



ORDINARY MEETING

AGENDA

12 DECEMBER 2017

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 12 December 2017 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in dark ink, appearing to be "CR", is positioned above the printed name and date of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
7 December 2017

Next Meeting Date: 30.01.18

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 presented by Father Matthew Maloney from the Catholic Parish of Rockonia North Rockhampton.

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C R Rutherford
Councillor M D Wickerson
Councillor A P Williams
Councillor R A Swadling

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Neil Fisher - Apology

Councillor Ellen Smith - Leave of Absence from 8 December 2017 to 19 December 2017

Councillor Stephen Schwarten - Leave of Absence from 9 December 2017 to 18 December 2017

4 CONFIRMATION OF MINUTES

Minutes of the Ordinary Meeting held 21 November 2017

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 5 DECEMBER 2017

RECOMMENDATION

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 5 December 2017 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 Planning and Regulatory Committee, 5 December 2017
9.1.1 D/112-2017 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

File No: D/112-2017

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Jonathon Trevett-Lyall - Planning Officer

SUMMARY

Development Application Number: D/112-2017

Applicant: Brett Prothero & Gina Zuidanbaan

Real Property Address: Lot 30 on RP603372, Parish of Archer

Common Property Address: 13 Totteridge Street, Lakes Creek

Area of Site: 4,451 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural residential zone

Planning Scheme Overlays: Special management area overlay

Existing Development: Vacant land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Dwelling House

Level of Assessment: Impact

Submissions: Nil

Referral Agency(s): Nil

Infrastructure Charges Area: Charge Area 3

Application Progress:

<i>Application Lodged:</i>	13 September 2017
<i>Confirmation Notice issued:</i>	26 September 2017
<i>Submission period commenced:</i>	16 October 2017
<i>Submission period end:</i>	7 November 2017
<i>Last receipt of information from applicant:</i>	8 November 2017
<i>Statutory due determination date:</i>	15 December 2017

COMMITTEE RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material change of use for a Dwelling house, made by Brett Prothero & Gina Zuidanbaan on behalf of A E Datt, on land located at 13 Totteridge Street, Lakes Creek, formally described as Lot 30 on RP603372 Parish of Archer, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
 - 1.2 Where these conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
 - 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,unless otherwise stated.
 - 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
 - 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
 - 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
 - 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
 - 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	17-274-R Sheet A02 Version B	14 September 2017
Floor Level	17-274-R Sheet A03 Version C	14 September 2017
Elevation 1 & 2	17-274-R Sheet A04 Version A	14 September 2017
Elevation 3 & 4	17-274-R Sheet A05 Version A	14 September 2017
3D View	17-274-R Sheet A07 Version A	14 September 2017

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works/Building Works.

3.0 ACCESS WORKS

3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the development site.

3.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access works).

3.3 A new access to the development must be provided within the Totteridge Street road reserve.

4.0 PLUMBING AND DRAINAGE WORKS

4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

4.2 The development must be connected to Council's reticulated water network.

4.3 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

Note: The on-site sewerage treatment and disposal area must not be located within the existing water course or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.

4.4 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*.

5.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

6.0 SITE WORKS

6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.

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

7.0 ELECTRICITY

- 7.1 Evidence that the development is provided with electricity services from the relevant service provider must be provided to Council, prior to the commencement of the use.

8.0 TELECOMMUNICATIONS

- 8.1 Evidence that the development is provided with telecommunications services from the relevant service provider must be provided to Council, prior to the commencement of the use.

9.0 ASSET MANAGEMENT

- 9.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 9.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

10.0 OPERATING PROCEDURES

- 10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Totteridge Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 5. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than the credits applicable for the new development.

NOTE 6. Noise and Odour

The lot the subject of this development approval is located within a Special Management Area. This area is expressly identified as being impacted by lawful non-residential uses. In commencing a residential use within the area, the owner(s) acknowledges and accepts that the use will be potentially impacted by emissions from the lawful non-residential uses.

It is the responsibility of the property owner(s) to take all measures necessary to ensure that the proposed dwelling is developed and maintained in such a way as to mitigate odour and noise impacts from the surrounding lawful non-residential uses. These measures must be undertaken at the expense of the property owner(s).

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material change of use for a Dwelling house, made by Brett Prothero & Gina Zuidanbaan on behalf of A E Datt, on land located at 13 Totteridge Street, Lakes Creek, formally described as Lot 30 on RP603372 Parish of Archer, Council resolves not to issue an Infrastructure Charges Notice.

Recommendation of the Planning and Regulatory Committee, 5 December 2017
9.1.2 D/126-2017 - DEVELOPMENT APPLICATION FOR OPERATIONAL WORKS FOR AN ADVERTISING DEVICE (BILLBOARD)

File No: D/126-2017

Attachments:

1. Locality Plan
2. Structural Plans
3. Proposed Street View Image

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/126-2017

Applicant: Paradise Outdoor Advertising

Real Property Address: Lot 1 on RP600141, Parish of Rockhampton

Common Property Address: 35 Fitzroy Street, Rockhampton

Area of Site: 1,012 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Principal centre zone

Planning Scheme Overlays: Not applicable

Existing Development: Commercial office

Existing Approvals: Commercial office

Approval Sought: Development Permit for Operational Works for an Advertising Device (Billboard)

Level of Assessment: Code Assessable

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	12 October 2017
<i>Acknowledgment Notice issued:</i>	Not Applicable
<i>Council request for additional time:</i>	14 November 2017
<i>Government Agency Response:</i>	20 October 2017
<i>Last receipt of information from applicant:</i>	12 October 2017
<i>Statutory due determination date:</i>	22 December 2017

COMMITTEE RECOMMENDATION

THAT in relation to the application for a Development Permit for Operational Works for an Advertising Device (Billboard), made by Paradise Outdoor Advertising on behalf of Vector Properties Pty Ltd, on land located at 35 Fitzroy Street, Rockhampton, formally described as Lot 1 on RP600141, Parish of Rockhampton, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.4.1 Building Works.
- 1.5 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Site Plan	S01-01, Rev A	10 October 2017
Structure Plan	BSV_PARAROCK0917Y_001, Edition A, Sheet 1 of 1	20 September 2017
Traffic Impact Assessment		18 October 2017

- 2.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.
 - 2.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
 - 2.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.
- 3.0 DIGITAL SCREEN DISPLAY FEATURES**
- 3.1 The digital display screen of the Advertising Device must incorporate an automatic error detection system which will turn off the screen display or display a blank screen should the Advertising Device malfunction.
 - 3.2 The Advertising Device display screen must incorporate a minimum of two (2) automated ambient light sensors capable of supporting a minimum of five (5) levels of stepped dimming to ensure display screen luminance can adjust automatically in response to surrounding ambient light conditions from dark of night to fully sunlit conditions.

- 3.3 The Advertising Device display screen must provide for onsite control, operation, configuration and diagnosis of the screen display.
- 3.4 Messages must remain static for a minimum dwell time of eight (8) seconds, and are not to scroll across the screen or incorporate flashing, blinking, revolving, pulsating, high contrast or rotating effects animation.
- 3.5 Each change of advertisement is to be completed instantaneously (i.e. within 0.1 of a second).

4.0 DIGITAL SCREEN ADVERTISEMENTS AND MOVEMENT

- 4.1 The Advertising Device display screen must not be split to display multiple advertisements on the one display screen.
- 4.2 Advertisements must not display text, photographs or symbols depicting, mimicking or that could be reasonably interpreted as a traffic control device.
- 4.3 Advertisements must not invite traffic to move contrary to any traffic control device, or turn where there is fast moving traffic.
- 4.4 Advertisements must not use colours in combinations or shapes that could be reasonably interpreted as a traffic control device.
- 4.5 Advertisements must only promote a single, self-contained advertising message that is clear, succinct, legible and easily understood at a glance. The use of text components in a sequential manner, whereby text refers to or is reliant on previous or successive screen displays in order to convey an advertising message is not permitted.

Note: An advertising message refers to the main point the advertisement is attempting to convey to its target audience. This condition seeks to ensure that drivers in particular are not required to spend an excessive amount of time reading and interpreting advertisements.

- 4.6 Changeover animation effects such as 'fade', 'zoom', or 'fly-in' between advertisements must not be used.
- 4.7 A blank black, white, or any coloured screen must not be displayed between advertisements.
- 4.8 Advertisement that comprise of, or incorporate moving visual images, such as videos or animations must not be displayed.

Note: Video refers to a recording or the streaming of moving visual images captured by or using a video camera. Animation refers to a simulation of movement created by displaying a series of pictures or frames either digitally or otherwise.

- 4.9 The Advertising Device must not be capable of playing audio nor synchronised with any outdoor sound system utilised for advertising purposes.

5.0 ILLUMINANCE AND LUMINANCE

- 5.1 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.
- 5.2 Luminance levels of the Advertising Device must not exceed the applicable levels listed in *Table 1* below.

Table 1: Luminance levels Advertising Device

			All Colours		Bailey's Sign Nit Setting	
Ambient Condition Description	Dimming Level	Advertising Device Illuminance Vertical Component (lx)	Screen Luminance (Cd/m ²) Max	Screen Luminance (Cd/m ²) Min	Max (nit)	Min (nit)
Sunny Day	5	40,000	6,300	2,800	6,000	2,800
Cloudy Day	4	4,000	1,100	500	1,100	500
Twilight	3	400	480	260	480	260
Dusk	2	40	380	120	380	120
Night	1	< 4	340	80	270	80

Note: Illuminance refers to the intensity of light falling at a given place on a lighted surface when measured by a lux meter and expressed as luminous flux per unit area (otherwise known as lux (lx)). Luminance refers to the intensity of light per unit area of its source when measured by a luminance meter and expressed as candela per square meter (cd/m²). It is often used to describe the perceived brightness of a light source.

6.0 ASSET MANAGEMENT

- 6.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

7.0 OPERATING PROCEDURES

- 7.1 When requested by Council, a lighting investigation must be undertaken by a qualified person to investigate any complaint of light nuisance, and the results notified within twenty-eight (28) days to Council.
- 7.2 The lighting investigation must be carried out generally in accordance with the relevant test methods contained section 5 of 'Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting' and Appendix A of 'Australian Standard AS4852.2:2009: Variable Message Signs - Portable Signs' as applicable to determine whether or not the illuminance and luminance levels listed within this Permit have been exceeded.

8.0 ADVERTISING DEVICE CONSTRUCTION AND MAINTENANCE

- 8.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 8.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and *Environmental Protection Regulations 2008* must be observed at all times.
- 8.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.

- 8.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 8.5 The Advertising Device (Digital Billboard Sign) must be designed and certified by a Registered Professional Engineer of Queensland and constructed in accordance with the requirements of the Queensland Development Code and the Building Code of Australia.
- 8.6 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 8.7 All electrical services and systems must comply with '*Australian and New Zealand Standard AS/NZS 3000:2007 - Electrical Installations*'.
- 8.8 The Advertising Device, including its display screen and supporting structure, must meet applicable wind loading requirements as specified in '*Australian Standard AS 1170.2: 2011 - Structural Design Actions Part 2 - Wind Actions*'.
- 8.9 Upon removal of the Advertising Device, the wall surface must be restored to its original condition.
- 8.10 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed.
- 8.11 The Advertising Device (Digital Billboard Sign) must be maintained in a safe, clean, tidy and sightly condition at all times.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

Recommendation of the Planning and Regulatory Committee, 5 December 2017**9.1.3 BIOSECURITY PLAN 2017-2021****File No: 7099****Attachments: 1. Biosecurity Plan for Pest Management 2017 - 2021****Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services****Author: Karen Moody - Coordinator Health and Environment**

SUMMARY

This report presents the Rockhampton Regional Council Biosecurity Plan 2017-2021 (The Plan) for Council's consideration and adoption.

COMMITTEE RECOMMENDATION

THAT Council adopts the Biosecurity Plan 2017-2021.

Recommendation of the Planning and Regulatory Committee, 5 December 2017**9.1.4 REQUEST FOR INFRASTRUCTURE AGREEMENT**

File No: D/14-2017
Attachments: 1. Letter from Applicant
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

The applicant for a development in South Rockhampton is requesting to enter into an Infrastructure Agreement with Council.

COMMITTEE RECOMMENDATION

THAT Council adopt Option one (1) as detailed in the report.

Recommendation of the Planning and Regulatory Committee, 5 December 2017
9.1.5 D158-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY, HIGH IMPACT INDUSTRY, WAREHOUSE, ENVIRONMENTALLY RELEVANT ACTIVITY 16 (EXTRACTIVE AND SCREENING ACTIVITIES) AND ENVIRONMENTALLY RELEVANT ACTIVITY 53 (COMPOSTING AND SOIL CONDITIONER MANUFACTURING)

File No: D/158-2016

Attachments:

1. Locality Plan
2. Location Plan
3. Activity Area A - Extractive Industry (Screening), High Impact Industry (Composting) and Warehouse
4. Activity Area B - Extractive Industry (Quarrying)
5. Activity Area C - Extractive Industry (Dredging, Deposit and Short Term Stockpile Area)

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/158-2016

Applicant: Hopeman Pty Ltd

Real Property Address: Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021

Common Property Address: 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 & 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee

Area of Site: 613.55 Hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Overlay, Bushfire Hazard Overlay, Extractive Resources Overlay, Steep Land Overlay and Flood Hazard Overlay

Existing Development: Sand Quarry

Existing Approvals: Development Permit for Operational Works for Earthworks (D/56-2016) and Building Permits for a House and Farm Shed

Approval Sought: Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53

	<i>(Composting and Soil Conditioner Manufacturing)</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>One (1) Submission</i>
<i>Referral Agency(s):</i>	<i>Department of Infrastructure, Local Government and Planning and Livingstone Shire Council</i>
<i>Infrastructure Charges Area:</i>	<i>Not applicable</i>
<i>Application Progress:</i>	

<i>Application Lodged:</i>	<i>10 October 2016</i>
<i>Acknowledgment Notice issued:</i>	<i>24 October 2016</i>
<i>Request for Further Information sent:</i>	<i>7 November 2016</i>
<i>Request for Further Information responded to:</i>	<i>7 July 2017</i>
<i>Submission period commenced:</i>	<i>24 July 2017</i>
<i>Submission period end:</i>	<i>11 August 2017</i>
<i>Government Agency Response:</i>	<i>3 November 2017</i>
<i>Council request for additional time:</i>	<i>23 November 2017</i>
<i>Statutory due determination date:</i>	<i>8 January 2018</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing), made by Hopeman Pty Ltd on behalf of Loukin Pty Ltd Tte, on Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021, located at 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 and 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee, Council resolves to Approve the application and provide the following grounds to justify the decision:

- a) The subject site is strategically located in a rural area adjacent to the Fitzroy River floodplain and forms a large part of Key Resource Area 22, which has been identified as containing fine to coarse grained sand and gravel.
- b) The subject site can be rehabilitated once the quarry and associated operations cease, therefore not restricting the land for rural uses in the future. In addition, it is not anticipated that the proposed activities will restrict or adversely impact on the ongoing safe and efficient use of the nearby rural uses.
- c) The proposal is well buffered to sensitive uses by both distance and topographic screening.
- d) The proposed development will not detract from the scenic landscape features and environmental characteristics of the locality.
- e) The proposed use does not compromise the strategic framework in the *Rockhampton Region Planning Scheme 2015*;
- f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will

not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and

- g) The proposed development does not compromise the relevant State Planning Policy.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing), made by Hopeman Pty Ltd on behalf of Loukin Pty Ltd Tte, on Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021, located at 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 and 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.6.1 Operational Works:
 - (i) Access Works;
 - 1.6.2 Building Works (office).
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Flood Evacuation Management Plan	K3181-0007	28 July 2016
Pavement Impact Analysis	K3181-0036	6 July 2017
Vehicle Swept Path Plan	K3181-R001 Issue A	28 April 2017
Stormwater Management, Sediment and Erosion Control Plan	K3181-SE001 Issue A	28 July 2016
Stormwater Management, Sediment and Erosion Control Details	K3181-SE002 Issue A	28 July 2016
Location Plan	SK-001 Rev 4	28 July 2016
Activity Area A – Extractive Industry (Screening) & High Impact Industry (Composting) & Warehouse	SK-002 Rev 4	28 July 2016
EA/DA Environmental Report	Steer Environmental Consulting	29 July 2016
Activity Area B – Extractive Industry (Quarrying)	SK-003 Rev 4	29 July 2016
Activity Area C – Extractive Industry (Dredging & Deposit & Short term Stockpile Area)	SK-004 Rev 4	29 July 2016

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 ROAD WORKS

- 3.1 The Developer must pay a Road Maintenance Levy of \$0.299 per tonne hauled towards the maintenance of Belmont Road. In this regard, the Developer must submit to Council a record of the tonnage of material hauled every six (6) months to facilitate invoicing and payment of the Road Maintenance Levy.
- 3.2 The Developer must pay a contribution of \$41,275.00 towards the upgrade and widening of Belmont Road.
- 3.3 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 4.3 The existing access to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines* and must be sealed from the edge of the existing seal on Belmont Road to the front property boundary of the subject site.
- 4.4 In order to achieve sufficient site distance requirements, tree clearing within the verge area to the south of the existing access must be undertaken. The Developer must include all relevant details regarding the trees to be removed and how the area will be stabilised / re-vegetated with the submission of the Operational Works application.
- 4.5 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Austroads "Guide to Road Design Part 4A – Unsignalised and Signalised Intersections"*.
- 4.6 Road signage and pavement markings must be installed in accordance with the *Australian Standard AS1742.1 "Manual of Uniform Traffic Control Devices"*.

5.0 PLUMBING AND DRAINAGE WORKS

- 5.1 On-site water supply for domestic and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standards, AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 6.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 6.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works which are the subject of the Development Permit.

7.0 ASSET MANAGEMENT

- 7.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 7.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

8.0 ENVIRONMENTAL

- 8.1 Composting activities must be limited to the processing of uncontaminated soil and/or green waste. The following activities are not permitted as part of the activities:
 - 8.1.1 Sewerage sludges or septic wastes liquid or solid;

- 8.1.2 Oily or greasy wastes from trade waste generating activities;
 - 8.1.3 All petroleum hydrocarbons;
 - 8.1.4 Any chemical sludges or wastes that contain known quantities of heavy metals;
 - 8.1.5 Any animal wastes (e.g. manures) that have the potential to contain elevated loads of microbial pathogens such as Giardia, Cryptosporidium or other faecal pathogens;
 - 8.1.6 Any wastes that contain strongly acidic or alkali chemicals that have the potential to alter the pH of the receiving waters in the Fitzroy River Barrage storage.
- 8.2 The Developer must implement and maintain the Stormwater Management, Sediment and Erosion Control Plan on-site for the duration of the activity. The prepared Stormwater Management, Sediment and Erosion Control Plan must be available on-site for inspection by Council Officers during those works.
- 9.0 ENVIRONMENTAL HEALTH
- 9.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 9.2 Noise emitted from the activity must not cause an environmental nuisance.
- 9.3 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 9.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 10.0 OPERATING PROCEDURES
- 10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Belmont Road.
- 10.2 The hours of operations for the development site must be limited to:
- 10.2.1 0600 hours to 1800 hours on Mondays to Saturdays; and
 - 10.2.2 No operations on Sundays or Public Holidays.
- 10.3 Truck movements (to and from the site) is limited to a maximum of sixteen (16) trips per day.
- 10.4 Cleaning of plant equipment and vehicles must be carried out in an area where waste water can be suitably managed so as not to cause contaminants to release into waterways or overland flow paths.
- 10.5 All waste storage areas must be kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations*.
- 10.6 It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.
- 10.7 Security fencing must be provided for the full length of the perimeter of the site and around extractive industry stockpiles and operations.
-

ADVISORY NOTES**NOTE 1. Aboriginal Cultural Heritage**

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for an Extractive Industry, High Impact Industry, Warehouse, Environmentally Relevant Activity 16 (Extractive and Screening Activities) and Environmentally Relevant Activity 53 (Composting and Soil Conditioner Manufacturing), made by Hopeman Pty Ltd on behalf of Loukin Pty Ltd Tte, on Lot 91 on SP224420, Lot 1743 on LIV40543, Lot 1918 on LIV40627, Lot 2 on RP601957, Lot 138 and 139 on PL4021, located at 263A Belmont Road, Parkhurst, Lots 138, 139, 1743 and 1918 D Berrys Road and Lot 2 Belmont Road, Glenlee, Council resolves to not issue an Adopted Infrastructure Charges Notice.

Recommendation of the Planning and Regulatory Committee, 5 December 2017**9.1.6 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/578-2013 - MATERIAL CHANGE OF USE FOR HEALTH CARE (EXTENSIONS)**

File No: D/578-2013/A

Attachments: 1. Proposed Site Plan
2. Locality Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/578-2013/A

Applicant: Mercy Health and Aged Care Central Queensland Ltd

Real Property Address: 31 Ward Street and 14, 16 and 18 Spencer Street, The Range – Lot 1 and Lot 2 on RP607678, Lot 1, Lot 2 and Lot 3 on RP604754, Parish of Rockhampton

Common Property Address: 31 Ward Street and 14, 16 and 18 Spencer Street, The Range – Lot 1 and Lot 2 on RP607678, Lot 1, Lot 2 and Lot 3 on RP604754

Rockhampton City Plan Area: The Range South Residential Area

Type of Approval: Development Permit for a Development Incentives Application for D/578-2013 - Material Change of Use for Health Care (extensions)

Date of Decision: 3 March 2014

Infrastructure Charges: \$195,672.00

Infrastructure charges incentive: Precinct 2 expanded GFA – 50%
Value of discount - \$97,836.00

Incentives sought: Infrastructure Charges Concession 50%

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Health Care (extensions), on land located at 31 Ward Street and 14, 16 and 18 Spencer Street, The Range, formally described as Lot 1 and Lot 2 on RP607678, Lot 1, Lot 2 and Lot 3 on RP604754, Parish of Rockhampton, Council resolves to Approve the following incentives if the use commences prior to 3 March 2018:

- a) A fifty (50) percent reduction of infrastructure charges to the amount of \$97,836.00; and
- b) That Council enter into an agreement with the applicant in relation to (a).

Recommendation of the Planning and Regulatory Committee, 5 December 2017**9.1.7 BUSINESS OUTSTANDING TABLE FOR PLANNING AND REGULATORY COMMITTEE****File No: 10097****Attachments: 1. Business Outstanding Table for Planning and Regulatory 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 Planning and Regulatory Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Recommendation of the Planning and Regulatory Committee, 5 December 2017
9.1.8 D/20-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND ACCESS EASEMENT

File No: D/20-2017
Attachments: 1. Locality Plan
 2. Site Plan
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
 Steven Gatt - Manager Planning and Regulatory Services
 Colleen Worthy - General Manager Community Services
Author: Bevan Koelmeyer - Planning Officer

SUMMARY

Development Application Number: D/20-2017
Applicant: Capehead Pty Ltd Tte
Real Property Address: Lot 485 on LIV40112, Parish of Murchison
Common Property Address: 66 Alfred Road, Parkhurst
Area of Site: 31.92 hectares
Planning Scheme: Rockhampton City Plan 2005
Planning Scheme Zone: Yeppoon Road Corridor Environmental Protection Area
Planning Scheme Overlays: Bushfire Prone Land; Environmentally Sensitive Location (Remnant Vegetation), Waterway Corridor, and Steep and Unstable Land
Existing Development: Two (2) Dwelling Houses and ancillary domestic outbuildings
Existing Approvals: D/121-2016 – Approval for application of superseded planning scheme request
Approval Sought: Development Permit for Reconfiguring a Lot for (one lot into three lots) and an Access Easement
Submissions: None

COMMITTEE RECOMMENDATION
RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into three lots) and an Access Easement, made by Capehead Pty Ltd Tte, located at 66 Alfred Road, Parkhurst, on Lot 485 on LIV40112, Parish of Murchison - Council resolves that:

1. Item 8 and Condition 2.1 be amended by replacing:

<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>
<i>Proposed Subdivision Layout</i>	<i>R17006-001, Revision B</i>	<i>29 March 2017</i>

With

<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>
Proposed Subdivision Layout	R17006-001, Revision C	19 October 2017

2. Condition 3.0 (inclusive) be inserted:

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Lot 3 (Stage One – one [1] lot); and

3.1.2 Lots 1 to 2 (Stage Two – two [2] lots).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

3. Condition 4.0 to be amended by replacing:

4.0 ROAD WORKS

With

4.0 ROAD WORKS (STAGE 2)

4. Condition 5.3 to be amended by replacing:

New sealed accesses must be constructed for proposed Lots 1 and 3.

With

New sealed accesses must be constructed for proposed Lots 2 and 3.

5. Condition 9.1 to remain unchanged.

6. Condition 9.2 to be deleted.

7. Condition 10.1 to be deleted.

8. Infrastructure Charges be amended as follows:

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	
Total			\$21,000.00
Less credit			\$7,000.00
TOTAL CHARGE			\$14,000.00

With

Column 1 Charge Area	Column 2 Infrastructure Charge (\$/lot)	Column 3 Unit	Calculated Charge
Charge Area 3	7,000	per lot	
Total			\$21,000.00
Less credit			\$14,000.00
TOTAL CHARGE			\$7,000.00

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into three lots) and an Access Easement, made by Capehead Pty Ltd Tte, located at 66 Alfred Road, Parkhurst, on Lot 485 on LIV40112, Parish of Murchison, Council resolves to Approve the negotiated application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works; and
 - (ii) Access Works.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The access to proposed Lot 3 must be via the proposed Easement A over proposed Lot 2. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Subdivision Layout	R17003-001, Revision C	19 October 2017

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 STAGED DEVELOPMENT

- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

4.1.1 Lot 3 (Stage One – one [1] lot); and

4.1.2 Lots 1 to 2 (Stage Two – two [2] lots).

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS (STAGE 2)

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

- 4.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

- 4.3 Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 1.

- 4.4 McMillan Avenue must be designed and constructed to Major Urban Collector standard, with half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

- 4.5 The intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

- 4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

5.0 ACCESS WORKS

- 5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.

- 5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).

- 5.3 New sealed accesses must be constructed for proposed Lots 2 and 3.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.

7.0 STORMWATER WORKS

- 7.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 7.2 Easements must be provided over all land assessed to be within the one (1) per cent Average Annual Exceedance (AEP) probability defined flood event inundation area.

8.0 SITE WORKS

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

9.0 ELECTRICITY

- 9.1 Electricity services must be provided to each lot in accordance with the standards and requirements of the relevant service provider.

10.0 TELECOMMUNICATIONS

- 10.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan that addresses, but is not limited to, the following:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) fauna management;
 - (iv) vegetation management and clearing;
 - (v) top soil management;
 - (vi) interim drainage plan during construction;

- (vii) construction programme;
 - (viii) geotechnical issues;
 - (ix) weed control;
 - (x) bushfire management;
 - (xi) emergency vehicle access;
 - (xii) noise and dust suppression; and
 - (xiii) waste management.
- 12.2 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 12.3 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 12.4 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 13.0 OPERATING PROCEDURES
- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials, or parking of construction machinery or contractors' vehicles must not occur within McMillan Avenue and Olive Street.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 3. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 4. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"*.

NOTE 5. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines*, Standard Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works).

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into three lots) and an Access Easement, made by Capehead Pty Ltd Tte, located at 66 Alfred Road, Parkhurst, on Lot 485 on LIV40112, Parish of Murchison, Council resolves to issue a negotiated Adopted Infrastructure Charges Notice for the amount of \$7,000.00.

Recommendation of the Planning and Regulatory Committee, 5 December 2017**9.1.9 APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT D/72-2017 - MATERIAL CHANGE OF USE FOR INDOOR SPORT AND RECREATION**

File No: D/72-2017/A

Attachments: 1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/72-2017/A

Applicant: DNL Enterprises

Real Property Address: 12 Power Street, Kawana

Common Property Address: Lot 7 on RP620247 – Parish of Murchison

Planning Scheme Zone: Low impact industry

Type of Approval: Development Permit for a Development Incentives Application for D/72-2017 - Material Change of Use for Indoor Sport and Recreation

Date of Decision: 25 July 2017

Application Lodgement Fee: \$2,288.00

Infrastructure Charges: Nil

Infrastructure charges incentive: Non-residential development in Rockhampton Region
Maximum concession: 50%

Incentives sought: Refund of Development Application Fees

COMMITTEE RECOMMENDATION

THAT in relation to the application under the Development Incentives Policy for a Development Permit for a Material Change of Use for Indoor Sport and Recreation, on land located at 12 Power Street, Kawana, described as Lot 7 on RP620247, Parish of Murchison, Council resolves to Approve the following incentives:

- a) A refund of development application fees to the amount of \$2,288.00.

Recommendation of the Planning and Regulatory Committee, 5 December 2017**9.1.10 COMMITTEE REPORT DELEGATIONS - OCTOBER 2017**

File No: 7028
Attachments: Nil
Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

SUMMARY

This report outlines the development applications received in October 2017 and whether they will be decided under delegation or decided by Council.

COMMITTEE RECOMMENDATION

THAT this report into the applications lodged in October 2017 be received.

9.2 INFRASTRUCTURE COMMITTEE MEETING - 5 DECEMBER 2017**RECOMMENDATION**

THAT the Minutes of the Infrastructure Committee meeting, held on 5 December 2017 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, 5 December 2017**9.2.1 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, 5 December 2017**9.2.2 PETITION - ROAD MAINTENANCE AT THE INTERSECTION OF MAIN AND TWIGG STREETS**

File No: 8054
Attachments: Nil
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: David Bremert - Manager Civil Operations

SUMMARY

At the Council meeting held on 26 September 2017 a petition was received requesting road repairs along Main Street. These road repair works have been completed.

