cannot be unduly fettered.
- The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

CONCLUSION

This report includes the Instruments of Delegation for the relevant legislative acts incorporating some sections that are yet to be delegated from the Council to the CEO.

Once Council has resolved to delegate to the CEO, the exercise of powers contained in schedule 1 of the Instruments of Delegation attached to this report subject to any limitations contained in schedule 2 of the Instruments of Delegation, the Sub-delegates will be given specific delegations according to their respective areas of responsibility subject to the same general conditions and, where appropriate, specific limitations.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Public Records Act 2002

Meeting Date: 8 September 2015

Attachment No: 1



INSTRUMENT OF DELEGATION

Public Records Act 2002

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

Schedule 1

Public Records Act 2002 ("PURA")**Part 2 - Public records****Division 2 – Making, managing, keeping and preserving public records**

Entity power given to	Section of PURA	Description
Public authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.

Division 3 – Access to public records

Entity power given to	Section of PURA	Description
Responsible public authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 3.
Responsible public authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.
Responsible public authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.
Responsible public authority	16(2)(b)(i)	Power to give a written notice to the archivist.
Responsible public authority	16(3)(a)	Power to give a written notice to the archivist.
Responsible public authority	18(2)(b)	Power to give a written notice to the archivist.
Responsible public authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.
Responsible public authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.
Responsible public authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.

Part 3 - State archivist and Queensland State Archives**Division 2 – Functions and powers**

Entity power given to	Section of PURA	Description
Public authority	26(1)	Power to apply for, or consent to, the disposal of records.
Public	28	Power to make an arrangement with the archivist.

authority		
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Division 3 – Public records review committee

Subdivision 3 – Committee’s review of archivist’s decisions

Entity power given to	Section of PURA	Description
Public authority	39	Power to make written application to the committee for a review of the decision made by the archivist.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Land Title Act 1994

Meeting Date: 8 September 2015

Attachment No: 2



INSTRUMENT OF DELEGATION

Land Title Act 1994

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

Schedule 1

Land Title Act 1994 ("LATA")**Part 4 - Registration of land****Division 3 – Plans of subdivision**

Entity power given to	Section of LATA	Description
Registered owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description
Registered owner	54(1)	Power to sign and lodge for registration a dedication notice.

Part 6 - Dealings directly affecting lots**Division 1 - Transfers**

Entity power given to	Section of LATA	Description
Local government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

Division 2 - Leases

Entity power given to	Section of LATA	Description
Local government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

Division 4 - Easements

Entity power given to	Section of LATA	Description
Local government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.

Local government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered owner	87(a)	Power to ask the registrar to extinguish the easement.
Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.
Local government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

Division 4AA – High-density development easements

Entity power given to	Section of LATA	Description
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: <ul style="list-style-type: none"> (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.

Division 4A – Covenants

Entity power given to	Section of LATA	Description
Local government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

Division 4B – Profits a prendre

Entity power given to	Section of LATA	Description
Local government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

Division 4C – Carbon abatement interests

Subdivision 2 – Creation and registration

Entity power given to	Section of LATA	Description
Local government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.
Holders of the registered interests in	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.

the land		
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Subdivision 3 – Amendments and dealings

Entity power given to	Section of LATA	Description
Local government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.

Division 5 – Application by adverse possessor

Entity power given to	Section of LATA	Description
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

Part 7 - Other dealings**Division 1 – Writs of execution**

Entity power given to	Section of LATA	Description
Local government	116	Power to sign and lodge a request to register a writ of execution.

Division 2 – Caveats

Entity power given to	Section of LATA	Description
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

Part 7A - Settlement notice

Entity power given to	Section of LATA	Description
Transferee	139(1)	Power to sign a settlement notice.
Transferee	140(1)	Power to deposit a settlement notice.
Transferee	141(2)(b)	Power to consent to the registration of an instrument.
Transferee	142	Power to sign and deposit a request to withdraw a settlement notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a settlement notice be removed.

Part 8 - Instruments**Division 2 – Standard terms documents forming part of instruments**

Entity power given to	Section of LATA	Description
Local government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Work Health and Safety Act 2011

Meeting Date: 8 September 2015

Attachment No: 3



INSTRUMENT OF DELEGATION

Work Health and Safety Act 2011

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Work Health and Safety Act 2011 ("WHS")**Part 3 - Incident notification**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

Part 5 - Consultation, representation and participation**Division 3 – Health and safety representatives****Subdivision 2 - Determination of work groups**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	52(5)	Power to, if asked by a worker, negotiate with the worker's representative under this section 52.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
<u>Any person who is or would be a party to negotiations</u>	<u>54(1)</u>	<u>Power to ask the regulator to appoint an inspector for the purposes of this section.</u>

Subdivision 3 – Multiple-business work group

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.
Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(5A)	Power to refuse to grant access to the workplace to a person (the assistant) assisting a health and safety representative for a work group if the health and safety representative has not: (a) given notice under section 68(3B); or (b) given the person conducting the business or undertaking the information about the assistant prescribed under a regulation.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs of the representative exercising powers and performing functions under the WHS in another way.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

Division 4 – Health and safety committees

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.

business or undertaking		
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

Division 5 – Issue resolution

Entity power given to	Section of WHSA	Description
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.
Person who conducts a business or undertaking	81(2)	Power to agree upon a procedure for the timely, final and effective resolution of health and safety issues.

Division 6 – Right to cease or direct cessation of unsafe work

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

Part 7 - Workplace entry by WHS entry permit holders**Division 6 – Dealing with disputes**

Entity power given to	Section of WHSA	Description
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

Part 12 - Review of decisions**Division 2 – Internal review**

Entity power given to	Section of WHSA	Description
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.

Division 3 – External review

Entity power given to	Section of WHSA	Description
Eligible person	229	Power to apply to the external review body for an external review.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Land Act 1994

Meeting Date: 8 September 2015

Attachment No: 4



INSTRUMENT OF DELEGATION

Land Act 1994

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Land Act 1994 ("LANA")**CHAPTER 1 - PRELIMINARY****Part 4 - Tidal and non-tidal boundaries and associated matters**

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Registered owner</u>	<u>12(3)</u>	<u>Power to suitably indicate where the boundaries of land are across a surface of water.</u>
<u>Registered owner</u>	<u>12(4)</u>	<u>Power to regulate or prohibit the use or movement of ships in or over water above inundated land.</u>
<u>Owner</u>	<u>13A(4)</u>	<u>Power to:</u> <u>(a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and</u> <u>(b) exercise a right of grazing for the person's stock over the adjacent area; and</u> <u>(c) bring an action against a person who trespasses on the adjacent area.</u>
<u>Applicant</u>	<u>13B(1)</u>	<u>In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.</u>
<u>Applicant</u>	<u>13B(2)</u>	<u>Power to give notice of a person's intention to make the application.</u>
<u>Applicant</u>	<u>13B(6)</u>	<u>Power to appeal against the refusal of the application.</u>

CHAPTER 2 - LAND ALLOCATION**Part 1 - Allocation powers**

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Registered owner</u>	<u>18(1)</u>	<u>In the specified circumstances, the Power to reach agreement with the Governor in Council to granting or leasing unallocated State land in exchange for all or part of freehold land.</u>
<u>Lessee of a freeholding lease</u>	<u>18(2)</u>	<u>Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.</u>
<u>Lessee of a term lease</u>	<u>18(3)</u>	<u>Power to enter into agreement with the Minister to lease unallocated State land.</u>

Part 2 - Reservations

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Person</u>	<u>23A(1)</u>	<u>Power to apply to Minister for the allocation of a floating reservation.</u>
<u>Person</u>	<u>23A(6)</u>	<u>Power to appeal against a Minister's decision.</u>
<u>Registered</u>	<u>24(3)</u>	<u>Power to apply to the Minister to buy the land.</u>

owner or lessee			
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.	
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.	
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.	
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.	

CHAPTER 3 - RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

Part 1 - Reserves and deeds of grant in trust

Division 2 - Reserves

Entity power given to	Section of LANA	Description
Any person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any person	31C(2)	Power to give notice of the person's intention to make the application to: (a) _____ if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) _____ each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister: (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.
Any person	34(2)	Power to give notice of the person's intention to make the application to: (a) _____ if the person is not the trustee of the reserve - the trustee of the reserve; and (b) _____ each person with a registered interest in the reserve.
Any person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.
Local government	34H(1)	Power to apply to the Minister to remove improvements from a revoked reserve.
Trustee of an	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over

operational reserve		a reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

Division 3 - Deeds of grant in trust

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply to the Minister to remove the owner's improvements on a deed of grant in trust.

Division 5 - Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee of trust land	47(2)	In the specified circumstances, the power to give a copy of an audited financial statement to the chief executive within 28 days after it has been finished.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.

Division 6 - Powers of trustee

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust

trust land		<i>(inconsistent action).</i>
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) _____ on terms agreed to between the Minister and the trustee; and (b) _____ with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(4 3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply to remove the owner's improvements on a surrendered deed of grant in trust.

Division 7- Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	57(1)	Power to lease all or part of the trust land upon first obtaining the Minister's written 'in principle approval to the lease.
Trustee	57(3)	Power to, without the Minister's approval, grant a trustee lease (construction) or a trustee lease (State or statutory body) lease all or part of the trust land.
Trustee	60(1)	Power to issue and enter into on behalf of Council a trustee permit for the use of all or part of trust land.
Relevant person	64(4)	Power to apply for approval to lease or sub-lease trust land even if an authority is in force
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

[Division 10 - Cemeteries](#)

Entity power given to	Section of LANA	Description
Local government	82	Power to: (a) _____ agree to have the trusteeship of a cemetery transferred; and (b) _____ agree to conditions of the transfer of trusteeship.

Division 11 - Other grants for public purposes

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate in fee simple	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.

for some community, public or similar purpose		
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Part 2 - Roads

Division 1 – Dedicating and opening roads

Entity power given to	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

Division 2 - Closing roads

Entity power given to	Section of LANA	Description
Public utility provider or adjoining owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

Division 3 - Road licences for temporarily closed roads

Entity power given to	Section of LANA	Description
Adjoining owner or, in certain circumstances, another person	103(1)	In the specified circumstances, the power to apply to the Minister for a road licence over a temporarily closed road.

Division 4 - Permanently closed roads

Entity power given to	Section of LANA	Description
Registered owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I .
Trustee or	109B(1)	In certain circumstances, power to apply for the simultaneous opening and

Lessee		closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.

CHAPTER 4 - LAND HOLDINGS

Part 1 - Making land available

Entity power given to	Section of LANA	Description
Any person	120A(1)	Power to apply for an interest in land without competition.
Proposed lessee	136(5)	Power to enter into a land management agreement.
Buyer or previous lessee	140(1)	Power to negotiate the provisional value (negotiated value).
Buyer or previous lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous lessee	140(4)	Power to make application to the Court to decide the value.

Part 3 - Leases

Entity power given to	Section of LANA	Description
Lessee of a lease	136(5)	Power to enter a land management agreement.
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes .
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister .
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the Land Act 1994 prohibits a renewal .
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee of a lease	164C(2)	Power to advise the Chief Executive, that the lessee wishes to allow the lease to expire at the end of its term (an expiry advice).
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.

Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.
Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate adjoining-existing leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.
Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.

Part 4 - Permits [to occupy particular land](#)

Entity power given to	Section of LANA	Description
Any person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.
Registered owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

CHAPTER 5 - MATTERS AFFECTING LAND HOLDINGS

Part 2 - Conditions

Division 3 - Changing [and reviewing imposed conditions](#)

Entity power given to	Section of LANA	Description
Lessee, licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.
Lessee, licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

Division 3A – Regulated conditions

Entity power given to	Section of LANA	Description
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

Division 5 – Remedial action

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

Part 3 - Resumption and [compensation](#)

Division 2 – Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

Division 3 – Resumption of a reservation for a public [purpose](#)

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

Part 4 - Forfeiture**Division 2A – Forfeiture of leases by referral to court or for fraud**

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

Division 3A - Sale of lease instead of forfeiture**Subdivision 3 - Sale by local government**

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to make a written application for permission to sell the lease.
Relevant local government	240G(1)	Power to apply to the Minister for approval to sell a lease.
Local government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

CHAPTER 6 - REGISTRATION AND DEALINGS**Part 3 - Documents****Division 2 – Documents forming part of standard terms documents**

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

Part 4 - Dealings affecting land**Division 1 – Transfers**

Entity power given to	Section of LANA	Description
Lessee, licensee or the holder of a sublease	322(1B)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(6)	Power to appeal against the Minister's decision.

Division 2 - Surrender

Entity power given to	Section of LANA	Description
Registered	327	The Power to apply agree to terms of the absolute surrender, absolutely of

owner		freehold land.
Lessee	327A	The Power to apply agree to surrender terms of the absolute or conditional surrender of all or part of a lease.
Registered owner of freehold land	327B	Power to apply to surrender freehold land.
Lessee	327C(1)	Power to apply to surrender all or part of a lease.
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply to remove improvements on surrendered lease.
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.

Division 3 - Subleases

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Person</u>	<u>332(1)(a)(i)</u>	<u>The power to seek the Minister's written approval to the sublease.</u>
<u>Sublessor</u>	<u>332(8)</u>	<u>Power to appeal against a Minister's decision.</u>
<u>Sublessor</u>	<u>339(1)</u>	<u>Power to lodge a request for the Chief Executive to register the re-entry.</u>

Division 3A - Mediation for disputes about terms of particular subleases

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Party to a sublease</u>	<u>339B(1)</u>	<u>Power to ask the Chief Executive to refer a dispute to mediation.</u>
<u>Party to a sublease</u>	<u>339B(3)(a)(i)</u>	<u>Power to agree on a person to conduct the mediation.</u>
<u>Party to a sublease</u>	<u>339B(3)(b)</u>	<u>Power to decide the way in which the mediation is to be conducted.</u>
<u>Party to a sublease</u>	<u>339B(3)(c)</u>	<u>Power to participate in mediation on behalf of the local government.</u>

Division 7 - Correcting and changing deeds of grant and leases

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.
Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.

Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d) .
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease, other than a State lease, or a perpetual lease if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

Division 8 - Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.

Division 8A - Covenants

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covenantee	373D(2)	Power to sign a document releasing the covenant.

Division 8B – Profits a prendre

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

Division 11A – Caveats

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

CHAPTER 7 - GENERAL

Part 2 - Unlawful occupation of non-freehold and trust land**Division 3 – Action by lessee, licensee, permittee or trustee**

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Trustee, lessee, licensee, or permittee</u>	<u>415(1)</u>	<u>In certain circumstances, power to start a proceeding in the Magistrates Court.</u>

Division 4 – Court matters

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Party</u>	<u>420</u>	<u>Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.</u>

Part 2A - General provisions for applications

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Entity</u>	<u>420CB(1)</u>	<u>Power to make a submission against the proposed application to:</u> <u>(a) the person who gave the entity the notice; or</u> <u>(b) the Chief Executive.</u>

Part 3 - Review of decisions and appeals**Division 2 – Internal review of decisions**

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Person who has a right of appeal against an original decision</u>	<u>423</u>	<u>Power to apply to the Minister for a review of the decision.</u>
<u>Applicant</u>	<u>425(1)</u>	<u>Power to apply for a stay of the decision to the Court.</u>

Division 3 – Appeals

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>A person who has applied for the review of a decision under division 2</u>	<u>427</u>	<u>Power to appeal to the Court if dissatisfied with the review decision.</u>

Part 3B - Making land available for public use as beach

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Local government</u>	<u>431V(3)</u>	<u>Power to consult with the owner of the lot.</u>
<u>Manager</u>	<u>431W(6)(a)</u>	<u>Power to authorise an officer or employee of the manager of a declared</u>

		beach area, to enter the area at any time without notice to any other person.
Manager	431X(1)(b) (ii)	Power to authorise or direct a person acting in the performance of functions or powers.

Part 4 - Miscellaneous

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Offeree</u>	<u>442(4)</u>	<u>In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).</u>
<u>Offeror</u>	<u>442(9)</u>	<u>Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.</u>

CHAPTER 8 - CONTINUED RIGHTS AND TENURES

Part 5 - Licences and permits

Division 1 - Occupation licences ~~and permits~~

Entity power given to	Section of LANA	Description
Licensee	481A	<u>Power to surrender, absolutely, all or part of an occupation licence:</u> <u>(a) on terms agreed to between the Minister and the licensee;</u> <u>(b) and with the Minister's written approval.</u>
Public utility provider (an applicant)	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an applicant)	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation <u>licence</u> .
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

Part 7 - Tenures under other Acts

Division 1 - Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description
Local government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .

CHAPTER 9 - TRANSITIONAL AND REPEAL PROVISIONS**Part 1K - Transitional provisions for Land, Water and Other Legislation Amendment Act 2013**

<u>Entity power given to</u>	<u>Section of LANA</u>	<u>Description</u>
<u>Lessee</u>	<u>521ZE(2)</u>	<u>Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.</u>

Part 1M - Transitional provisions for Land and Other Legislation Amendment Act 2014

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Local Government Act 2009

Meeting Date: 8 September 2015

Attachment No: 5



INSTRUMENT OF DELEGATION

Local Government Act 2009

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Local Government Act 2009 ("LOGA")**CHAPTER 3 - THE BUSINESS OF LOCAL GOVERNMENT****Part 1 - Local Laws****Division 2 - Making, recording and reviewing local laws**

Entity power given to	Section of LOGA	Description
Local government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

Part 3 - Roads and other infrastructure**Division 1- Roads**

Entity power given to	Section of LOGA	Description
Local government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local government	62(6)	Power to reasonably require information to decide the claim.
Local government	62(7)	In the specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local government	64(4)	Power to agree on compensation for the acquisition of the land.
Local government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local government	65(4)(a)	Power to withdraw the notice of intention to acquire land.