COMMITTEE RECOMMENDATION

THAT the report on the petition regarding road maintenance at the intersection of Main and Twigg Streets be noted.

Recommendation of the Infrastructure Committee, 5 December 2017**9.2.3 ROAD NAMING ROCKHAMPTON NORTHERN ACCESS UPGRADE PROJECT**

File No: 8054
Attachments: 1. Boundary Road Layout
Authorising Officer: Peter Kofod - General Manager Regional Services
Martin Crow - Manager Engineering Services
Stuart Harvey - Coordinator Strategic Infrastructure
Author: Stuart Singer - Technical Officer

SUMMARY

A request has been received from the Department of Transport and Main Roads (TMR) to assist with the renaming of a section of Boundary Road which will be affected by the Rockhampton Northern Access Upgrade project. This report seeks to gain Council endorsement to undertake the formal renaming process for the affected section of Boundary Road, Parkhurst.

COMMITTEE RECOMMENDATION

THAT the affected section of Boundary Road, Parkhurst is advertised for community suggestions for a name and that the formal renaming of this section of road, as per Council's Naming of Infrastructure Assets Policy and Procedure, occur at the appropriate time.

Recommendation of the Infrastructure Committee, 5 December 2017**9.2.4 QUAY LANE AND PILBEAM THEATRE CAR PARK CONFIGURATION**

File No: 191

Attachments: 1. Pilbeam Theatre Car Park Configuration
2. Quay Lane Widening

Authorising Officer: Martin Crow - Manager Engineering Services
Peter Kofod - General Manager Regional Services

Author: Stuart Harvey - Coordinator Strategic Infrastructure

SUMMARY

Upon the commencement of the construction of the Gallery Apartments in Quay Lane, concerns have been raised to Council regarding the road configuration and traffic management processes in both Quay Lane and the Pilbeam Theatre car park. Officers have investigated a design for both Quay Lane and the Pilbeam Theatre car park that aims to address these issues and has been put forward to Council for consideration.

COMMITTEE RECOMMENDATION

THAT Council endorse the concept design for Quay Lane and the Pilbeam Theatre car park and consider the allocation of required funds for construction in the 2018/19 Capital Budget.

Recommendation of the Infrastructure Committee, 5 December 2017**9.2.5 ENGINEERING SERVICES MONTHLY OPERATIONS REPORT - DECEMBER 2017****File No: 7028****Attachments: 1. Monthly Operations Report Engineering Services November 2017****Authorising Officer: Peter Kofod - 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 December 2017.

COMMITTEE RECOMMENDATION

THAT the Engineering Services Monthly Operations Report for December 2017 report be received.

Recommendation of the Infrastructure Committee, 5 December 2017**9.2.6 CIVIL OPERATIONS MONTHLY OPERATIONS REPORT****File No:** 7028**Attachments:**

1. Civil Operations Monthly Operations Report - November 2017
2. Works Program - December 2017 - January 2018

Authorising Officer: Peter Kofod - General Manager Regional Services**Author:** David Bremert - Manager Civil Operations

SUMMARY

This report outlines Civil Operations Monthly Operations Report as at 24 November 2017 and also Works Program of planned projects for the months December 2017 to January 2018.

COMMITTEE RECOMMENDATION

THAT the Civil Operations Monthly Operations Report for November 2017 be received.

9.3 AIRPORT, WATER AND WASTE COMMITTEE MEETING - 5 DECEMBER 2017**RECOMMENDATION**

THAT the Minutes of the Airport, Water and Waste Committee meeting, held on 5 December 2017 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Airport, Water and Waste Committee, 5 December 2017**9.3.1 ROCKHAMPTON AIRPORT MONTHLY OPERATIONAL REPORT - NOVEMBER 2017****File No:** 7927**Attachments:** 1. ROCKHAMPTON AIRPORT MONTHLY
OPERATIONAL REPORT - NOVEMBER 2017**Authorising Officer:** Scott Waters - General Manager Aviation**Author:** Tracey Baxter - Manager Airport

SUMMARY

The monthly operations and annual performance plan report for the Rockhampton Airport for November 2017 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT the Rockhampton Airport Operations and Annual Performance Plan Report for November 2017 be 'received'.

Recommendation of the Airport, Water and Waste Committee, 5 December 2017**9.3.2 ROCKHAMPTON REGIONAL WASTE AND RECYCLING MONTHLY OPERATIONS REPORT NOVEMBER 2017**

File No: 7927
Attachments: 1. RRWR Operations Report November 2017
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Craig Dunglison - Manager RRWR

SUMMARY

The purpose of this report is to provide Council with an overview of Rockhampton Regional Waste and Recycling (RRWR) for the month of November 2017.

COMMITTEE RECOMMENDATION

THAT Airport, Water and Waste Committee recommend to Council that the Rockhampton Regional Waste and Recycling November 2017 Report be received.

Recommendation of the Airport, Water and Waste Committee, 5 December 2017**9.3.4 FRW ANNUAL PERFORMANCE PLAN AS AT 30 SEPTEMBER 2017****File No:** 1466**Attachments:**

1. Customer Service Standards as at 30 September 2017
2. Customer Service and Financial Targets as at 30 September 2017
3. Non Compliance Comments as at 30 September 2017

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

SUMMARY

Fitzroy River Water's performance against financial and non-financial targets and key strategies is reported to Council on a quarterly basis in accordance with the adopted 2017/18 Performance Plan. This report as at 30 September 2017 is presented for the Committee's information.

COMMITTEE RECOMMENDATION

THAT the Fitzroy River Water Annual Performance Plan quarterly report as at 30 September 2017 be received.

Recommendation of the Airport, Water and Waste Committee, 5 December 2017**9.3.5 FITZROY RIVER WATER SPECIALISED ITEM SUPPLIERS**

File No: 1466
Attachments: Nil
Authorising Officer: Peter Kofod - General Manager Regional Services
Author: Jason Plumb - Manager Fitzroy River Water

SUMMARY

This report details a number of items of equipment or products that are important to Fitzroy River Water's water and sewerage operations for which Council approval is sought for these items to be provided by the listed sole suppliers in accordance with s235(b) of the Local Government Regulation (2012).

COMMITTEE RECOMMENDATION

THAT pursuant to s235(b) of the *Local Government Regulation 2012*, Council approves the use of the nominated suppliers for the items listed without the need to seek additional quotes or tenders.

9.4 COMMUNITY SERVICES COMMITTEE MEETING - 6 DECEMBER 2017**RECOMMENDATION**

THAT the Minutes of the Community Services Committee meeting, held on 6 December 2017 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Community Services Committee, 6 December 2017**9.4.1 RELOCATION OF ROCKHAMPTON HOSPITAL POST OFFICE BUILDING TO ROCKHAMPTON HERITAGE VILLAGE****File No:** 2497**Attachments:**

1. Letter from Mr John McBow, President, The Friends of the Rockhampton Heritage Village
2. Site Map of Rockhampton Heritage Village showing the proposed location
3. Image of the Post Office Building

Authorising Officer: Steven Gatt - Manager Planning and Regulatory Services**Author:** Peter Owens - Manager Arts and Heritage

SUMMARY

The Friends of the Heritage Village are seeking Council's permission to relocate the former Rockhampton Hospital Post Office building to the Rockhampton Heritage Village

COMMITTEE RECOMMENDATION

THAT Council approve the relocation of the Rockhampton Hospital Post Office building to the Rockhampton Heritage Village as detailed in the report.

Recommendation of the Community Services Committee, 6 December 2017**9.4.2 GENERAL TENANCY AGREEMENT FOR CALLIUNGAL CENTRE****File No:** 11039**Attachments:** Nil**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** Cheryl Haughton - Manager Communities and Facilities

SUMMARY

Council consideration is sought in relation to a General Tenancy Agreement for use of the Calliungal Centre.

COMMITTEE RECOMMENDATION

THAT Council approves the General Tenancy Agreement for use of the Calliungal Centre by the Electoral Commission Queensland for the period 14 June 2017 to 1 January 2018.

Recommendation of the Community Services Committee, 6 December 2017**9.4.3 ART GALLERY RESOURCING PUBLIC PROGRAMS**

File No: 1464
Attachments: Nil
Authorising Officer: John Webb - Acting Manager Arts and Heritage
Colleen Worthy - General Manager Community Services
Author: Bianca Acimovic - Gallery Director

SUMMARY

This report is a recommendation following a review of resourcing to sustainably undertake and deliver public programs at Rockhampton Art Gallery. As an income generation model with an outcome of cost recovery, this report speaks to current and proposed resourcing.

COMMITTEE RECOMMENDATION

THAT the Art Gallery Resourcing Public Programs report be received.

Recommendation of the Community Services Committee, 6 December 2017**9.4.4 ROCKHAMPTON SHOWGROUNDS HIRE - 'ONE HOT NIGHT' NOISE CURFEW****File No:** 10486**Attachments:** 1. Letter from Josh Jones - Promoter of 'One Hot Night' Event**Authorising Officer:** Colleen Worthy - General Manager Community Services**Author:** John Webb - Acting Manager Arts and Heritage

SUMMARY

Josh Jones promoter of One Hot Night featuring local artists Busby Marou an event at Rockhampton Showgrounds on Friday 29 December 2017 has written to Council requesting an extension to the existing curfew of 10.30pm to 11.55pm.

COMMITTEE RECOMMENDATION

THAT Council grant Josh Jones an extension of time to the noise curfew (10.30pm) for Rockhampton Showgrounds to 11.30pm on Friday 29 December 2017, subject to appropriate conditions being placed to ensure compliance is met.

9.5 PARKS, RECREATION AND SPORT COMMITTEE MEETING - 6 DECEMBER 2017**RECOMMENDATION**

THAT the Minutes of the Parks, Recreation and Sport Committee meeting, held on 6 December 2017 as circulated, be received and that the recommendations contained within these minutes be adopted.

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

Recommendation of the Parks, Recreation and Sport Committee, 6 December 2017**9.5.1 BUSINESS OUTSTANDING TABLE FOR PARKS, RECREATION AND SPORT COMMITTEE****File No:** 10097**Attachments:** 1. Business Outstanding Table for Parks, Recreation and Sport 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 Parks, Recreation and Sport Committee is presented for Councillors' information.

COMMITTEE RECOMMENDATION

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

Recommendation of the Parks, Recreation and Sport Committee, 6 December 2017**9.5.2 RECOGNITION OF SERVICE TO THE COMMUNITY: ROY AND EILEEN COKER****File No:** 787, 2117**Attachments:**

1. Council Resolution 2006
2. Images: Hall, Park and Playground
3. Playground Location
4. Play Equipment
5. Proposed Coker Walk

Authorising Officer: Blake Hunton - Manager Parks
Colleen Worthy - General Manager Community Services**Author:** Vincent Morrice - Coordinator Park and Visitor Services

SUMMARY

Council has been approached by the descendants of Roy & Eileen Coker seeking the (re)establishment of an appropriate memorial/tribute for Roy and Eileen in recognition of their life-long "... commitment and dedication to community service for the needy and underprivileged in the Rockhampton area."

COMMITTEE RECOMMENDATION

THAT Council names the section of the pathway that traverses the former Coker Hall and Coker Park site as "The Roy and Eileen Coker Walk" and erect interpretative signage to display this name at clearly visible points at either end of the pathway.

Recommendation of the Parks, Recreation and Sport Committee, 6 December 2017**9.5.3 APPLICATION: QLD CENTENARY OF ANZAC LASTING LEGACIES GRANTS PROGRAM - ROCKHAMPTON WAR MEMORIAL**

File No: 7149

Attachments: 1. Design Concepts
2. Cenotaph 1924

Authorising Officer: Blake Hunton - Manager Parks
Colleen Worthy - General Manager Community Services

Author: Vincent Morrice - Coordinator Park and Visitor Services

Previous Items: 9.4.4 - Application: Qld Centenary of Anzac Lasting Legacies Grants Program - Rockhampton War Memorial - Parks, Recreation and Sport Committee - 19 Jul 2017 12.30 pm

SUMMARY

Applications for the Queensland Centenary of Anzac Lasting Legacies Grants Program Round 6 close 28 January, 2018 with grants up to \$80,000 available. A concept plan has been prepared to create an Interpretive Hub at Rockhampton War Memorial as Stage One of a program of restoration and enhancement works.

COMMITTEE RECOMMENDATION

THAT application be made to the Queensland Centenary of Anzac Lasting Legacies Grants Program for the construction of an Interpretive Hub (Stage 1) at Rockhampton War Memorial.

Recommendation of the Parks, Recreation and Sport Committee, 6 December 2017**9.5.4 FORMALISING THE PLANTING PALETTE FOR THE ROCKHAMPTON REGION****File No:** 5918**Attachments:**
1. Planting Palette - Strategy
2. Planting Palette - Master Species List**Authorising Officer:** Blake Hunton - Manager Parks**Author:** Christine Bell - Coordinator Natural Resource Management

SUMMARY

Our streets, parks and open spaces are living assets that have the potential to improve the character, identity and liveability of our Region. The Planting Palette provides a practical guide for long-term planting improvements that will help to deliver cool and shady landscapes with a splash of colour.

COMMITTEE RECOMMENDATION

1. THAT the Planting Palette as outlined in the report be adopted as a guide for long-term planting improvements across the Rockhampton Region; and
2. THAT an implementation plan be developed for the Planting Palette.

Recommendation of the Parks, Recreation and Sport Committee, 6 December 2017**9.5.5 SPORT, PARKS, ACTIVE RECREATION AND COMMUNITY STRATEGY****File No:** 12379**Attachments:** 1. Draft SPARC Strategy**Authorising Officer:** Blake Hunton - Manager Parks**Author:** Christine Bell - Coordinator Natural Resource Management

SUMMARY

This report tables the draft 'Sport, Parks, Active Recreation and Community (SPARC) Strategy 2018-2028'.

COMMITTEE RECOMMENDATION

THAT Council:

1. Endorse the draft SPARC Strategy; and
2. Approve public exhibition to seek community feedback on the draft SPARC Strategy.

10 COUNCILLOR/DELEGATE REPORTS**10.1 LEAVE OF ABSENCE - COUNCILLOR NEIL FISHER**

File No: 10072
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer advising that Councillor Neil Fisher has requested leave of absence from Thursday 7 December 2017 to Tuesday 2 January 2018.

OFFICER'S RECOMMENDATION

THAT leave of absence be granted for Councillor Neil Fisher from Thursday 7 December 2017 to Tuesday 2 January 2018.

BACKGROUND

Councillor Neil Fisher has requested leave of absence from Thursday 7 December 2017 until the end of the year.