Local government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local government	66(4)	Power to agree on an amount of compensation.
Local government	67(1)	Power to acquire land that adjoins a road for use as a footpath.
Local government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local government	68(4)	Power to object to the opening or closing of the road.
Local government	69(1)	Power to close a road.
Local government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local government employee or contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the

		impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local government	75(2)	For the specified reasons, power to give written approval.
Local government	75(4)	Power to decide the conditions of an approval under subsection (2).

Division 2 - Stormwater drains

Entity power given to	Section of LOGA	Description
Local government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

Part 4 - The business of indigenous local governments

Division 2 – Managing Trust Land

Entity power given to	Section of LOGA	Description
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.

Part 5 - Caretaker period arrangements

Entity power given to	Section of LOGA	Description
Local government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.

CHAPTER 4 - FINANCES AND ACCOUNTABILITY

Part 1 - Rates and charges

Entity power given to	Section of LOGA	Description
Local government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 1 - Local governments

Division 3 – Action by the Minister

Entity power given to	Section of LOGA	Description
Local government	120(5)	Power to make submissions within the time specified in the notice.

Part 2 - The public**Division 1 - Powers of authorised persons**

Entity power given to	Section of LOGA	Description
Local government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Division 2 - Powers of other persons

Entity power given to	Section of LOGA	Description
Local government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner or Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Part 3 - Investigation of local government records**Division 3 – Investigations by local government**

Entity power given to	Section of LOGA	Description
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.

the Act.		
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 6 - ADMINISTRATION

Part 2 - Councillors

Division 3 - Vacancies in councillor's office

Entity power given to	Section of LOGA	Description
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	162(1)(e)	Power to give leave.
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee. <i>(Sub-delegation of power not recommended)</i>
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	166(8)	Power to, within 14 days after the office become vacant, invite nominations. <i>(Sub-delegation of power not recommended)</i>

Division 6 - Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	The power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances. <i>(Sub-delegation of power not recommended)</i>
Entity that makes a decision under subsection (2)	176A(3)	The power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) No further action will be taken in relation to the complaint; and (b) The reasons for the decision. <i>(Sub-delegation of power not recommended)</i>

Part 5 - Local government employees

Division 3 - Common provisions

Entity power given to	Section of LOGA	Description
Local government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

CHAPTER 7 - OTHER PROVISIONS

Part 2 - Superannuation

Entity power given to	Section of LOGA	Description
Local government	219(2)	Power to declare an employee to be a permanent employee by a written notice given to the super board.

Part 4 - Legal provisions

Entity power given to	Section of LOGA	Description
Local government	236(1)	The power to sign a document on behalf of a local government.
Local government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: <ul style="list-style-type: none"> (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.

Part 6 - Other provisions

Entity power given to	Section of LOGA	Description
Local government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer This power does not need to be delegated as it is given directly to the CEO under the Act.	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Body Corporate and Community Management Act 1997

Meeting Date: 8 September 2015

Attachment No: 6



INSTRUMENT OF DELEGATION

Body Corporate and Community Management Act 1997

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Body Corporate and Community Management Act 1997 ("BCCM")**CHAPTER 2 - BASIC OPERATION OF COMMUNITY TITLES SCHEME****Part 5 - Lot entitlements**

Entity power given to	Section of BCCM	Description
Constructing authority	51(1)(a)	Power to, by written notice, advise a body corporate for a community title scheme of the proposed lodgement of a new subdivision, or, a request to record a new community management statement.
Constructing authority	51(1)(b)	Power to give, with a notice to the body corporate: <ul style="list-style-type: none"> i. A copy of the proposed new plan of subdivision; ii. Independent professional advice; and iii. A copy of the new proposed community management statement.
Constructing authority	51(6)	Power to lodge a request to record an endorsed new statement.
Constructing authority	51(7)	Power to lodge a request to record an endorsed new statement.
Constructing authority	51(8)	Power to sign and date the new statement.

Part 6 - Community Management Statements

Entity power given to	Section of BCCM	Description
Constructing authority	51(8)(a)	Power to, by written notice, advise the body corporate for a specified two-lot scheme that the authority proposed to lodge: <ul style="list-style-type: none"> i. A new plan of subdivision; and ii. A request to record a new community management statement.
Constructing authority	51A(i)(b)	Power to give, with the notice mentioned in paragraph 51A(i)(a): <ul style="list-style-type: none"> i. A copy of the proposed new plan of subdivision; ii. Independent professional advice, and iii. a copy of the proposed new community management statement.
Constructing authority	51A(5)	Power to lodge a request to record the endorsed new statement.
Constructing authority	51A(6)	Power to lodge a request to record a new community management statement.
Constructing authority	51A(7)	Power to sign and date the new statement.
Relevant planning body	60(1)	In the specified circumstances, the power to endorse on a community management statement a certificate (a community management statement notation).
Relevant planning body	60(3)	Power to endorse the community management notation on the proposed community management statement, subject to subsection 4.
Relevant planning body	60(4)	In the specified circumstances, the power to refuse to endorse a notation on a proposed community management statement.

CHAPTER 7 – MISCELLANEOUS**Part 2 – Other matters**

Entity power given to	Section of BCCM	Description
Local government	316(1)	Power to enter the common property for a community title scheme if it is necessary to do so to exercise a power conferred on the local government under an Act to enter a lot included in a community title scheme.

CHAPTER 8 – TRANSITIONAL PROVISIONS**Part 11 - Transitional provisions for Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Act 2013****Division 2 - Formal acquisitions happening before commencement if advice given under former section 51 or 51A**

Entity power given to	Section of BCCM	Description
Constructing authority	430(3)	Power to lodge a request to record the endorsed new statement.
Constructing authority	430(3)	Power to obtain a lot entitlement adjustment notice and give it to the body corporate.
Constructing authority	430(4)	Power to lodge a request to record a new community management statement.
Constructing authority	430(5)	In the specified circumstances, power to sign and date the new statement.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Building Units and Group Titles Act 1980

Meeting Date: 8 September 2015

Attachment No: 7



INSTRUMENT OF DELEGATION

Building Units and Group Titles Act 1980

Under section 257 of the *Local Government Act 2009*, **Rockhampton Regional Council** resolves to delegate the exercise of powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Building Units and Group Titles Act 1980 ("BUGT")**CHAPTER 2 - BASIC OPERATION OF COMMUNITY TITLES SCHEME****Part 2 - Subdivision of Land****Division 1 - Creation of Lots and Common Property**

Entity power given to	Section of BUGT	Description
Local government	8(3)(b)	In the specified circumstances, the power to approve to a lease of part of a lot and, in the case of a group titles plan, of part of any improvements on a lot.
Local government	9(7)	Power to endorse or provide a certificate that a proposed subdivision of a parcel, as illustrated in a plan, has been approved by the local government.
Local government	9(8)(b)	In the specified circumstances, the power to direct if a building surveyor or building inspector are not authorised to issue a certificate under section 9(8)(b) of the Building Units and Group Titles Act 1980.
Local government	10(1)	Power to approve the re-subdivision of lots or common property by the registration of a plan.
Local government	11(1)	In the specified circumstances, the power to approve of two or more lots being amalgamated into one lot.
Local government	12(1)	In the specified circumstances, the power to approve of one or more lots being converted into common property.

Division 2 - Common Property

Entity power given to	Section of BUGT	Description
Local government	22(1)	In the specified circumstances, the power to approve a body corporate executing: (a) a transfer of part of common property; (b) a lease of or rent part of common property.
Local government	22(2)	In the specified circumstances, the power to approve a body corporate: (a) transferring a lease of common property accepted or acquired by it under section 21(1) of the Building Units and Group Titles Act 1980; or (b) granting, by way of sublease, a lease of its estate or interest in common property the subject of a lease so accepted or acquired.
Local government	22(7)	In the specified circumstances, the power to be satisfied of the specified matters.

Division 3 - Approval of Local Government

Entity power given to	Section of BUGT	Description
Local government	24(2)	Power to direct the issue of a certificate for the purposes of section 9(7) of the <i>Building Units and Group Titles Act 1980</i> in the specified circumstances.
Local government	24(3)	In the specified circumstances, the power to waive compliance to specific provisions.
Local government	24(4)	Power, subject to sub-section 5 and 5(a), to direct the issue of a certificate in the circumstances specified.

Local government	24(5)	In the specified circumstances, the power to notify the applicant in writing of a decision to approve and the conditions imposed (if any) or refuse the application.
Local government	24(5)(a)	Power to issue or endorse on the plan, the certificate required for purposes of sub-section 9(7) of the <i>Building Units and Group Titles Act 1980</i> .