11 OFFICERS' REPORTS

11.1 D/19-2017 - DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (TWO LOTS INTO FIVE LOTS) AND ACCESS EASEMENT

File No: D/19-2017

Attachments:

1. Locality Plan
2. Site Plan-Proposed Subdivision Layout-R17006-001 Rev C

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services

Author: Bevan Koelmeyer - Planning Officer

Council at its meeting on 21 November 2017 resolved that the matter be referred to the Ordinary Meeting to be held on 12 December 2017.

SUMMARY

<i>Development Application Number:</i>	<i>D/19-2017</i>
<i>Applicant:</i>	<i>Vicki Heilbronn</i>
<i>Real Property Address:</i>	<i>Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison</i>
<i>Common Property Address:</i>	<i>277 Yeppoon Road and 66 Alfred Road, Parkhurst</i>
<i>Area of Site:</i>	<i>39.255 hectares</i>
<i>Planning Scheme:</i>	<i>Rockhampton City Plan 2005</i>
<i>Planning Scheme Zone:</i>	<i>Yeppoon Road Corridor Environmental Protection Area</i>
<i>Planning Scheme Overlays:</i>	<i>Bushfire Prone Land</i> <i>Environmentally Sensitive Location (Remnant Vegetation)</i> <i>Waterway Corridor</i>
<i>Existing Development:</i>	<i>Dwelling house and ancillary domestic outbuilding</i>
<i>Existing Approvals:</i>	<i>D/121-2016 (Approval for application of superseded planning scheme request)</i>
<i>Approval Sought:</i>	<i>Development Permit for Reconfiguring a Lot for (two lots into five Lots) and an Access Easement</i>

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for (two lots into five Lots) and an Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, on Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison Council resolves that:

1. Item 8 and Condition 2.1 be amended by replacing:

<i>Plan/Document Name</i>	<i>Plan Number</i>	<i>Dated</i>
<i>Flood Hazard Assessment</i>	<i>K3925-0002</i>	<i>21 February 2017</i>
<i>Proposed Subdivision Layout</i>	<i>R17006-001, Revision B</i>	<i>29 March 2017</i>
<i>Bushfire Hazard Assessment & Bushfire Management Plan</i>	<i>Version 2</i>	<i>10 March 2017</i>
<i>Regulated Vegetation Impact Assessment and Mitigation</i>	<i>Version 2</i>	<i>29 March 2017</i>

With

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision C	10 October 2017
Bushfire Hazard Assessment & Bushfire Management Plan	Version 2	10 March 2017
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 March 2017

2. Condition 3.0 (inclusive) be inserted:**3.0 STAGED DEVELOPMENT**

- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Lot 13 to Lot 14 (Stage One – two [2] lots); and

3.1.2 Lot 11 to Lot 12 (Stage Two – two [2] lots),

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

- 3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

3. Conditions 4.1, 4.2, 4.3, 4.4 and 4.5 to be amended by replacing:

- 3.1 *A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.*
- 3.2 *All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, and relevant Australian Standards and Austroads Guidelines and the provisions of a Development Permit for Operational Works (road works).*
- 3.3 *Olive Street must be constructed to Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.*
- 3.4 *McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.*

- 3.5 *The intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the Capricorn Municipal Development Guidelines such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.*

With

- 4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval for Stage 2.
- 4.2 All road works for Stage 2 of the development must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austrroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).
- 4.3 As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.
- 4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.
- 4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

4. Condition 5.4 be amended by replacing:

A new access must be constructed for proposed Lot 11 in accordance with the requirements of the Capricorn Municipal Development Guidelines.

With

A new access must be constructed for Lot 11 for Stage 2 of the development in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

5. Condition 9.1 to remain unchanged.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot for (two lots into five Lots) and an Access Easement, made by Vicki Heilbronn, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst, on Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison Council resolves to Approve the application subject to the following conditions:

ADMINISTRATION

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

- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the issue of the Compliance Certificate for the Survey Plan, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access Works;
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.8 The access to Lot 12 and Lot 13 must be via Easement B over Lot 485 and Easement C over Lot 13. Easement documents must accompany the Survey Plan for endorsement by Council, prior to the issue of the Compliance Certificate for the Survey Plan.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Flood Hazard Assessment	K3925-0002	21 February 2017
Proposed Subdivision Layout	R17006-001, Revision C	10 October 2017
Bushfire Hazard Assessment & Bushfire Management Plan	Version 2	10 March 2017
Regulated Vegetation Impact Assessment and Mitigation	Version 2	29 March 2017

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

3.0 STAGED DEVELOPMENT

- 3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.2.1 Lot 13 to Lot 14 (Stage One – two [2] lots); and

3.2.2 Lot 11 to Lot 12 (Stage Two – two [2] lots),

in accordance with the approved proposed subdivision layout plan (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ROAD WORKS

4.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval for Stage 2.

4.2 All road works for Stage 2 of the development must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and relevant *Australian Standards* and *Austroads Guidelines* and the provisions of a Development Permit for Operational Works (road works).

4.3 As part of Stage 2, Olive Street must be constructed to a Rural Access standard from the intersection with McMillan Avenue to the access point for Lot 11.

4.4 As part of Stage 2 of the development, McMillan Avenue must be designed and constructed as a half road construction, with a minimum width of 5.5 metres from the end of the existing seal to the intersection with Olive Street. The edge line of the new construction must match the alignment of the existing kerb and channel on the western side of McMillan Avenue. Council will accept a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* in lieu of asphalt surfacing for this section of roadway, with no kerb and channel construction required in this instance.

4.5 As part of Stage 2 of the development, the intersection of McMillan Avenue and Olive Street must be sealed with a minimum of a two-coat seal in accordance with the requirements of the *Capricorn Municipal Development Guidelines* such that it has a minimum width of 6.5 metres within the Olive Street road reserve and extends a minimum of ten (10) metres to the east along Olive Street.

4.6 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary; existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

5.0 ACCESS WORKS

5.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works required by this development approval.

5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), and *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).

5.3 The internal access to Lot 12 and Lot 13 must be constructed from the end of Alfred Road to the southern boundary of Lot 12. Construction must be a minimum of four (4) metres wide with a low flow pipe and concrete spillway with a one (1) year ARI immunity through the existing natural channel.

5.4 A new access must be constructed for Lot 11 for Stage 2 of the development in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

- 5.5 Flood height markers must be installed along the access to Lot 12 and Lot 13, for the full extent of the 1% Average Exceedance Probability inundation area.

6.0 PLUMBING AND DRAINAGE WORKS

- 6.1 On-site sewage treatment and disposal must be in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies. This can be completed at the building works application stage.
- 6.2 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. This can be completed at the building works application stage.

7.0 STORMWATER WORKS

- 7.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.

8.0 SITE WORKS

- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 8.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 8.3 Vegetation must not be cleared unless and until written approval has been provided by Council. A Development Permit for Operational Works constitutes written approval, only for the purposes of clearing vegetation directly pertinent to the operational works that are the subject of the Development Permit.
- 8.4 All site works must be undertaken to ensure that there is:
- 8.4.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability defined flood event;
 - 8.4.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
 - 8.4.3 a lawful point of discharge to which the approved works drain during the construction phase.

9.0 ELECTRICITY

- 9.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider, prior to the issue of the Compliance Certificate for the Survey Plan.

10.0 TELECOMMUNICATIONS

- 10.1 Evidence that the new lots can be provided with telecommunications services from the relevant service provider must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

- 11.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 11.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Asset Design and As Constructed Manual (ADAC).
- 12.0 ENVIRONMENTAL
- 12.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan that addresses, but is not limited to, the following:
- (i) objectives;
 - (ii) site location and topography
 - (iii) vegetation;
 - (iv) site drainage;
 - (v) soils;
 - (vi) erosion susceptibility;
 - (vii) erosion risk;
 - (viii) concept;
 - (ix) design; and
 - (x) implementation,
- for the construction and post-construction phases of work.
- 12.2 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.
- 12.3 The development must be undertaken in accordance with the recommendations in the approved Bushfire Management Plan (refer to condition 2.1).
- 12.4 The maintenance of the fire management trail must be the responsibility of the owner of the land (the Developer) until the subdivision is accepted by Council as being 'off defects' whereupon it must be the responsibility of the relevant property owners. All future owners of the proposed lots must be advised by the Developer in writing of their responsibility to comply with the requirements of the approved Bushfire Management Plan (refer to condition 2.1).
- 12.5 All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan (refer to condition 2.1). A property note to this effect will be entered against Lots 11, 12, 13 and 14.

ADVISORY NOTES**NOTE 1. General Environmental Duty**

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 2. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 3. Property Note (Bushfire)

All future buildings on the proposed lots must be constructed in accordance with *Australian Standard AS3959 "Construction of buildings in bushfire-prone areas"* and the approved Bushfire Management Plan.

NOTE 4. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

NOTE 5. Clearing within Road Reserve

An approval for a Tree Clearing Permit, issued by the Department of Environment and Heritage Protection in addition to the Operational Works (road works) permit, will be required when constructing the proposed new roads.

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Heritage Protection, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 6. Provision for Sewer and Water services

Each lot must be provided with on-site sewerage treatment and disposal systems at the time of house construction. All systems must comply with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 "On-site domestic wastewater management"* and Council Plumbing and Drainage Policies. Sustainable Water sources including rainwater tanks, and a bore or small dam must be provided.

NOTE 7. Rural Addressing

Rural addressing must be provided to each lot in accordance with Council's rural addressing procedures.

BACKGROUND

At its meeting on 11 July 2017, Council approved a Development Application for Reconfiguring a Lot (two into five lots) and an Access Easement over Lot 1844 on LIV40662 and Lot 485 on LIV40112, Parish of Murchison, located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst. In accordance with section 361 of the *Sustainable Planning Act 2009*, the applicant made representations for a Negotiated Decision Notice.

The applicant's request to negotiate pertains to the introduction of staging, for the development to be completed over two (2) stages. This request included consequential changes to the wording of a number of conditions. The applicant also submitted an amended site layout plan for approval to indicate the proposed staging.

There was also a minor change to the alignment of the access easement and minor changes to the proposed lot sizes as a result of site surveying to ground-truth the total site area. The applicant also requested to amend electricity condition 9.1 to allow them to demonstrate electricity can be provided to all the allotments, instead of the existing condition requiring the applicant to provide this service.

SITE AND LOCALITY

The subject site is located at 277 Yeppoon Road and 66 Alfred Road, Parkhurst described as Lot 1844 on LIV40662 and Lot 485 on LIV40112. The total site area for Lot 1844 on LIV40662 applicable to the lot reconfiguration is 39.255 hectares. The purpose of Lot 485 on LIV40112 in this development is to provide site access for lots 12 and 13 to Alfred Road.

The subject site of Lot 1844 on LIV40662 is currently improved with one (1) detached dwelling house and an associated domestic outbuilding, both sited on proposed Lot 14. There are three (3) existing dams on the subject site located on proposed Lot 12 and Lot 13. The subject site is adjacent to the Limestone Creek watercourse on the southern boundary and has direct access to two (2) Council roads; unformed McMillan Avenue (Olive Street) for Lot 11 abutting the northern boundary and Yeppoon Road for access via the southern boundary for Lot 14.

PLANNING ASSESSMENT

MATTERS FOR CONSIDERATION

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the Integrated Development Assessment System provisions of the *Sustainable Planning Act 2009*, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – (8 September 2017)

Support, subject to conditions and comments.

TOWN PLANNING COMMENTS

The applicant has requested the following conditions be added, amended or deleted:

Condition 3.1 and 3.2 to be added

Applicant's request:

The applicant has requested to introduce two (2) stages for the development to be completed. This required the applicant to submit an amended Proposed Subdivision Layout to indicate the applicable stages and the introduction of conditions 3.1 and 3.2 relating to the staged development.

Officer's response:

The applicant's request to allow the development to be completed over two (2) stages allows the development to be completed in stages, at separate times and does not result in a change to the overall approved development. Therefore the request is recommended to be accepted as part of the negotiations.

Item 8 and Condition 2.1

Applicant's request:

The applicant requested an amended Proposed Subdivision Layout be accepted to facilitate the aforementioned two-stage development. This also facilitated a minor re-alignment to the proposed access easement and a minor change to the proposed lot sizes as a result of ground-truth survey data (resulting in a larger total site area).

Officer's response:

The applicant's request for Council to accept an amended Proposed Subdivision Layout facilitates the staged development. The minor re-alignment to the access easement is accepted as a minor change to allow safe and functional vehicular access to be achieved from Lot 12 and Lot 13 to Alfred Road. A consequence of the access re-alignment, as well as site surveying has resulted in a minor increase to the entire site area of Lot 1844 on LIV40662 which is considered a better planning outcome for the site. The minor changes to the proposed lot sizes are summarised below:

- Lot 14: An increase of approximately 0.4% to be approximately 9.15 hectares;
- Lot 13: An increase of approximately 0.5% to be approximately 12.3 hectares;
- Lot 12: A decrease of approximately 0.1% to be approximately 9.53 hectares;
- Lot 11: An increase of less than 0.1% to be approximately 9.25 hectares.

Therefore the amended Proposed Subdivision Layout is recommended to be accepted as part of the negotiations.

Condition 4.1, 4.2, 4.3, 4.4, 4.5 and 5.4Applicant's request:

The applicant requested the aforementioned conditions be amended as a consequence of the two-stage development.

Officer's response:

The requested amendments to the conditions are only to reference the specific stages, specific road and access works conditions are to be completed prior to survey plan endorsement of the two-stages. The requested changes are consequential to the two-stage development and are recommended to be accepted as part of negotiations.

Condition 9.1Applicant's request:

The applicant requested Condition 9.1. be amended as per the following wording:

Provide evidence that the new lots can be provided with electricity services, either from the relevant service provider (to their standards and requirements) or through alternative electricity sources. This must be provided to Council, prior to the issue of the Compliance Certificate for the Survey Plan.

Officer's response:

Council did not agree with the applicant's above proposed amendment to Condition 9.1 as the request was inconsistent with the planning scheme's requirements for subdivisions. After discussions with the applicant they agreed with Council's position and for the condition to remain as originally stated with their written confirmation provided on 1 November 2017.

REFERRALS

The request to negotiate application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) as a concurrence agency due to the development involving operational work involving the clearing of native vegetation on freehold land. DILGP confirmed on 31 October 2017 the amended plan is generally in accordance with the approved plan accepted in their concurrence response provided on 4 May 2017. DILGP had no further requirements.

CONCLUSION

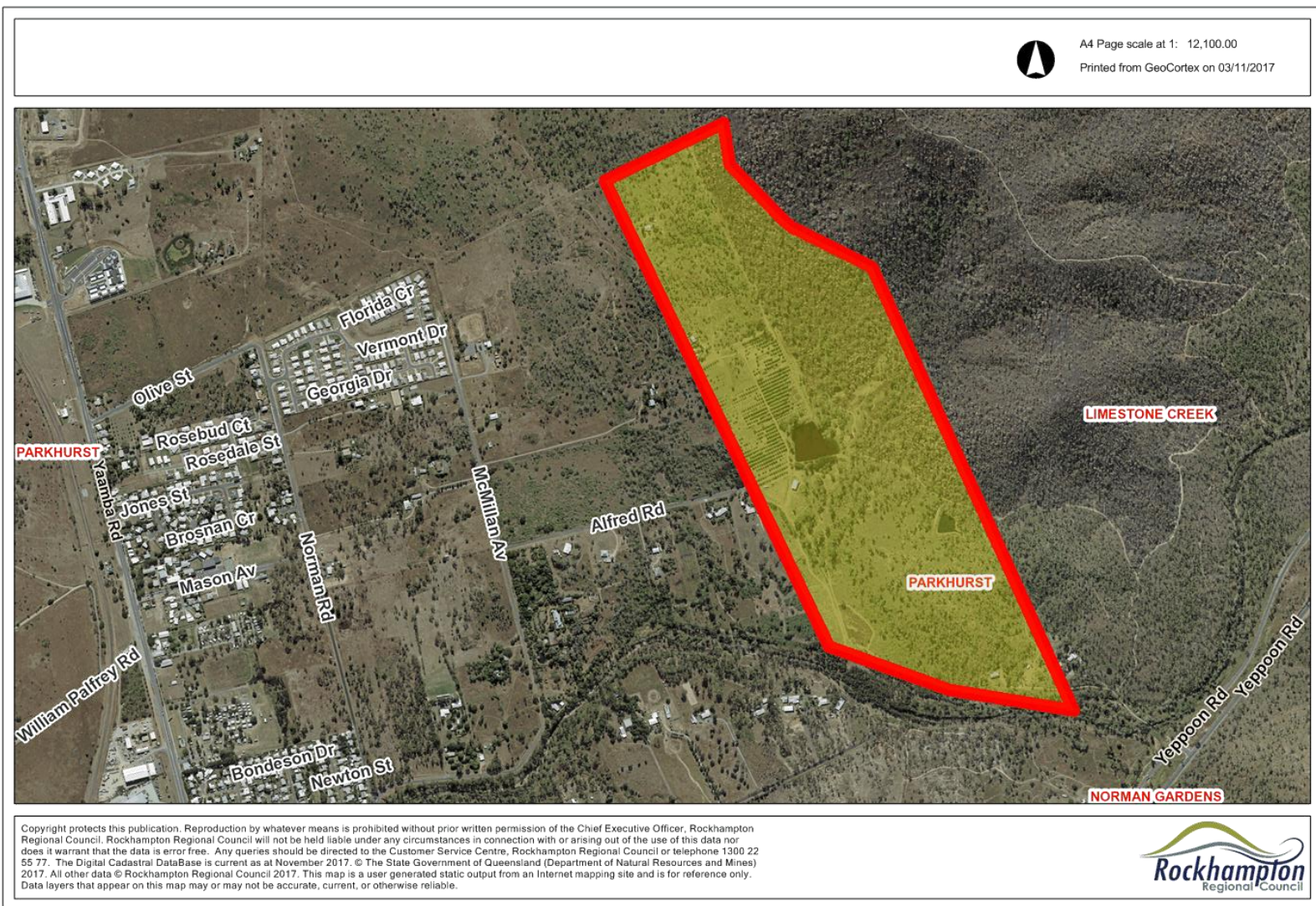
As shown in the assessment above, Council officers consider that the above agreed upon negotiated changes made by the applicant are reasonable. Therefore, Development Assessment's recommendation is for approval.

**D/19-2017 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (TWO LOTS INTO FIVE LOTS)
AND ACCESS EASEMENT**

Locality Plan

Meeting Date: 12 December 2017

Attachment No: 1

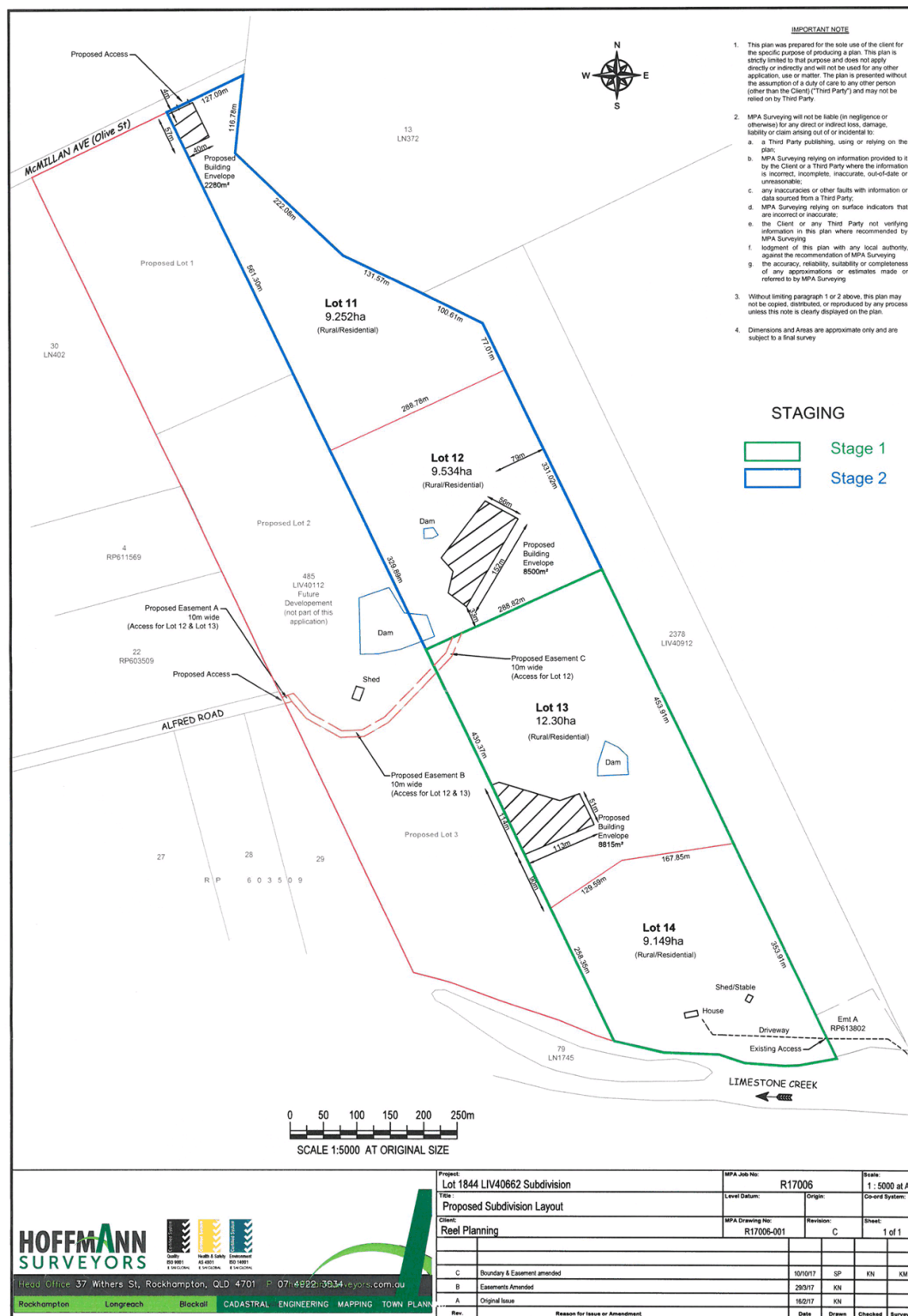


**D/19-2017 - DEVELOPMENT
APPLICATION FOR RECONFIGURING
A LOT (TWO LOTS INTO FIVE LOTS)
AND ACCESS EASEMENT**

**Site Plan-Proposed Subdivision
Layout-R17006-001 Rev C**

Meeting Date: 12 December 2017

Attachment No: 2



11.2 DEVELOPING NORTHERN AUSTRALIA CONFERENCE 2018

File No: 4705
Attachments: 1. 2018 Prospectus
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Chris Ireland - Manager Regional Development and Promotions

SUMMARY

Council has previously attended the Developing Northern Australia Conferences in 2015, 2016 and 2017. The conference for 2018 will be held in Alice Springs and given Council's Advance Rockhampton initiative and re-positioning of the region, it is viewed that a broader level of representation is required and that Council play a more active role in future Conferences.

OFFICER'S RECOMMENDATION

THAT Council provide a Silver Level Sponsorship to the 2018 Developing Northern Australia Conference.

BACKGROUND

The 2018 Developing Northern Australia Conference will focus upon Initiatives for Progress, Growth and Investment. The Conference will be held at the Alice Springs Convention Centre, Northern Territory on 18 and 19 June 2018.

Following the highly successful conferences in Townsville in 2015, Darwin in 2016 and Cairns in 2017, the focus of the 2018 conference will be on initiatives to drive progress, growth and investment in the development of northern Australia. Advance Rockhampton believe Rockhampton Regional Council's ability and potential to build relationships with key sectors in hopes to host the event in 2019.

The Conference Invitation to Partner, Sponsor and Exhibit (copy attached) includes the recognition and branding opportunities the sponsorship will provide Rockhampton Regional Council.

COMMENTARY

Ongoing discussions within Council have demonstrated the requirement for the Rockhampton Region to increase the current proactivity in external engagement to develop and grow the region. The 2018 Developing North Australia Conference is seen as a key National and International level event, to promote development and investment opportunities for the region.

BUDGET IMPLICATIONS

The Silver Level Sponsorship will be allocated from Regional Development budget to the value of \$11,000.

CONCLUSION

Given the significant, positive economic impact it is strongly recommended that the Rockhampton Region sponsor this year's conference.

DEVELOPING NORTHERN AUSTRALIA CONFERENCE 2018

2018 Prospectus

Meeting Date: 12 December 2017

Attachment No: 1



Growth, Progress & Investment

Alice Springs Convention Centre, Northern Territory

18 to 19 June 2018

www.northaust.org.au

#DEVNTH18



Invitation to Partner, Sponsor and Exhibit



On behalf of the Conference Committee, we warmly invite your organisation to support as a partner, sponsor or exhibitor at the Developing Northern Australia Conference to be held at the Alice Springs Convention Centre from 18 to 19 June 2018.

After four years of successful results, we know this Conference is critical to connecting industry leaders and sharing pivotal information on the strategic direction for the progress, growth and investment above the Tropic of Capricorn.

Each year, the Conference grows in engagement, collaboration and calibre of presentations. 2018 is already projected to surpass an outstanding 2017.

The line-up of keynote speakers is exceptional and with the program due to be launched early next year stay tuned to keep up to date with the latest developments and announcements. We are committed to making the 2018 Conference a bigger success with a stronger commercial presence.

We appreciate your consideration of support for this event and looks forward to the opportunity to develop a mutually beneficial partnership. On behalf of the team, I hope you choose to partner with us as we work together to create the best Conference to date.

Sincerely,
Sam Stewart
Chief Executive Officer
Association for Sustainability in Business



Our delegates are passionate about Progress, Growth and Investment in:

Tourism and Hospitality

- Rethinking place-based approaches to destination development
- Support for small business in the tourism sector
- New tourism sector development opportunities

Infrastructure

- Strategic transport and logistics
- Beef roads – cattle supply chain
- Towards a Northern Infrastructure Plan
- Integrating rail, air services and ports
- Indigenous procurement

Resources and Energy

- Energy futures for northern Australia
- Securing new investment in energy
- Energy research and development
- Governance and policy for the energy sector

International Education

- Outlook and northern investment opportunities
- Innovation in the education sector

Healthcare, Medical Research and Aged Care

- Research, development and innovation
- Outlook and northern investment opportunities
- Innovation

Business Opportunities

- Indigenous engagement
- Digital and remote technologies
- Young entrepreneurs
- Reducing red tape
- Supporting SMEs

Workforce

- Backpackers, seasonal and local workforce development options
- Industry workforce needs
- Development of structured migration plans
- Securing indigenous employment opportunities

Food and Agribusiness

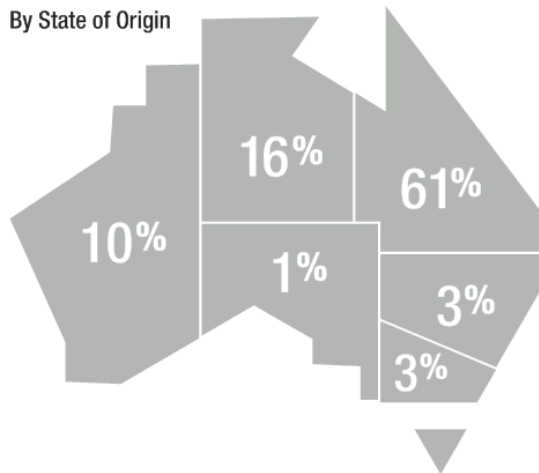
- New models for food and agribusiness development
- Securing investment in food and agribusiness
- Innovation and leadership in agri-food production
- Developing trade and strategic links

Land and Water

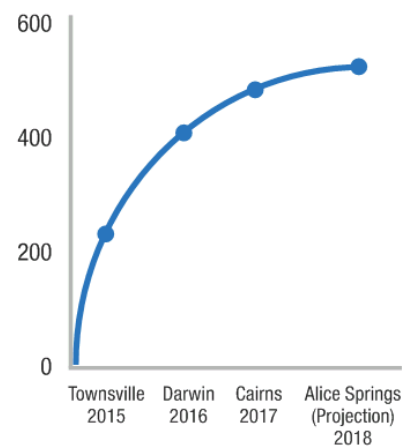
- Regional approaches to development planning
- Navigating flexible land tenure options
- Sustainable options for developing water harvest and supply
- Integrated land, water and infrastructure development
- Issues surrounding forestry

Statistics

By State of Origin



By Attendance



By Position

RESEARCHERS **DEPUTY MAYORS** **CEOs** **INVESTORS**
MINISTERS **GLOBAL STRATEGY & ENGAGEMENT MANAGERS** **COUNCILLORS** **LECTURERS**
COMMUNICATION MANAGERS **DEPARTMENT HEADS**
ECONOMISTS **SCIENTISTS** **GENERAL MANAGERS**
MAYORS **DEVELOPERS** **VICE-CHANCELLORS AND MANY MORE...**

Connect



#DEVNTH18



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www.northaust.org.au/blog

nataliecburns

4



2017 Previous Partners

Gold Sponsors



Silver Sponsors



Bronze Sponsor



Keynote Speaker



Welcome Reception



Conference Host



Exhibitors



5

Partnerships

	PLATINUM \$23,000	GOLD \$15,000	SILVER \$11,000
Recognition & Branding Opportunities			
	One Only		
Conference App Partner	✓		
3 minute Welcome Address at Welcome Reception	✓		
Primary exposure of organisation on event collateral and publications	✓	✓	
Acknowledgement at the opening and closing ceremonies	✓	✓	✓
Company logo to appear on title slides	✓	✓	
Company logo printed on delegate name badges	✓	✓	
Recognition as a Partner in the speakers prep room	One Banner		
Website & eMarketing Exposure			
Conference App Partner	✓		
Recognition as partner with a 100 word company description and logo in the handbook and website	✓	✓	✓
Logo and links to company website included in all HTML email marketing campaigns	✓	✓	✓
Promotion of partnership on the Conference social media networks	✓	✓	
Advertisement banner on the home page of the Conference website	✓	✓	
Web campaign (blog post, LinkedIn, Twitter and Facebook)	3	2	1
Advertising Opportunities			
Advertisement in Conference Handbook	Full Page	Half Page	Half Page
Advertisement in Book of Abstracts	Full Page	Half Page	Half Page
Corporate advertorial in the Conference Handbook	Full Page	Half Page	
Venue Signage			
Prominent display of signage in main plenary room	Two Banners	Two Banners	One Banner
Company logo included on door and venue signs	✓	✓	✓
Exhibition			
Trade display in a prime location within exhibition area	✓	✓	✓
Conference Registration			
Full registration to the Conference including attendance to the networking function	6	5	4

Sponsorship

	Welcome Dinner \$9,000	Welcome Reception \$7,000	Scholarship Supporter \$6,000	Resource Centre \$4,000	Keynote Speaker \$3,000
Recognition & Branding					
Naming rights with recognition on the website and program	✓	✓		✓	✓
Welcome and address of guests (2 minutes)	✓	✓			✓
Website & eMarketing Exposure					
Recognition as sponsor with a 50 word company description and logo in the handbook and website	✓	✓	✓	✓	✓
Web banner advertisement			✓	✓	
Advertising Opportunities					
Advertisement in Conference Handbook	Half Page	Half Page	Half Page	Half Page	Half Page
Venue Signage					
Prominent display of signage in room	Two Banners	One Banner			One Banner
Conference Registration					
Full registration to the Conference including attendance to the networking function	2	2	2	2	1

Welcome Dinner

The Conference Welcome Dinner will be held on the first evening of the Conference following the Welcome Reception. It will be at an additional and optional cost to the delegate registration.