Part 3 - Variation or Extinguishment of Plans

Entity power given to	Section of BUGT	Description
Local government	25(3)	In the specified circumstances, the power to approve an application under section 25(2) of the Building Units and Group Titles Act 1980 to extinguish a group titles plan subject to reasonable and relevant conditions.
Local government	25(4)	In the specified circumstances, the power to notify an applicant in writing of the decision to approve an application under section 25(2) of the Building Units and Group Titles Act 1980 and the conditions (if any) required by you.
Local government	25(4A)	In the specified circumstances, the power to issue a certificate that the requirements of Council have been complied with.
Local government	26(1)	Power to approve the proposed extinguishment in the circumstances prescribed.

Part 6 - General

Entity power given to	Section of BUGT	Description
Local government	128	Power to enter upon any part of parcel if it is necessary to do so in order to exercise a power, conferred on the local government by any Act, to enter upon any other part of the parcel.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Environmental Protection Act 1994

Meeting Date: 8 September 2015

Attachment No: 8



INSTRUMENT OF DELEGATION

Rockhampton Regional Council *Environmental Protection Act 1994*

Under section 518(1)(b) of the *Environmental Protection Act 1994*, **Rockhampton Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Schedule 1

Environmental Protection Act 1994 ("ENPA")**CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 2 - Application Stage****Division 4 – Notices about not properly made applications**

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications***Subdivision 1 – Preliminary***

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Part 3 - Information Stage**Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an <i>information request</i>), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

Part 4 - Notification Stage**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d) ¹	<i>In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.</i>

Division 2 – Public notice

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.
Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.

¹ The *Environmental Protection and Other Legislation Amendment Act 2014* changes the section reference from s. 150(1)(c) to s. 150(1)(d). This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.
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Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

Part 5 - Decision Stage

Division 2 – Deciding an application

Subdivision 1 – Decision period

Entity power given to	Section of ENPA	Description
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: <ul style="list-style-type: none"> (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering Authority	173(3)	Power to refuse an application for an environmental authority.

Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

Division 6 – Conditions

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 - Amending Environmental Authorities by Administering Authority**Division 1 – Amendments**

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.
Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the

		environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the <i>proposed amendment notice</i>).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

Part 7 - Amendment of Environmental Authorities by Application

Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.
Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.

Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.
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Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) decide another way of publishing the notice for subsection (2)(b)(ii); and (b) give the applicant an information notice about the decision before the notice is published.
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.
Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: <ul style="list-style-type: none"> (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

Part 8 - Amalgamating Environmental Authorities**Division 2 – Deciding amalgamation application**

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

Part 9 - Transferring Environmental Authorities for Prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <i>transferred environmental authority</i>) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 - Surrender of Environmental Authorities**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a surrender notice), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

Division 4 – Requests for Information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Part 11 - Cancellation or Suspension of Environmental Authorities**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.

Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

Part 11A - General Provisions**Division 3 – Deciding suspension applications**

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 - General Provisions**Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

Division 2 – Financial assurance***Subdivision 1 – Requiring financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.

Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns

Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an annual notice).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the new day).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.

Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power to consider any representations made by the holder within the stated period.

Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 1 - Environmental Duties

Division 2 – Duty to Notify of Environmental Harm

*Subdivision 3B – Duty of local government*²

Entity power given to	Section of ENPA	Description
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	Power to give the administering authority written notice of (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.

Part 2 - Environmental Evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening a regulation, an environmental protection policy, a transitional environmental program or an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions: (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	Power to, by written notice (also an audit notice), require the person to: (a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit.

² The *Environmental Protection and Other Legislation Amendment Act 2014* introduces new s. 320DB. This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to: (a) conduct or commission an investigation (an environmental investigation) about the event or activity; and (b) submit an environmental report about the investigation to the authority.
Administering Authority	326BA(1) ³	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	Power to give written notice (an <i>investigation notice</i>) requiring a prescribed responsible person for the land to (a) conduct or commission an investigation; and (b) give the administering authority an investigation report.

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

³ The *Environmental Protection and Other Legislation Amendment Act 2014* introduces new s. 326BA. This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

Part 3 - Transitional Environmental Programs**Division 2 - Submission and approval of transitional environmental programs**

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program: (a) as a condition of an environmental authority; or (b) as a development condition of a development approval.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In the specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.

Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Division 3B – Cancellation of approval for transitional environmental programs

<u>Entity power given to</u>	<u>Section of ENPA</u>	<u>Description</u>
<u>Administering Authority</u>	<u>344E(1)</u>	<u>Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.</u>
<u>Administering Authority</u>	<u>344E(1)(b)</u>	<u>Power to be satisfied the approval holder has:</u> <u>(i) _____ disposed of the place or business to which the program relates; or</u> <u>(ii) _____ ceased the activity to which the program relates.</u>
<u>Administering Authority</u>	<u>344E(2)(a)</u>	<u>Power to give a notice stating the details of the cancellation to the approval holder.</u>
<u>Administering Authority</u>	<u>344F(2)(a)</u>	<u>Power to withdraw the notice by another written notice.</u>
<u>Administering Authority</u>	<u>344G(2)</u>	<u>Power to give the holder of the environmental authority a copy of the authority that does not include the note.</u>

Part 4 - Special Provisions about Voluntary Submission of Transitional Environmental Programs

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Part 4A - Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

Part 5 - Environmental Protection Orders

Entity power given to	Section of ENPA	Description
Administering Authority	358	In the specified circumstances, the power to issue an order (an environmental protection order) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT**Part 1 - Administration Generally**

Entity power given to	Section of ENPA	Description
As delegate	445(1)(c) ⁴	In the specified circumstances, the power to appoint an authorised person.

⁴ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:

of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517		
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 ⁵	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering	458(2)	In the specified circumstances, the power to give written notice of an

- (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
- (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and

2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

⁵ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
- (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
- (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
- (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
- (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

Authority		application made under section 458(1) of the Environmental Protection Act 1994 to: (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 - Legal Proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

Part 5 - Enforceable undertakings⁶

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: (a) secure compliance with the Act; and (b) enhance the protection of the environment.
Administering Authority	509(1)	Power to give written agreement to: (a) withdraw the undertaking; or (b) vary the undertaking.
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.

⁶ The *Environmental Protection and Other Legislation Amendment Act 2014* introduces a new Part 5 (Enforceable undertakings). These new provisions will come into effect on a day to be fixed by proclamation (but it has not yet been proclaimed), and once devolved to Council by the State.

Administering Authority	511	Power to: (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.
Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

CHAPTER 11 – ADMINISTRATION

Part 2 - Delegations

Entity power given to	Section of ENPA	Description
CEO (both as CEO and as administering executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

Part 3 - Review of Decisions and Appeals

Division 2 – Internal Review of Decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals**Subdivision 2 – Appeals to Court**

Entity power given to	Section of ENPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 - General

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

CHAPTER 12 – MISCELLANEOUS**Part 3A - Auditors****Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: <ul style="list-style-type: none"> (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: <ul style="list-style-type: none"> (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS**Part 5 - Transitional provisions for Environmental Protection Legislation Amendment Act 2003**

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of a environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: <ul style="list-style-type: none"> (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to

		the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

Part 6 - Transitional Provisions for Petroleum and Other Legislation Amendment Act 2004

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In the specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

Part 17 - Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

Part 18 - Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012

Division 5 –Transitional authorities for environmentally relevant activities

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 5A – Suspended Activities

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a conversion application).

Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

Part 21 - Saving and Transitional Provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

Entity power given to	Section of ENPA	Description
Administering Authority	715B(4)	Power to amend an existing environment authority to replace a condition that relates to a former item if the new condition imposes requirements that are equivalent to the replaced condition.
Administering Authority	715B(5)	Power to give written notice of the amendment to the environmental authority holder. ⁷

⁷

Section 715B expires one year after commencement.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

11.3 ROCKHAMPTON HOCKEY ASSOCIATION AND ROCKHAMPTON NETBALL ASSOCIATION - GRANT APPLICATIONS UNDER THE NEXT ROUND OF GET PLAYING PLUS FUNDING**File No:** 1464**Attachments:** 1. Letter from Rockhampton Hockey Association regarding a 2nd synthetic hockey field**Authorising Officer:** Margaret Barrett - Manager Parks
Michael Rowe - General Manager Community Services**Author:** Sophia Czarkowski - Coordinator Parks Recreation Services

Parks & Recreation Committee at its meeting on 1 September 2015 resolved that the matter be referred to the Ordinary Meeting to be held on 08 September 2015.

SUMMARY

Rockhampton Netball Association and Rockhampton Hockey Association are both seeking to submit funding under the Queensland Government's Get Playing Plus funding program as part of the application process the Club's must demonstrate Council's support for the project.

OFFICER'S RECOMMENDATION

THAT:

1. Council support Rockhampton Hockey Association's proposal to submit an application to Get Playing Plus for the development of a second synthetic hockey field at Birdwood Park (commonly Kalka Shades), 34 Water Street, Koongal (Lot 1 LN2893);
2. Council support Rockhampton Netball Association's proposal to submit an application to Get Playing Plus for development works at Jardine Park, 82-88 Wandal Road, Wandal (Lot 254 CP816790) subject to the outcome of a pre-lodgement meeting on 3 September 2015; and
3. On Queensland Government's announcement of 'Stage One' successful applicants a further report be presented to Parks and Recreation Committee detailing the proposed developments, locations, technical issues and requests for financial assistance from Council.