Welcome Reception

The Conference Welcome Reception will be held on the first evening of the Conference and is included in the delegate registration. It is a great opportunity to casually welcome guests and network.

Keynote Speaker

Have your company associated with a leader in the industry by meeting the expenses of one of our speakers.

Scholarship Supporter

Sponsoring the scholarships subsidises and enables five delegates to attend the Conference at no charge to themselves or their organisation. Scholarships are awarded by the Committee and are applied for online (suitable for students, not for profit, and community workers).

Resource Centre

All presentations are recorded and archived on our Resource Centre. Delegates receive a personal login and are able to download the podcasts in the archive. High usage for twelve months.

Advertising

Conference Showcase / Trade Display	Campaign Social Media Post	Plenary Delegate Promotional Drop	Virtual Satchel Insert
\$1,800	\$990	\$750 Plus supply of items by Sponsor	\$550
Join the Conference exhibition to gain exposure to industry leaders. Catering breaks will be held in the Exhibition area to ensure delegates see your display	A campaign goes out to our blog and social media community (2,500 followers) You would provide one each of the following*:	Product provided by sponsor and placed by Developing Northern Australia Conference Secretariat team on each seat for delegate on plenary breaks	In keeping with our efforts to run a paperless event, we have introduced a virtual satchel as an alternative to providing a bag to delegates at the Conference Your satchel insert will be included on the Conference website for all delegates and visitors to the website to download (no larger than 1MB)
Trade Display (1 clothed trestle table and 2 chairs)	Blog <ul style="list-style-type: none"> Image 940 x 788 pixels Text up to 200 words 1 x hyperlink 	Promotion as a supplier with a logo in the handbook	
Space for a maximum of 2 banners behind the table	Facebook <ul style="list-style-type: none"> Image 940 x 788 pixels Text up to 40 characters 	Company logo with links on the Conference website	
Promotion as an exhibitor with a 50 word company description in the handbook	Twitter <ul style="list-style-type: none"> Image 1024 x 512 pixels Text up to 100 words 		
Company logo with links on the Conference website	LinkedIn <ul style="list-style-type: none"> Image 550 x 375 pixels Text up to 25 words 		
One full registration to the Conference for your organisation representative	*Content is required to be approved by the Committee and must be educational, engaging and marked as a paid advertisement		
Opportunity to purchase up to two additional exhibition passes for \$350 each			

Got a new idea?

Contact Bec Byrnes to arrange a custom package to suit your needs.

Booking Form

Sponsorship Opportunities

<input type="checkbox"/>	Platinum	\$23,000
<input type="checkbox"/>	Gold	\$15,000
<input type="checkbox"/>	Silver	\$11,000
<input type="checkbox"/>	Welcome Dinner	\$9,000
<input type="checkbox"/>	Welcome Reception	\$7,000
<input type="checkbox"/>	Scholarship Supporter	\$6,000
<input type="checkbox"/>	Resource Centre	\$4,000
<input type="checkbox"/>	Keynote Speaker	\$3,000

Advertising Opportunities

<input type="checkbox"/>	Conference Showcase / Trade Display	\$1,800
<input type="checkbox"/>	Campaign Social Media Post	\$990
<input type="checkbox"/>	Plenary Delegate Promotional Drop (Plus supply of items by sponsor)	\$750
<input type="checkbox"/>	Virtual Satchel Insert	\$550

Organisation _____

Contact name _____

Position _____

Mailing address _____

Mobile _____

Phone _____

Email _____

I/We agree to comply with the terms and conditions and all provisions of the partners and exhibitors contractual obligations all of which I/we acknowledge, have read and understood.

Signature _____

Date _____

Please forward your completed form to:
 Developing Northern Australia Conference 2018
 PO Box 29, Nerang QLD 4211
 Bec Byrnes
 Business Partnerships Manager
 Phone (07) 5502 2068 | Fax (07) 5527 3298
 Email partnerships@sustainability.asn.au

Terms & Conditions: Confirmation of partnership and exhibition space is conditional upon this form being completed and 50% non-refundable deposit received. A tax invoice will be issued for the full amount and must be paid within payment terms. The organisers reserve the right to reassign any trade displays to another exhibitor if these conditions are not fulfilled. Allocation of trade displays will be at the discretion of the organisers. All costs are in Australian Dollars and include GST. Each company representative attending the conference must be preregistered with the Secretariat.

11.3 BUILDING BETTER REGIONS FUND

File No: 12534
Attachments: 1. Project Fact Sheet: Bringing Nature Back
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Penelope-Jane Fry - Regional Development Advisor

SUMMARY

Rockhampton Regional Council has the opportunity to seek Australian Government funding through the Building Better Regions Fund and a project is recommended for submission.

OFFICER'S RECOMMENDATION

THAT Council resolve to apply for 100% of the \$19,990 cash cost of the Bringing Nature Back Project from the Community Investments Stream of the Building Better Regions Fund.

COMMENTARY

The Australian Government is calling for applications for Round Two of the Building Better Regions Fund (BBRF).

Applications close at 12 noon (AEDT) sharp on the 19th December 2017.

After analysis of Council's projects against the criteria, an application is recommended to the Community Investments Stream for the following project:

The Bringing Nature Back Project

- The project will deliver a community campaign to support local natural resource management in partnership with key not-for-profit organisations in the Rockhampton Region. The campaign will include community workshops and action programs for revegetation and other outcomes.
- Project Cash Cost \$19,990
- Rockhampton Regional Council cash co-contribution requirement: \$0.00
- The project has extensive stakeholder support and significant in-kind contribution commitments from key local natural resource management organisations.
- A Project Fact Sheet is attached with additional details.

BACKGROUND

The Building Better Regions Fund (BBRF) aims to support stronger regional communities into the future.

To be eligible for this fund, projects must be essentially ready to start (i.e. able to commence within 12 weeks of executing the grant agreement), have a co-contribution from an adopted budget if above \$20,000, and able to completed before the 31st of December 2020.

The Fund's Program Guidelines state:

"Investment-ready projects are those that have confirmed all co-funding, identified all required regulatory and/or development approvals and can demonstrate robust planning, in order to commence following execution of a grant agreement.

If your project is still in the planning or concept stage your application may be eligible for funding, but may not be as competitive as projects that are further progressed in their planning. In this case it is recommended that you further develop your project and consider submitting an application for consideration in any future funding rounds." (Page 6)

A cash co-contribution of at least 50% is required for each project, except for projects worth less than \$20,000 in the Community Investments Stream. In-kind contributions are recognised for 'value for money' criteria assessment, but do not count towards the required applicant co-contribution.

CONCLUSION

Rockhampton Regional Council has an opportunity to secure seed funding for Council's Natural Resource Management program, in partnership with key stakeholders, through an application for \$19,990 cash for the Bringing Nature Back Project from the Community Investments Stream of the Building Better Regions Fund.

BUILDING BETTER REGIONS FUND

Project Fact Sheet: Bringing Nature Back

Meeting Date: 12 December 2017

Attachment No: 1



PROJECT FACT SHEET

Project: Rockhampton Regional Council's Bringing Nature Back
Fund: Building Better Regions – Community Investments Stream
Due date: 19 December 2017



Purpose

This project fact sheet provides an overview of Rockhampton Regional Council's proposal for a nature-based community engagement program, as part of the Australian Government's *Building Better Regions – Community Investments Stream* (Round 2, 2017).

Rockhampton Regional Council is 'Bringing Nature Back' into our community's hearts, minds and everyday lives and making the Rockhampton Region an even better place to live, work, learn, play and invest.

The Program will deliver a range of local events and activities that connect our community with nature and support our strategic social, economic and environmental goals. Activities may include nature play, guided nature-walks and spotlighting, capacity building workshops and bush remediation works. The Program will build sustainability awareness and capability within our local community, promote nature-based recreation in our parks and open spaces and generate opportunities for the wider community to contribute to the protection, maintenance and enhancement of our Region's urban environment, key natural areas and biodiversity corridors.

Project outputs

Bringing Nature Back will establish a new nature-based community engagement Program for the Rockhampton Local Government Area. In Year 1 of the Program:

- More than 40,000 local residents will learn about the natural values of our Region and how they can contribute to environmental sustainability;
- More than 1,000 residents will take the pledge to bring nature back by contributing to sustainability actions at home and in the community;
- More than 1,000 residents will participate in capability-building local events and activities associated with the Program;
- The activities of key community partners will be supported, increasing participation and volunteer opportunities; and
- More than 10,000 trees will be planted, protecting and enhancing key natural areas and biodiversity corridors and contributing to the character, identity and liveability of our Region.

Key project facts

Focus:	Nature-based local events and activities
Total project cost:	\$195,000 (through in-kind contributions from Council and partners)
Funding needed:	\$19,500 (seed funding for Program establishment)
Project duration:	July 2018 to June 2019 (then ongoing)
Project contact:	Christine Bell (Council's Coordinator Natural Resource Management)
Project partners:	Fitzroy Basin Association, Capricornia Catchments, CQUniversity, Greening Australia, Birdlife Capricornia, Native Plants Capricornia, Capricornia Correctional Centre.



Project partner in-kind contributions

Rockhampton Regional Council	Program delivery, coordination, resource development, procurement and events (80 hours/month x 12 months x \$75/hour)	\$72,000
	Marketing and communications activities (8 hours/month x 12 months x \$75/hour)	\$7,200
	Parks coordination of revegetation activities and event participation (20 hours/month x 12 months x \$75/hour)	\$18,000
	Nursery supplies	\$10,000
	Water and mulch supply (minimum 20 loads x \$200/load)	\$4,000
Capricornia Correctional Centre	General labour to support preparation and maintenance of community planting sites (6 people x 25 days)	Contribution value \$TBC
Fitzroy Basin Association	Participation in associated meetings, events and activities (200 hours per year x \$75/hour)	\$15,000
Capricornia Catchments	Participation in associated meetings, events and activities (54 hours per year x \$75/hour professional rate)	\$4,000
CQUniversity	Participation in associated meetings, events and activities and provision of specialist advice (around 27 hours per year x \$75/hour professional rate)	\$2,000
Greening Australia	Participation in associated meetings, events and activities (20 hours per year x \$75/hour)	\$TBC
Native Plants Capricornia	Participation in associated meetings, events and activities (20 hours per year x \$31*/hour volunteer rate)	\$TBC
Birdlife Capricornia	Participation in associated meetings, events and activities (20 hours per year x \$31*/hour volunteer rate)	\$TBC

* Estimates for replacement cost of volunteers as per Australian Government Department of Infrastructure and Regional Development FAQ references (2016)

11.4 EXTENSION TO FACADE IMPROVEMENT SCHEME 2017/18**File No:** 11359

Attachments:

1. Facade Improvement Scheme Information Package
2. Community Engagement Plan
3. Mount Morgan Area Map

Authorising Officer: Tony Cullen - General Manager Advance Rockhampton**Author:** Cameron Wyatt - Manager Strategic Planning**SUMMARY**

The purpose of this report is to seek approval to extend the Facade Improvement Scheme to include Morgan Street in Mount Morgan and to allocate additional funding. In addition, it is recommended that the period of time to undertake the works be reduced from 6 months to 3 months.

OFFICER'S RECOMMENDATION

THAT Council approve the extension of the Façade Improvement Scheme to include Morgan Street, Mount Morgan as described in this report, subject to approval of the budget allocation for this work; and

THAT the period to undertake the works be reduced from six months to three months to encourage completion of the works and settlement of Council's contribution.

BACKGROUND

The Facade Improvement Scheme has been adopted by many land owners and tenants throughout East Street and Quay Street within the Rockhampton CBD. The program has led to the improved appearance of buildings and streetscapes that has aligned with the completion of works along Denham Street and Quay Street.

The current scheme offers capped two tier subsidy in accordance with the front meterage of the property. Council's contribution must also be at least matched by the property owner. The subsidy limits are up to \$3,000 for frontages of 12 meters or less and \$5,000 for anything greater. The current funding allocation towards the scheme is \$40,000 and works must be completed within 6 months of approval.

Within the current scheme area, there has been significant interest with the majority of funds having been committed to. The table below provides a summary of the outcomes at time of writing.

Compliant Applications (No.)			
Completed	Current (Incomplete)	Lapsed	Expressions of Interest (outside eligible area)
10	4 - 5	6	9

Compliant Applications (\$)				
Paid (total)	Paid (\$) 2016	Paid (\$) 2017	Committed (\$) 2017 (Works Incomplete)	(\$) Available Budget
\$29,359.50	\$12,698.50	\$16,661.00	\$17,115.00	\$6,224.00

Many of the expressions of interest were within the scheme area, however due to the number of commitments already; no guarantees could be given that their work could be funded.

DISCUSSION

Streetscape improvements are currently underway in Morgan Street, Mount Morgan. The extension of the façade improvement scheme will provide property owners and tenants the opportunity to improve their building and in turn the streetscapes within Mount Morgan. The Mount Morgan streetscapes, particularly Morgan Street have significant historical value, and the successful implementation of the façade improvement scheme, will increase investment through the enhanced amenity of the local area.

The funding allocated towards the existing façade improvement scheme, has mostly been committed to. It is recommended that further funding of \$25,000 be allocated towards the extension of the façade improvement scheme to Mount Morgan (see attached map) and to allow the opportunity for those within the Rockhampton CBD who have expressed interest to apply. The property owners and tenants within the new extent of Mount Morgan will be approached first to participate in the revised scheme.

With current funding for this financial year already committed, it is recommended that the approval time to undertake the works, be reduced from 6 months to 3 months. This will encourage greater urgency to complete the works and settlement of Council's contribution. The current time allowed to undertake works, with a number of applications lapsing, has reduced the ability of Council to approach other potential applicants who have expressed interest in being involved in the scheme. Importantly, a further extension of time to complete the works can be granted by Council, if the applicant provides a suitable reason. This may include availability of contractors and type of works being undertaken.

A new community engagement plan has been produced to ensure that all applicable Mount Morgan property owners and tenants within the scheme area are notified of the program and have opportunity to participate in the façade improvement scheme.

In addition, the façade improvement scheme information package has been updated to incorporate the inclusion of Mount Morgan into the scheme area and a reduction to 3 months to conduct the works. Otherwise, the information pack does not vary from the terms of the program for 2017/2018 and has been attached for Council consideration.

BUDGET IMPLICATIONS

The majority of funds allocated to the façade improvement scheme for the 2017 / 2018 financial have been committed to. It is proposed that further funding of \$25,000 be reallocated from the strategic planning consultancies budget (land use planning). This will result in operational plan targets such as the laneway strategy having to be delayed, and potentially being undertaken by strategic planning staff, rather than via a consultancy.

CONCLUSION

It is proposed that Council approve the extension of the Façade Improvement Scheme to include Mount Morgan in accordance with the terms and conditions contained within the Information Pack attached. In addition, it is recommended that the timing to commence works be reduced from 6 months to 3 months.

EXTENSION TO FACADE IMPROVEMENT SCHEME 2017/18

Facade Improvement Scheme Information Package

Meeting Date: 12 December 2017

Attachment No: 1

ADVANCE

*Rockhampton
Region*

FACADE IMPROVEMENT SCHEME INFORMATION PACKAGE



PURPOSE

The Façade Improvement Scheme is aimed at encouraging building owners and business operators to invest in façade renovations and storefront improvements for their building using grants to cover a portion of renovation costs. A grant can match up to 50% of eligible costs to a maximum of \$5,000 per façade. These projects create a more interesting, appealing streetscape to attract people and business to the area.

PROGRAM GOALS

Improving façades has been found to positively influence the perception of a place and encourage overall improvement in the region's economy, social and cultural environment, and safety. The goals of the scheme are:

- to promote an improved partnership between Council and private building owners and business operators in enhancing the appearance of the commercial area.
- to provide financial assistance to encourage building owners and business operators to undertake works to upgrade the facades of buildings in the commercial area.

The scheme works with other revitalisation initiatives to:

- promote the viability of retail and commercial businesses;
- help building owners to attract and retain tenants;
- contribute to the quality of life of residents, workers and visitors to the city;
- make the city shopping streets more inviting and interesting places to work and shop; and
- build local community and civic pride among the business community and people of Rockhampton and the region.



GRANT ALLOCATIONS

Funding will be allocated on a case-by-case basis subject to Council approval until the allocated budget has been spent or the scheme year has ended. Submitting an application does not guarantee a grant or a specific grant amount. All project proposals are subject to a comprehensive review of the building storefront and façade and must meet high quality standards and be eligible works. Only one grant is eligible per property.

ALLOCATIONS BY SHOP FRONTAGE

The Scheme provides funding to a maximum of:



Shop frontage < 12 m

Grants limited to not greater than 50% of the total cost to a maximum dollar value of \$3,000 (inclusive of GST). Council's contribution is to be at least matched by the applicant.



Shop frontage > 12 m

Grants limited to not greater than 50% of the total cost to a maximum dollar value of \$5,000 (inclusive of GST). Council's contribution is to be at least matched by the applicant.

TARGETED AREAS

The maps below outline those businesses and building owners eligible to apply for the Façade Improvement Scheme.

Eligible buildings within the Façade Improvement Scheme for the Rockhampton City CBD



Eligible buildings within the Façade Improvement Scheme for Mount Morgan



ELIGIBLE WORKS

The work must improve the building and street face by doing more than maintenance. Façade storefront restoration works eligible for grant assessment includes the following:

- Lighting
- Exterior walls
- Windows
- Doors
- Storefronts
- Entranceways
- Awnings/canopies
- Exterior architectural and/or artistic features
- Architectural/designer fees (to a maximum of \$500)
- Landscaping (to a maximum of \$500)
- Façade painting
- Removal of cladding from presently concealed historic character buildings
- Reinstatement of lost elements, or fabric to the façade of the building
- Signage (only the permanent, installation components of the signage included and graphic elements are excluded)
- Limited permanent interior improvements (the reconfiguration of the interior walls, display spaces and interior window finishes to enhance the function and displays of the storefronts)

DESIGN GUIDELINES

Renovations improve natural surveillance

People should be able to clearly see inside the storefront and business operators should be able to clearly see outside to monitor who is around buildings. Improvements include:

Adding and/or increasing the size of existing windows and storefronts;

- using glass doors;
- using clear glass rather than frosted or tinted glass;
- decluttering the windows of posters and signs; and
- adding downcast lighting that washes the perimeter of buildings in light.

Buildings are accessible to pedestrians

The entrances of the building should:

- be wide enough to be comfortable;
- be located directly onto the footpath and not along the side of the building;
- be inviting, eye-catching and complement the façade design using interesting materials;
- be accompanied by clear business signage; and
- be well lit to provide a sense of security and safety for visitors.

Renovations fit to a human scale

Façade improvements should make the buildings friendly to pedestrians. The works will focus on the lower two stories of the building. The front of the building will be partitioned into sections that are more interesting to walk past than long stretches of homogenous walls. Design elements and materials such as signage should be people-sized rather than super-sized (that cater to people driving past quickly in their cars).

Projects should contribute to the safety of the street

Buildings should be well lit at all times of the day. Customers and pedestrians want to feel safe as they walk down the streets. Building facades can be lit with lighting that has different colours and patterns to create dramatic effects.

Projects should contribute to the character of the street

Rockhampton and Mount Morgan contain main streets that have developed from the early 1860s onwards. Many of the historic character buildings have been modified over time, including the facades being covered with unsightly aluminium cladding or unattractive signage. Preference will be given to façade restoration works that include:

- removal of cladding (aluminum etc.) from presently concealed historic character buildings; and
- reinstatement of lost elements or fabric to the façade of the building (where there is physical or archival evidence, such as historical photos or drawings, or remnant on-site evidence).

Projects exemplify innovative, artistic design

The improvements should make the building look inviting to shoppers, comfortable for pedestrians and interesting for the whole streetscape. Unique artistic elements can give a shopping area character and identity. Texture, pattern, colour and interesting shapes should be incorporated into the façade design in an innovative arrangement and through the use of a variety of materials.

ELIGIBILITY AND ASSESSMENT CRITERIA

Applications for funding will be assessed against the following criteria and will be awarded until the financial allocation for the scheme has been exhausted.

The following matters will be assessed in determining if a grant application is successful:

1. The application is for façade improvement works to a building in the eligible area.
2. The applicant must be a small business operator or property owner that leases to a small business. If the applicant is a small business operator the building owners consent must also be obtained. A small business is defined as a business employing less than 20 people;
3. The proposed works are consistent with the design guidelines and heritage streetscape of the centre.
4. The application is for eligible works and the applicant has submitted all relevant information with the completed application form.
5. Façade improvement works to be undertaken by a local business / local tradesperson where practicable.

Council reserves the right to approve or refuse a grant application in terms of colour, material or method of execution as it considers appropriate.

Prior to commencement of works applicants must enter into an agreement with Council detailing the agreed schedule of works and grant sum. The applicant must have read and agrees to comply with the terms and conditions applying to the program.

It is the responsibility of the applicant to investigate the requirement of any necessary planning/building permits through Council's planning/building department. Council offers a free duty planner service if advice is required, phone Council's Customer Service on 1300 22 55 77 to make an appointment. Cost associated with obtaining building/planning permits, may not be included in the total amount of the grant application.

Eligible works that are successful and require a planning/building permit will need to submit planning/building approval prior to receiving funds for works.

HOW DO I APPLY?

Property owners or business operators considering making an application are encouraged to discuss their potential project with the Strategic Planning unit prior to submitting an application. The applicant is encouraged to seek professional advice from suitably qualified local architects or designers to assist with the development of the proposed improvements.

Please download and complete the application form online www.rockhamptonregion.qld.gov.au and submit it along with the supporting documentation to strategic planning by emailing advancerockhampton@rrc.qld.gov.au.



TERMS AND CONDITIONS

1. The applicant is to submit a completed application form including all supporting information:
 - a clear description and schedule of the proposed works;
 - a digital image of the building's current façade, each elevation and close ups of the area affected by the project (successful applicants are required to take a before and final completed works photos)
 - two quotes from local (where practicable) licensed contractors are to be submitted with the application.
 - owner's consent
2. Only one grant application is lodged per business/individual shopfront; however a number of business owners may jointly make a combined application.
3. The applicant must obtain all necessary planning approvals before commencement of the works.
4. Works are to be undertaken by a licensed contractor.
5. Works are to be carried out in accordance with all Council requirements; for example obtaining a permit to work within the road reserve if required.
6. Works are to be carried in accordance with the *QLD Workplace Health and Safety Act 1995*, the *QLD Workplace Health and Safety Regulations 2008*, the *QLD Electrical Safety Act 2002*, the *QLD Electrical Safety Regulations 2002* and any other legislation as required.
7. The applicant must agree to provide a minimum of 50% of the cost of the project or higher if 50% of the costs of works exceed Council's maximum grant contribution of \$3,000 (inclusive of GST) or \$5,000 (inclusive of GST).
8. The applicant is to enter into an agreement with Council listing the agreed schedule of works and grant sum (inclusive of GST).
9. Works should not commence until the applicant has signed the agreement with Council. Council will not grant funds retrospectively to works completed prior to the approval of the application.
10. Applicants must be able to fund the costs of the works upfront as Council will provide its share of funding at the completion of works.
11. Council will not provide funds for:
 - Operation or administrative costs;
 - Business marketing or promotion; and
 - Capital expenses (ladders, gurneys, scaffolding and safety barriers).
12. Hiring of equipment is permitted when directly related to the project.
13. Applicants will be required to remove any illegal signage as part of the façade improvements.
14. Works approved for grant funding are to be completed within three (3) months from the date the agreement with Council is signed or grant funds will be reallocated.
15. Any overrun in costs is not the responsibility of Council and extra funds will not be granted.

Assessment of applications

Applications for grants will be assessed by the Strategic Planning unit against the guidelines contained in the Rockhampton CBD Façade Improvement Scheme Information Package (design guidelines, eligible works and eligibility and assessment criteria). The assessment panel reserves the right to seek further information or clarification of a proposal to facilitate an improved outcome. The applications will be ranked against the guidelines and grants will be provided to eligible applicants until the allocation of grant funding is exhausted. Grants are awarded based on merit and not all applications that meet the assessment guidelines may be funded.

EXTENSION TO FACADE IMPROVEMENT SCHEME 2017/18

Community Engagement Plan

Meeting Date: 12 December 2017

Attachment No: 2

Community Engagement Plan

Strategic Planning – Façade Improvement Scheme

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1. Trigger for Community Engagement

The Façade Improvement Scheme is an incentive program which has been developed as part of the overarching aim to revitalize Centre's throughout the Rockhampton Region. Council has endorsed the scheme within a targeted area of the Rockhampton CBD and Mount Morgan using grants to cover a portion of renovation costs.

2. Reason for Engagement

The Façade Improvement Scheme is aimed at encouraging building owners and business operators to invest in façade renovations and storefront improvements for their building. Façade improvement projects create a more interesting, appealing streetscape to attract people and business to the area and are based on a mutually beneficial outcome both to property and business owners and local government.

In order for the scheme to be successful, those eligible business and property owners must be kept informed of the details of the scheme and be fully aware of the ways to access and optimize grant allocations.

3. Background

Improving façades has been found to positively influence the perception of a place and encourage overall improvement in a region's economy, social and cultural environment, and safety. The goals of the Façade Improvement Scheme are:

- to promote an improved partnership between Council and private building owners and business operators in enhancing the appearance of the commercial area; and
- to provide financial assistance to encourage building owners and business operators to undertake works to upgrade the facades of buildings in the commercial area.

The scheme works with other revitalisation initiatives to:

- promote the viability of retail and commercial businesses;
- help building owners to attract and retain tenants;
- contribute to the quality of life of residents, workers and visitors to the commercial area;
- make the city shopping streets more inviting and interesting places to work and shop; and
- build local community and civic pride among the business community and people of Rockhampton and the wider region.

4. Target audiences



Eligible areas for Façade Improvement Scheme

The target audience for engagement regarding the Façade Improvement Scheme will be eligible business and property owners in the Mount Morgan commercial area, as outlined in the map included.

5. Objectives

The following objectives will be used to guide the engagement and communication activities specific to the targeted stakeholder group identified:

- Identify business and property stakeholders (and representative contacts) to be informed of the Façade Improvement Scheme.
- Connect with these stakeholders early and proactively with sufficient information and guidance to inform them of the grant allocations available and how these can best be utilized.
- Keep stakeholders engaged throughout the period of the Scheme by establishing clear communication channels to the Strategic Planning team and ensuring that relevant updates are provided, e.g. successful applications and grant uses.

6. Key messages

Eligible business and property owners will receive detailed information regarding the Façade Improvement Scheme (Information Package). The key messages included in this information will cover:

- Program goals and purpose of the Façade Improvement Scheme
- Grant allocations by shop frontage; <12m and >12m
- Outline of the scheme's eligible area
- Eligible works
- Design guidelines
- Eligibility and assessment criteria
- Terms and conditions

7. Level of Engagement

The Public Participation Spectrum identifies a number of different public participation levels ranging from inform, consult, involve, collaborate & empower. With this in mind, eligible business and property owners within the Façade Improvement Scheme area will be kept **informed** throughout all stages of the Scheme through the provision of relevant, balanced and objective information to assist understanding and effective use of the grants available to them.

8. Methods of Engagement

To support the objectives of Façade Improvement Scheme, an engagement and communication strategy has been developed to ensure clear messages and information regarding the program is delivered to the relevant stakeholders.