COMMENTARY

Get Playing Plus is part of the Queensland Government's Get in the Game initiative designed to support sport and recreation at the grassroots level. The program assists in developing places and spaces that increase participation opportunities, meet service gaps and address regional needs.

Projects must be a new or major upgrade to an existing place or space that supports participation in sport and recreation activities.

Departmental funding contributions for projects are between \$300,000 and \$1,500,000 (GST exclusive); depending on the geographic location of the project.

Get Playing Plus has a staged application process which seeks registration of interest in the first instance. Registration of Interest is an opportunity for applicants to advise of the project, its need and its costs. Queensland Government reviews these applications and selects a number of organisations to progress to stage two (2). Stage 2 applicants are then requested to provide more detailed information.

Rockhampton Hockey Association and Rockhampton Netball Association have both expressed interest in submitting an application through the next round of Get Playing Plus. Both organisations are still in the planning stage and have a number of technical and development compliance matters to resolve.

Both Clubs are seeking Council's support for the submission of an application through the first stage of Get Playing Plus being the Registration of Interest. Should either club be successful with the initial application a further report will be presented to Parks and Recreation Committee including the comprehensive project plans, costings, approval processes, time frames and details of any funding contribution sought from Council.

The recommendation to support either project does not include approvals that may be required under the planning scheme.

Important Dates:

- Registration of Interest open: 1 September 2015
- Registration of Interest close: 15 October 2015
- Project proposals open: 3 February 2016
- Project proposals close: 1 April 2016
- Successful projects approved: 16 May 2016
- Construction period: From 1 July 2016

BACKGROUND

Rockhampton Hockey Association:

Rockhampton Hockey Association services the Rockhampton Region through the provision of community sport and recreation activities. In 2014 the Club reported having 517 members. Its current synthetic surface is used seven (7) days per week during the hockey season (April to September each year).

Rockhampton Hockey Association approached Council earlier this year to commence discussions over the development of a second synthetic hockey field to increase its opportunity to hold national and international competitions. The second field is currently proposed to be constructed on the northern side of the existing surface. Discussions regarding its final location are ongoing due to the flooding issues at the site.

The total project cost is estimated at \$1.3 million and the Club has indicated it will be seeking a financial contribution from Rockhampton Regional Council of \$350,000. The Club will contribute \$300,000 to the project via a loan and the balance will be obtained through Get Playing Plus.

The development of a synthetic hockey field will result in the loss of one (1) cricket field at Birdwood Park. The remaining four (4) fields are not anticipated to be impacted by the development.

Rockhampton Netball Association:

Rockhampton Netball Association services the Rockhampton Region through the provision of community sport and recreation activities. In 2014 the Club reported had approximately 1,500 registered players and that over 200 school teams use the netball facility. Its existing facilities comprise 12 hard courts and 13 grass courts.

Rockhampton Netball Association have held discussions with Council regarding upcoming development works at the facility including extensive rectification works to the hard courts and the proposed construction of a four (4) court indoor stadium to be built on piers at Jardine Park.

The Club has engaged a consultant to assist with development applications, planning approvals and the design and engineering of the stadium. Its consultants will be attending a pre-lodgement meeting with Council Officers on 3 September 2015 to discuss its proposal.

Rockhampton Netball Association is hoping to submit an application to Get Playing Plus for either court upgrades or the stadium, however, this is subject to the Club being able to progress the proposals prior to the applications for Get Playing Plus closing.

BUDGET IMPLICATIONS

Rockhampton Hockey Association has indicated that it will be seeking a \$350,000 contribution from Council.

Rockhampton Netball Association has not yet sought a financial contribution from Council.

**ROCKHAMPTON HOCKEY
ASSOCIATION AND ROCKHAMPTON
NETBALL ASSOCIATION - GRANT
APPLICATIONS UNDER THE NEXT
ROUND OF GET PLAYING PLUS
FUNDING**

**Letter from Rockhampton Hockey
Association regarding a 2nd synthetic
hockey field**

Meeting Date: 8 September 2015

Attachment No: 1

ROCKHAMPTON HOCKEY ASSOCIATION INC.

Affiliated with Hockey Queensland Inc.

Patron: Mr. Robert Schwarten

President: Mrs. Barbara Knowles

Secretary: Mrs. Thelma Neumann

P.O.Box 605
Rockhampton Q 4700Phone:
Facsimile:
Mobile:
E.Mail:

13th June 2015

The Mayor and Councillors
Rockhampton Regional Council
232 Bolsover Street
Rockhampton Q 4700

Dear Margaret,

Rockhampton Hockey Association (RHA) would like to sincerely thank the Rockhampton Regional Council for the support given to us for the regrettably unsuccessful tender to host the Federation of International Hockey (FIH) Oceania Cup in October 2015. Our bid was described as very professional and had the full support of Hockey Australia (HA), with feedback from the Oceania Committee regarding their decision being the fact that one artificial playing field would be insufficient to accommodate the training and competition requirements for the 8 – 10 International teams attending.

Hockey Australia have however, recognised the ability of Rockhampton to host further national and international events with the support of Council, State Government and private enterprise, and the recent visit of the CEO, Cam Vale, further cemented their interest in developing Rockhampton as a major regional hub for hockey in Australia, with a minimum three year plan, not just a one-off event. Our extremely successful 3 test International men's series between Australia and Korea in 2006 is testament to this ability.

In order for RHA to develop this concept and grow our sporting facility at 'Kalka Shades', we need to provide a second artificial playing field, which we also require to cater for the current senior and junior fixtures, plus training and social hockey fixtures. Our turf field is used seven days a week and we still use six grass fields of various sizes for junior fixtures which could be played on turf. With a second turf field, we would love to bring all junior and senior fixtures back to Saturdays only, to recreate the family atmosphere which is hockey and have week days and evenings for schools, club and representative team trainings plus veteran and social fixtures. We would be happy to offer the turf fields to other sports on Sundays, off season, or any other suitable times.

Following meetings with the Honourable Bill Byrne and Qld Sport and Recreation personnel, we have been advised that a new sporting grant will be announced shortly for major projects up to \$1.5 million, on a dollar for dollar basis. The Qld Government seems keen to support regional sport here

in Rockhampton, especially after the effects of Cyclone Marcia, and we are very keen to capitalise on this opportunity. We are currently pricing our project and estimate it will be around \$1.3 million. RHA expects to be able to contribute \$300,000 towards this development and is seeking a grant of \$350,000 from the council with the balance from the Qld Government grant.

We feel confident the opportunity to invest in promoting such a high profile sport in this region will be rewarded with many years of financial returns to the community. Hockey has helped put Rockhampton on the sporting map with four Olympians, three of whom are currently playing for the National team "the Kookaburras", and likely to be members of the team for Rio Olympics in 2016. Further to this, and after discussions with Hockey Australia, we are confident that Rockhampton will be awarded an International series in 2016 prior to the Olympics. Such an event with three local "heroes" will be an amazing opportunity to promote our sport and region, once more showing HA and FIH our ability to successfully host ongoing events.

The latest HA tender documents re-inforce the requirement for centres to have two artificial turf fields in order to tender for National U/18, U/21, Australian Hockey League and Masters events, and even preferable for U/13 and U/15 age groups, but not essential. Hockey Queensland (HQ) have a similar policy for awarding State Championships which has left Rockhampton out of contention for at least the past five years, with centres such as Cairns, Townsville, Toowoomba and Ipswich benefitting due to their two turf capacity.

Our central location would be very attractive to host these events, hence the interest for a regional hub from HA, along with our enthusiasm and support from your Council, Capricorn Enterprise, State Government and private enterprise. The tourism income generated from such events is well documented and supported by independent research surveys.

Additional benefits for this development could include multi-sport usage for example, adaptation for indoor hockey, touch football, and soccer which is also utilising artificial grass surfaces to a greater degree around the world.

With this proposed redevelopment, we are endeavouring to have minimal impact on Junior Cricket who share the park, encroaching on only one wicket at the Northern end of the park. Our future vision is to provide new clubhouse facilities incorporating grandstand viewing of each hockey field, but strategically placed to ensure there is no further impact on Junior Cricket wickets.

We sincerely hope that RRC will share our vision to develop and improve their parkland whilst providing a real opportunity to bring much needed financial benefits to the city, generated from players and supporters attending these new sporting events, and further enhancing our reputation as the 'hockey capital of Australia'.

We welcome the opportunity to have further discussions with council regarding these opportunities.

Regards,



Barbara Knowles
President.

11.4 RECTIFICATION WORKS AT ROCKHAMPTON CRICKET GROUNDS

File No: 5948
Attachments: Nil
Authorising Officer: Margaret Barrett - Manager Parks
Michael Rowe - Acting Chief Executive Officer
Author: Sophia Czarkowski - Coordinator Parks Recreation Services

SUMMARY

The report outlines proposed rectification works at Rockhampton Cricket Grounds.

OFFICER'S RECOMMENDATION

THAT the report on rectification works at Rockhampton Cricket Grounds be 'received'.

BACKGROUND

On 14 August 2015 Rockhampton Regional Council's Parks Operations Unit provided the management committee of Rockhampton Cricket Grounds with a quote for maintenance works (aeration and top-dressing of heavily used areas) on the main AFL and cricket field under a private works arrangement.

The quote was accepted and work commenced on 24 August 2015 with knifing of the field surface followed by application of top dressing. The works were scheduled to be completed prior to the commencement of the cricket season (19 September 2015).

The top dressing material was purchased from a supplier and mixed with sawdust that was in store at the Northside Parks Depot. The top dressing of the field was near completion when representatives of the Club drew Council Officer's attention to potential contaminants within the top dress. Contaminants include broken glass, rocks and wood. Site works were ceased on 31 August 2015.

Council Officers and Councillors have had multiple discussions with the Management Committee of the Rockhampton Cricket Grounds to resolve this issue to the satisfaction of the users.

As a result it is proposed that Council Officers will engage contractors to complete the following works:

1. Remove and dispose of approximately four (4) inches of soil, dirt and top dress from the main field
2. Procure and spread a suitable substrate
3. Procure and spread suitable top soil
4. Procure and lay turf across the field surface
5. Appropriate levelling of the playing surface is to occur
6. Necessary establishment works associated with the above including fertilising, top dressing etc

Council Officers are in discussions with representatives from the Committee as well as turf specialists from AFL Queensland and Queensland Cricket to ensure that the works meet the requirements and industry standard for both clubs.

Dependent on the final scope of works, which is being determined at present, the appropriate procurement methods will be used to engage contractors.

An investigation into the work practices and processes associated with this activity is underway in order to improve these practices and avoid future incidents.

BUDGET IMPLICATIONS

The estimated cost of the rectification works are not yet known but estimated to be in the vicinity of \$200,000.

11.5 MOTIONS FOR 2015 LGAQ CONFERENCE

File No: 8291
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Robert Holmes - General Manager Regional Services

SUMMARY

At the Performance and Service Committee meeting held on 25 August 2015, Council gave consideration to motions for the LGAQ Conference; however, since that meeting there has been another two (2) issues that have arisen that it is considered would be appropriate to be presented to the Conference. Those issues are the on-going ability to claim for Council's day labour workforce and plant expenses in undertaking NDRRA works as well as seeking support from the State Government for the ability for the new QFES disaster management system to be inter-operable with the Guardian Control system. The Council's endorsement for those two additional motions is sought.

OFFICER'S RECOMMENDATION

THAT Council endorse a further two (2) motions for the 2015 LGAQ Conference being:

- a. Disaster Management – SES Task and Management System; and
- b. Disaster Management – NDRRA – Eligibility of Council Day Labour Costs

COMMENTARY

At a recent Guardian User Group conference, a Queensland Fire and Emergency Services (QFES) representative confirmed that the QFES had commissioned a new operating system for the State Emergency Service called Task and Management System (TAMS) which is now operational and in use. This was a surprise to many at the conference and it appears that it is once again an example of QFES not listening to and wanting to work with local government.

Local government and many on the ground staff and volunteers of QFES have for some time recognised the need for the integration of systems used within the Queensland Disaster Management structure to enable enhanced operations and coordination during the hectic times of disaster operations. The QFES representative also indicated that there were no plans to integrate TAMS with Guardian Control thus impacting on the disaster coordination capabilities of over 50 local governments in Queensland many of which are in the higher risk areas that are impacted frequently and severely by natural disasters.

It is suggested that this is a worthy motion for the LGAQ Conference in view of the large number of local governments impacted and the vital nature of the issue.

Secondly, the ability to use local government day labour in the restoration of the Natural Disaster Relief and Recovery Arrangements (NDRRA) works and claim reimbursement of these costs is essential for the continued financial sustainability of regional, rural and remote local governments.

Regional, rural and remote local governments have traditionally undertaken the restoration of their own road networks as part of NDRRA. Under existing arrangements in respect to flood damage, while local governments can contract with the Department of Transport and Main Roads for state and national highways, they cannot perform the same day labour works on local government controlled roads due to day labour costs not being eligible under the Commonwealth's determination.

It has also been advised by the QRA that if the day labour staff are employed within a commercialised business unit of the local government that the local government can claim those day labour costs as they are seen as 'contractors'.

This would require the local government to make a determination up front that it would not be attempting to claim for Category B (REPA) for assets under the control of that CBU.

Local governments across Australia that have been affected by disasters should be given the opportunity to use their own resources (workforce and plant) to repair disaster damage, such as flood damage, rather than define it as an exceptional event requiring local governments to use contract labour and plants that would be deemed to be additional to their current resources.

11.6 SUBMISSION TO QUEENSLAND GOVERNMENT'S AGRICULTURE AND ENVIRONMENT COMMITTEE ON A REVIEW OF THE DROUGHT RELIEF ASSISTANCE SCHEME AND OTHER DROUGHT ASSISTANCE MEASURES**File No:** 8033**Attachments:**

1. **Review of Queensland Government Drought Assistance Measures**
2. **Draft Submission to the Agriculture and Environment Committee's Review of the Drought Relief Assistance Scheme**

Authorising Officer: **Russell Claus - Executive Manager Regional Development**
Michael Rowe - Acting Chief Executive Officer**Author:** **Rick Palmer - Manager Economic Development**

SUMMARY

This report contains a draft submission to the Queensland Government's Agriculture and Environment Committee on a review of the Drought Relief Assistance Scheme and other drought assistance measures.

OFFICER'S RECOMMENDATION

THAT the submission attached to the report be forwarded to the Queensland Government's Agriculture and Environment Committee's review of the Drought Relief Assistance Scheme and other drought assistance measures.

COMMENTARY

The Queensland Government's Agriculture and Environment Committee has asked Council to take part in a series of reviews of drought assistance measures.

While the closing date for written submissions to the review of the Drought Relief Assistance Scheme from the general public will close on 28 August 2015, the Agriculture and Environment Committee will accept submissions from local governments until the end of September 2015.

A copy of the Committee's review of Queensland Government drought assistance measures is attached to this report.

A copy of the draft submission is also attached to this report.

**SUBMISSION TO QUEENSLAND
GOVERNMENT'S AGRICULTURE AND
ENVIRONMENT COMMITTEE ON A
REVIEW OF THE DROUGHT RELIEF
ASSISTANCE SCHEME AND OTHER
DROUGHT ASSISTANCE MEASURES**

**Review of Queensland Government
Drought Assistance Measures**

Meeting Date: 8 September 2015

Attachment No: 1

AGRICULTURE AND ENVIRONMENT COMMITTEE

Paper No. 1
55th Parliament
July, 2015



Review of Queensland Government drought assistance measures

Queensland is in the grips of the worst drought on record with more than 80 percent of the state drought-declared. The Queensland Government provided \$93.9 million in assistance to drought affected communities, farmers and farm businesses during 2013-14 and 2014-15. But are programs well designed and managed to provide the best outcomes and value for money for the Queensland taxpayer?

This paper
This paper provides background information about a series of reviews the Agriculture and Environment Committee will undertake in accordance with s.94 of the *Parliament of Queensland Act 2001*.

Review of drought assistance
The Agriculture and Environment Committee has resolved to review and report on Queensland drought assistance measures administered by its portfolio departments: the Department of Agriculture and Fisheries (DAF); and the Department of National Parks, Recreation, Sport and Racing (DNPRSR). These programs worth \$74.3 million represent 79 per cent of the total Queensland Government drought assistance provided during 2013-14 and 2014-15.

It is the committee's intention to use these reviews to inform the Legislative Assembly regarding:

- **Design** – whether drought assistance is well-designed and meeting the needs of drought-affected communities, landholders and families
- **Delivery** – whether measures are being administered effectively and efficiently by these departments and other entities to meet their stated objectives whilst satisfying all legislative requirements, and to provide value for money for the Queensland taxpayer, and
- **Opportunities for improvement** – whether assistance measures can be enhanced to provide

improved outcomes and/or efficiencies at no net additional cost to the Government.

The committee proposes to review four measures:

Drought assistance measures to be reviewed	2013-14 funding	2014-15 funding (projected)
Administered by DAF		
Drought Relief Assistance Scheme (DRAS) including the Emergency Water Infrastructure Rebate (EWIR) and additional funding provided by the Australian Government	\$23.9m	\$33.3m
	\$6.2m	\$6.8m
Additional funding for the Rural Financial Counselling Service	\$0.2m	\$0.2m
Drought workshops, mobile offices and drought program administration	\$0.6m	\$1.0m
Administered by DNPRSR		
Hardship grazing in national parks	\$2.3m	n/a ¹

Source: Department of Agriculture and Fisheries, 2015, Queensland Drought, May, p.9

Review process
When reviewing these measures, the committee will:

- write to stakeholders inviting written submissions
- seek background briefings from the administering department
- hold public hearings to seek further information, and
- report findings with recommendations to the Queensland Parliament.

For the start and end dates for reviews, and closing dates for lodging written submissions, please refer to the committee's forward work program which is available from the committee's website.

¹ No funding was allocated in 2014-15 as this initiative ceased in December 2013.

Ministerial responses to review reports

For each of the committee's review reports, the Minister responsible for the drought assistance measures under review will be required to table in Parliament a written response to the committee's report within three months after the report is tabled.² Ministers' responses must set out the recommendations to be adopted, and the way and time within which they will be carried out and, other recommendations not to be adopted and the reasons for not adopting them. The committee will monitor progress by departments and other entities in implementing agreed recommendations.

What is drought?

Drought is an important feature of the climate of Australia, as one of the world's most variable climates³ and the driest inhabited continent.⁴ Drought can be defined in several different ways. When studying human impacts, it is common practice to use the agricultural drought definition which is based on extended periods of below average precipitation and/or rainfall or above average evaporation.

Drought declaration

A 'drought declaration' is an official acknowledgment by the government that an area or property is drought-stricken. State drought declarations are triggered by severe climatic circumstances likely to occur no more than once every 10-15 years. State declarations can cover either an individual property (Individually Droughted Property (IDP) declarations) or an area (area or shire declarations).

A Shire drought declaration is made by the Minister for Agriculture and Fisheries based on the advice of Local Drought Committees (LDCs). LDCs are comprised of local producers and representatives from peak industry bodies, and are chaired by DAF extension staff.

Primary producers that do not fall within a shire drought declaration, but believe they are experiencing drought conditions can apply for an IDP declaration through DAF.

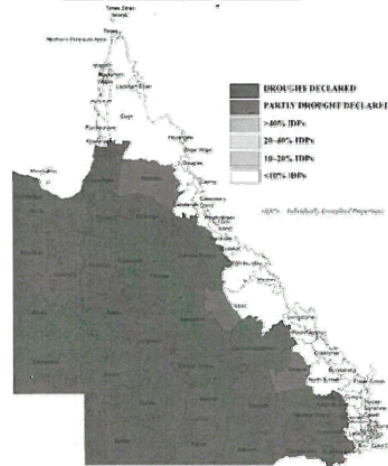
Primary producers that have an IDP have the same access to Queensland Government drought assistance as those producers that fall within a shire declaration.

The Queensland Drought

After three failed wet seasons, Queensland now has more areas affected by drought than any other state or territory, and is in the grips of the most widespread drought on record. As shown on the map in red and pink shading, currently 80.35 per cent of Queensland is 'drought declared'.⁵

The Queensland Drought Situation (as at 1st May 2015)

Source: Department of Agriculture and Fisheries, 2015, *Drought Declarations* www.longpaddock.ald.gov.au.



Thirty-two entire local government areas and three part local government areas are currently drought declared, with another 66 Individually Droughted Property declarations in an additional six local government areas.⁶

² In accordance with s.107 of the *Parliament of Queensland Act 2001*.

³ CSIRO and Bureau of Meteorology, 2014, *State of the Climate 2014: A clear picture of Australia's climate*. This report is available at www.bom.gov.au/state-of-the-climate/.

⁴ Climate Council, 2015, *Thirsty Country: Climate Change and Drought in Australia*, p.1.

⁵ Drought declarations in Queensland this can be either through an area declaration, which is usually a shire council area and is generally referred to as such; or an Individually Droughted Property declaration.

⁶ Department of Agriculture and Fisheries, 2015, *Queensland Drought, May*, p.2.

Drought impacts

The harsh impacts of drought place the natural environment, communities, rural businesses, families, stock and crops under extreme pressures.

Agforce Queensland conducted a limited, self-selected survey⁷ in April 2015 to understand the impacts of the current drought. The survey involved 138 Agforce members in 31 of the state's local government areas currently or previously drought-declared. Agforce noted that the impacts of the current drought are very serious and, for more than half of survey respondents, the impacts exceed the financial and personal impacts of previous droughts.

The Agforce survey confirms that members are experiencing drastically reduced surface water supplies and are dramatically reducing stocking and cropping levels on their lands as a result. This is having significant consequential impacts on farm income levels, indebtedness and the value of properties.

Not surprisingly, there is a growing body of evidence that the financial impacts and consequent emotional stress associated with being in a prolonged drought weigh heavily on the physical and mental health of affected populations. Drought has been linked to heightened levels of anxiety, disturbed sleep and depression.⁸

Government drought assistance

Commonwealth, state and territory governments provide assistance to farmers, farm businesses and rural communities in hardship because of drought. Since July 2014, a new national approach to government drought assistance programs has been in place in which Commonwealth, state and territory governments focusing their drought assistance on encouraging farmers to better prepare for droughts and managing their business risks. The Intergovernmental Agreement on National Drought Program reform outlines key roles and responsibilities for each government in implementing the new approach. The agreement also includes a framework to guide decisions on the introduction of in-drought support. The agreement aims to:

- assist farm families and primary producers adapt to and prepare for the impacts of increased climate variability

⁷ Agforce Queensland 2015, Drought survey – make or break time for assistance, May, p.2.

⁸ For a discussion of the health effects of drought, see Stankle, C., et al., 2013, Health Effects of Drought: A Systematic Review of the Evidence PLDS Currents Disasters, June 5 Edition 1.

- encourage farm families and primary producers to adopt self-reliant approaches to manage their business risks
- ensure that farm families in hardship have access to a household support payment that recognises the special circumstances of farmers
- ensure that appropriate social support services are accessible to farm families
- provide a framework for jurisdictions' responses to needs during periods of drought.

Drought assistance provided by the Commonwealth Government includes:⁹

- Farm Assistance Allowance
- local infrastructure and employment projects
- pest animal and weed management
- social and community support
- Rural Financial Counselling service
- Drought Concession Loans, and
- Drought Recovery Loans.

Queensland Government assistance

The Queensland Government's drought assistance package worth \$93.9 million in 2013-14 and 2014-15 is delivered by seven departments and Ergon Energy:

Department/ entity	Drought assistance
DAF	Drought Relief Assistance Scheme Including the Emergency Water Infrastructure Rebate; Additional Funding for Rural Financial Counsellors; Drought Workshop, mobile offices and drought program administration
Health	Mental Health workshops and programs
CCSDS¹⁰	Community Assistance Package
DNPRSR	Hardship grazing in national parks
Transport and Main Roads	Transport concessions
Natural Resources and Mines	Land Rent rebate and water licence waiver
Electricity and Water, Ergon	Drought Relief from Electricity Charges Scheme.

Source: Department of Agriculture and Fisheries, 2015, Queensland Drought, May, p.9.

⁹ A brief summary of Commonwealth assistance is provided in Department of Agriculture and Fisheries, 2015, Queensland Drought, May.

¹⁰ 'CCSDS' - Communities, Child Safety and Disability Services.

The Department of Agriculture and Fisheries (DAF) is the lead agency of the Government for drought assistance. The following sections provide information supplied by DAF on assistance measures the committee proposes to review.

Drought Relief Assistance Scheme (DRAS)³¹ &

Emergency Water Infrastructure Rebate (EWIR) Producers in a drought declared area or that have an Individually Droughted Property (IDP) declaration are able to apply for the Drought Relief Assistance Scheme (DRAS) through DAF.

DRAS provides freight subsidies for fodder and water while an area is drought declared, and freight subsidies for restocking and returning from agistment after the drought declaration is revoked. DRAS also provides a rebate on the purchase and installation of water infrastructure for animal welfare needs.

DRAS provides up to a maximum \$20,000 per property per financial year on all freight subsidy and rebate types. This may be increased to \$30,000 on approval of a Drought Management Plan (DMP) by DAF extension staff. This can be further increased up to \$40,000 in the third and subsequent years of a drought declaration.³²

The Emergency Water Infrastructure Rebate (EWIR) is designed to address immediate animal welfare needs and help improve properties to be more resilient to future drought. It also aims to lift productivity by providing water supply to areas where pasture was less than fully utilised due to lack of stock water.

Additional Rural Financial Counsellors

In November 2013, the Queensland Government provided the Rural Financial Counselling Service based in Roma with approximately \$180,000 to employ two rural financial counsellors to provide targeted financial counselling to producers experiencing financial problems in the South West and Maranoa regions. Funding for these positions was extended up to 30 June 2015 for an additional \$244,000.

Hardship Grazing in National Parks

As an emergency measure, the Queensland Government allowed temporary grazing of stock in national parks until the end of December 2013. It is

estimated that around \$2.1 million in free agistment and infrastructure improvements were delivered through this initiative. Hardship grazing ceased in December 2013 due to deteriorating land conditions caused by the ongoing drought, and the stock were removed from the national parks.

How to get Involved

The committee welcomes public participation in their work. By sharing your views with the committee, you will help to ensure that Queensland drought assistance programs are well designed and implemented and enhanced where possible.

Register your interest

Subscribe to receive regular email updates about the work of the committee: the timing of reviews, calls for written submissions, the details of public hearings and briefings, and when reports and other review documents are available.

Make a written submission

For each of the drought assistance measures it reviews, the committee will invite written submissions. Guidelines on making submissions are available from the committee's webpages or by calling the committee's staff on 07 3553 6662.

Written submissions should be sent by post to:

**Research Director
Agriculture and Environment Committee
Parliament House
BRISBANE QLD 4000**

or by facsimile to 07 355 36699

or by email to: aec@parliament.qld.gov.au

Committee Members

Ms Jennifer Howard MP (Chair) Member for Ipswich
Mr Stephen Bennett MP (Deputy Chair) Member for Burnett
Mrs Julieanne Gilbert MP, Member for Mackay
Mr Linus Power MP, Member for Logan
Mr Robbie Katter MP, Member for Mount Isa
Mr Ted Sorensen MP, Member for Hervey Bay

Committee contact details

phone: 07 3553 6662
1800 504 022 (for callers outside Brisbane)
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email: aec@parliament.qld.gov.au
web: www.parliament.qld.gov.au/aec

³¹ Further information about DRAS can be found at: www.daf.qld.gov.au/environment/drought/assistance/dras

³² From 1 April 2015, producers in western areas had been drought declared for the third year and became eligible for the increase to \$40,000 if they have a DMP.

**SUBMISSION TO QUEENSLAND
GOVERNMENT'S AGRICULTURE AND
ENVIRONMENT COMMITTEE ON A
REVIEW OF THE DROUGHT RELIEF
ASSISTANCE SCHEME AND OTHER
DROUGHT ASSISTANCE MEASURES**

**Draft Submission to the Agriculture
and Environment Committee's Review
of the Drought Relief Assistance
Scheme**

Meeting Date: 8 September 2015

Attachment No: 2

**DRAFT SUBMISSION TO THE QUEENSLAND GOVERNMENT'S AGRICULTURE AND ENVIRONMENT
COMMITTEE REVIEWING THE DROUGHT RELIEF ASSISTANCE SCHEME AND OTHER DROUGHT
ASSISTANCE MEASURES**

Design

The initial challenge is to stabilise primary production families impacted by drought. They need money to buy essentials and pay immediate bills.

A major step forward occurred during the 1990's when Centrelink dropped all asset testing, while retaining means testing, to determine social security access.

State drought assistance, as opposed to Federal drought assistance, should focus on keeping farming families and small businesses in immediate service towns trading, so local communities can maintain themselves.

Experience from overseas and in Queensland during the 1990's showed that easy access to normal social security and decreased pressure from creditors allowed normally profitable farmers to practice good quality animal/crop management until the seasons returned to normal.

Queensland has learnt from past droughts it is possible to park normal State Government fees and charges until the drought has finished and normal business activities have resumed. Fees and charges owing to the Queensland Government, such as rental for leasehold land, registration for trucks and farm vehicles etc ,can be parked so landholders and business operators are relieved of their payment during the drought and immediately thereafter. Landholders will pay the parked fees and charges once the drought and recovery times have passed. Payment of the fees and charges is deferred, not waived.

A similar approach was used in the mid-1970's when Central Queensland was ravaged by drought and cattle prices crashed. That approach was quite successful.

In general, Queensland droughts take about two to four years to really get serious, and, once over, the community takes a further two to three years to recover. There's a big lag time going in and coming out of a drought.

The payment of local government rates is a source of major concern for primary producers and small business operators. Like other fees and charges, the payment of rates could be parked until the community has recovered from the drought.

Local Government should lobby the State Government to step in and pay the rates for drought declared primary producers and small business operators in nearby small towns so they can continue to trade. This would remove a significant source of stress from family farms and small businesses and enable small rural communities to continue to operate.

Delivery

The strength of the local government in rural Queensland is its link to the community and the various State organisations. For example, a host of family and social services are sometimes managed on the ground by local government.

As drought deepens, the location of support officers and other family and social service workers can be with the Councils. These support workers should have the capacity to give cash/credit to families impacted by drought. This money is nearly always spent in the local community, which has a good flow on effect for small businesses.

Most rural Councils also have a pest and land management units which has the capacity to manage unallocated state land and environmental parks (but not national parks) , and used and unused stock routes. These areas have potential for community grazing as required.

There also may be opportunities where local facilities can be used as a focal point for donated fodder and family goods.

To maintain the family farm and local small businesses, drought delivery needs designed to allow families to make good quality decisions. A network of locally based social support workers is critical for this. This compares radically with most financial institutions where the credit manager is remote. It's also important to have someone on hand to interpret written correspondence and documents.

The documentation which applicants need to complete should be kept as simple as possible. Many primary producers find the completion of forms a daunting task.

Opportunities

Freight and feed subsidies should be maintained as they are simple to apply for and quick to respond. The big challenge has always been to give people impacted by drought the support to make good decisions.

If the family partnership is the main client base, then treating that group as a family, with different decision making techniques and life experiences is the key. Most husbands look to their wife as a buffer against the outside world trying to force change on them, while a wife looks to her husband to provide security for the future.

Local government can also provide some administrative support for emergency committees/workshops for fodder drops, donated feed etc.

11.7 OFFER BY BEVAN SLATTERY TO ASSIST WITH NBN

File No: 11744
Attachments: Nil
Authorising Officer: Russell Claus - Executive Manager Regional Development
Michael Rowe - Acting Chief Executive Officer
Author: Rick Palmer - Manager Economic Development

SUMMARY

This report outlines an offer by Bevan Slattery to act as an adviser to Council in dealings with NBN Co over connectivity to the NBN network, especially in the CBD, and with the refinement of the Smart City concept.

OFFICER'S RECOMMENDATION

THAT Council accept the offer from Bevan Slattery to act as an adviser to Council in dealings with NBN Co over connectivity to the NBN network, especially in the CBD, and with the refinement of the Smart City concept.

COMMENTARY

Former Rockhampton Region resident and telecommunications specialist and entrepreneur Bevan Slattery has offered to act as an adviser to Council free of charge in dealings with NBN Co over connectivity to the NBN network, especially in the CBD. He has also offered to act as an adviser regarding the refinement of the Smart City concept in the CBD.

Mr Slattery has extensive experience in starting and operating telecommunications companies and in encouraging startup investments.

He and fellow former Rockhampton resident Stephen Baxter joined together in 2002 to form dark fibre connectivity provider PipeNetworks which they subsequently sold to TPG Telecommunications for almost \$400 million.

Mr Slattery later formed data centre operator Nextdc and Asia Pacific Data Centre Group, which owns the data centres in Sydney, Melbourne, Brisbane, Perth and Canberra operated by Nextdc.

His more recent ventures have centred on the formation of Megaport and the later spin off of dark fibre community provider Superloop.

His experience and connections in the telecommunications sector would be invaluable to Council in its dealings with NBN Co. Likewise he has extensive knowledge of the requirements of recently formed technology companies and their operational needs.

11.8 BUILDING OUR REGIONS REGIONAL INFRASTRUCTURE FUND

File No: 1022
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer seeking endorsement from Council for applications under the Building Our Regions Infrastructure Fund.

OFFICER'S RECOMMENDATION

THAT Council endorse the applications under Building Our Regions program, as discussed at the Councillor Briefing on Friday 4 September 2015.

BACKGROUND

The new \$200 million Building our Regions Regional Infrastructure Fund (Building our Regions) is a targeted infrastructure program for local government projects. The primary purpose of the Building our Regions program is to provide funding for critical infrastructure in regional areas of the state, while also supporting jobs, fostering economic development and improving the liveability of regional communities.

A briefing for Councillors is scheduled for Friday 4 September 2015 at which time further details will be provided on those projects that Council will be submitting for funding under this program.

A detailed report will be distributed to Councillors following this briefing, for endorsement at Council meeting on Tuesday 8 September 2015.

Closing date for funding under Building Our Regions is 5pm on Friday 11 September 2015.

12 STRATEGIC REPORTS

Nil

13 NOTICES OF MOTION

Nil

14 QUESTIONS ON NOTICE

Nil

15 URGENT BUSINESS/QUESTIONS

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

16 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

17.1 Report - Confidential Matters at the Rockhampton Airport

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

17 CONFIDENTIAL REPORTS

17.1 REPORT - CONFIDENTIAL MATTERS AT THE ROCKHAMPTON AIRPORT

File No: 1392

Attachments: 1. Report to Business Enterprise Committee
Meeting 1 October 2015

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Ross Cheesman - General Manager Corporate Services

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

SUMMARY

General Manager Corporate Services reporting on confidential matters at the Rockhampton Airport.

18 CLOSURE OF MEETING