A suite of communications materials has been developed, which includes:

- Information Package
- Fact Sheet
- Application Form, available in hard copy and via the RRC website
- Letter and email to eligible business and property owners

9. Implementation Schedule

The schedule of communication and engagement activities will be delivered as follows:

Activity	Timing	Responsible / Involved
Confirm Communication Plan	Week 1	Council, Manager Strategic Planning, Centres Activation Coordinator
Finalise information materials to be sent to stakeholders	Week 1	Strategic Planning team, Media and Engagement
Upload information and application form to RRC website	Week 1	Strategic Planning Team
Send letter to eligible business and property owners	Week 1	Strategic Planning Team
Liaise with business and property owners throughout Scheme	Ongoing	Strategic Planning Team
Update to Council, media opportunity following first successful grant application and use	TBC	Strategic Planning team, Council, Manager Strategic Planning, Centres Activation Coordinator, Media and Engagement

EXTENSION TO FACADE IMPROVEMENT SCHEME 2017/18

Mount Morgan Area Map

Meeting Date: 12 December 2017

Attachment No: 3



11.5 LOCAL GOVERNMENT CYCLE NETWORK GRANTS PROGRAM

File No: 5732
Attachments: 1. Murray Street / North Street proposed works
Authorising Officer: Martin Crow - Manager Engineering Services
Peter Kofod - General Manager Regional Services
Author: Stuart Harvey - Coordinator Strategic Infrastructure

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 a project under this program.

OFFICER'S RECOMMENDATION

THAT Council:

1. Endorse the submission to upgrade North Street on-road and off-road cycle facilities from West Street to Campbell Street under the Cycle Network Local Government Grants Program; and
2. Agree to fund 50% of the project cost should a funding submission be successful.

COMMENTARY

The Queensland Government is seeking project applications for the 2018-19 Cycle Network Local Government Grants Program. Applications close on 20 December 2017 with successful projects anticipated to be announced in June/July 2018.

Local governments that have formally endorsed their region's Principal Cycle Network Plan are eligible to apply for a 50% grant for the design and/or construction of cycling infrastructure that contributes to the delivery of their regional cycle network.

Council successfully submitted the following project to the previous round of the Program:

- North Street (stage 2) upgrade of on-road cycle facilities from Victoria Parade to Campbell Street. Works include line marking, green surface paint treatment, pavement symbols, signage and drainage modifications. In addition, a section of raised pavement was proposed for the corner of North Street and Victoria Parade to encourage a low speed environment and provide a safer crossing for pedestrians and cyclists. The total cost for this project is estimated at \$384,000.

Construction for North Street (stage 2) is expected to commence by June 2018.

The following project is now proposed to be submitted to the current round of the Program:

- North Street (stage 3) upgrade of on-road and off-road cycle facilities from Campbell Street to West Street. Works will include line marking, pavement symbols, signage, drainage modifications, asphalt reseal and off-road paths. Significant works will be undertaken on the North Street / Murray Street roundabout to provide off-road cycle facilities similar to the work completed at the North Street / Campbell street roundabout (see attachment 1). This will allow safer crossing of the roundabout for both cyclists and pedestrians with the route in close proximity to schools. The total cost for this project is estimated at \$486,000.

The completion of Stage 3 of North Street will see the final section of the North Street priority route completed. Construction for North Street (stage 3) is expected to commence by June 2019.

BACKGROUND

Since June 2015, Council Officers have been working with the Department of Transport and Main Roads (TMR) and their consultants on three priority routes / areas. TMR's consultants were asked to look at gaps or deficiencies and make some recommendations in relation to the three priority routes or areas nominated by Council Officers.

The three areas that were nominated form the spine of the cycle network in Rockhampton are:

- Norman Road and Moores Creek Road through to the Fitzroy River crossings (Route 1);
- North Street into Canning Street and into and along Upper Dawson Road (Route 2); and
- Cycle access on the three Fitzroy River crossings and the interconnectivity between them (Route 3).

These priority routes are also now identified in and supported by a *Central Queensland Cycle Options Analysis Planning Report* (December 2015).

The Cycle Network Local Government Grants Program allows the Queensland Government to work with local governments to deliver best practice, high quality and safe cycling infrastructure and facilities on principal cycle networks across Queensland.

Projects eligible for this funding include the detailed design and/or construction of:

- off-road exclusive use bikeways
- off-road shared paths
- physically separated on-road bicycle lanes
- advisory lanes
- on-road facilities, including shoulder widening, line marking, lane and intersection reconfiguration and priority signalling
- crossing provisions including at-grade treatments, bridges or underpasses
- mid-trip facilities and end-of-trip facilities.

PREVIOUS DECISIONS

On 4 June 2014, Council resolved that the Rockhampton sub-region section of the *Central Queensland Principal Cycle Network Plan* be endorsed.

On 8 September 2015, Council resolved to submit the Upper Dawson Road (Nathan Street to Blackall Street) and North Street (Canning Street to West Street) projects to the 2015/16 round of the Cycle Network Local Government Grants Program, and agreed to fund 50% of the project costs should the funding submissions be successful.

On 27 January 2016, Council resolved to submit the Norman Road (Yeppoon Road to Moores Creek Road), Moores Creek Road (Norman Road to Yaamba Road) and Kerrigan Street underpass projects to the 2016/17 round of the Cycle Network Local Government Grants Program, and agreed to fund 50% of the project costs should the funding submissions be successful.

On 24 January 2017, Council resolved to submit the North Street (Victoria Parade to Campbell Street) and Canning Street (Derby Street to Cambridge Street) projects to the 2017/18 round of the Cycle Network Local Government Grants Program, and agreed to fund 50% of the project costs should the funding submissions be successful.

BUDGET IMPLICATIONS

Indicative estimates indicate the North Street project will cost in the order of \$486,000. Council will need to allocate \$243,000 over the 2018/19 and 2019/20 budgets to fund its 50% share of this project should the application be successful.

LEGAL IMPLICATIONS

Council will be required to enter into funding agreements with the State Government if funding submissions are successful.

CORPORATE/OPERATIONAL PLAN

The endorsement of the CQPCNP and the delivery of projects on the network support Strategy 3 within the Community Plan: "A community that enjoys a range of strategically placed and integrated pedestrian and cycle paths".

CONCLUSION

Council is proposing to submit another application to the Cycle Network Local Government Grants Program. This project, on North Street between Campbell Street and West Street, will complete the North Street priority route and, if the project submission is successful, Council will need to allocate capital funds to meet their 50% funding obligation.

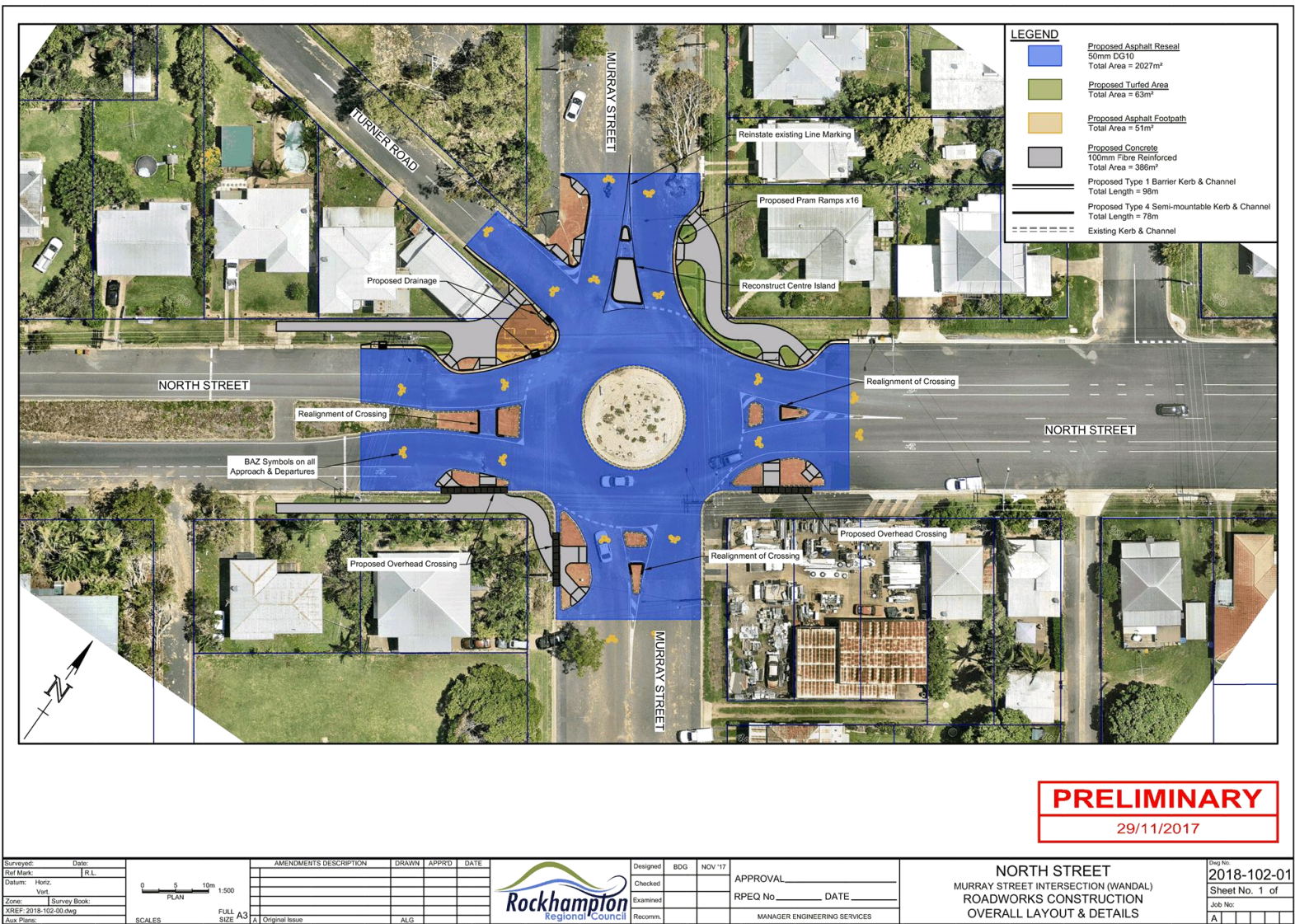
LOCAL GOVERNMENT CYCLE NETWORK GRANTS PROGRAM

Murray Street / North Street proposed works

Meeting Date: 12 December 2017

Attachment No: 1

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11.6 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS CHARTER**File No:** 11044**Attachments:** 1. Draft Charter**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer presenting Charter for Central Queensland Regional Organisation of Councils for adoption by Council.

OFFICER'S RECOMMENDATION

THAT Council adopt the Charter for Central Queensland Regional Organisation of Councils as detailed in the report.

BACKGROUND

The Central Queensland Regional Organisation of Councils (CQ-ROC) was formed in 2014 following a meeting of Central Queensland Council of Mayors on 28 August 2014.

At its meeting on 9 September 2014 Council resolved as follows:

"THAT Council endorse the signing of the Memorandum of Understanding, attached to the report by the Mayor, and the Mayor and Deputy Mayor, Councillor Williams be appointed as delegates to the Central Queensland Regional Organisation of Councils."

A number of CQROC meetings have been held since that time, during which discussions were held on the Incorporation of CQROC and also a proposed Draft Charter.

At the CQROC meeting on 7 September 2017 it was resolved that each CEO would take the draft Charter to their Councils for endorsement followed by formal adoption by CQROC.

A copy of the draft Charter is attached for Council's endorsement.

CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS CHARTER

Draft Charter

Meeting Date: 12 December 2017

Attachment No: 1

CHARTER



**(Central Queensland Regional
Organisation of Councils)**

Adopted: Date Month Year

**The Central Queensland Regional Organisation of Councils
is a voluntary regional organisation of Councils for Central Queensland.**

The Charter has been developed as part of the process to enable the Central Queensland Regional Organisation of Councils to be an incorporated body and to provide direction on how the Central Queensland Regional Organisation of Councils will operate in regard to meetings and other Central Queensland Regional Organisation of Councils' processes and can be updated in accordance with the provisions within this document to ensure currency and consistency.

1. NAME

The name of the Organisation shall be the Central Queensland Regional Organisation of Councils (CQROC).

2. MISSION STATEMENT

Our Mission is to foster co-operation and resource sharing between Councils and effectively advocate on agreed regional positions and priorities.

3. VISION

To work collaboratively to enhance the economic growth, social capacity and environmental sustainability of our region.

4. OBJECTIVES

- a) To support and advance the interest of its members and their constituencies in a regional context;
- b) To formulate policies and strategies from which all member Councils may act collaboratively in determining complementary plans for the co-ordination of regional growth and management of change;
- c) To foster co-operation amongst members on issues of mutual concern or to further joint interests;
- d) To act as an advocate to Federal and State Governments or other bodies on issues of concern to members;
- e) Progress the collective interest of Councils in the region and influence senior decision makers within government, agencies and other bodies;
- f) To increase investment by Federal and State Governments in infrastructure and service benefiting the member Council Areas;
- g) To foster communication, information and resource sharing among member Councils;
- h) Build effective partnerships with State and Federal agencies which make decisions which affect our region;
- i) Facilitate co-operation with community, business and academic organisations for the benefit of the region;
- j) Member Councils to work together to proactively promote sustainable growth so as to retain the region's natural assets and the cultural diversity.

5. MEMBERSHIP

- a) Membership of the Central Queensland Regional Organisation of Councils shall be open to the following Local Government Areas:
 - Banana Shire Council
 - Gladstone Regional Council
 - Rockhampton Regional Council
 - Central Highlands Regional Council
 - Livingstone Shire Council
 - Woorabinda Aboriginal Shire Council
- b) Additional Local Government Councils may be admitted as members by a unanimous vote of the member Councils.
- c) A member may resign at any time by notice in writing.

6. SELECTION OF THE CHAIRPERSON OF CQROC

The Chairperson of Central Queensland Regional Organisation of Councils will be elected on an annual basis at the Annual General Meeting to be rotated alphabetically by member Council name.

7. POWERS

As a voluntary alliance of Councils, CQROC has no authority to commit a member Council to any action that is contrary to the Council's wishes.

CQROC has the following powers by agreement:

- a. Make and levy an annual subscription for membership in such amount or amounts as may be determined at any meeting.
- b. Determine funding arrangements for projects undertaken by the CQROC on a case by case basis;
- c. To investigate and examine other regional and sub-regional planning issues (including the provision of services and infrastructure) throughout the combined area governed by the Councils;
- d. To investigate and examine economic development and general community issues of importance to the Councils;
- e. To identify projects which may act as catalysts for investment attraction and regional development; and
- f. To speak for and act on behalf of the member Councils in undertaking the functions of CQROC.

The secretariat shall have the authority to expend funds on behalf of CQROC members in accord with directions provided at any meeting of CQROC.

8. APPOINTMENT OF REPRESENTATIVES

Each member Council shall appoint two (2) elected representatives Mayor and Deputy Mayor for a term matching the Local Government election cycle. This might be varied by notice given by a member Council.

A proxy may attend meetings and will vote if the appointed representative has not given written instructions for voting direction.

9. OBLIGATIONS OF MEMBERS

The purpose of the CQROC is to facilitate regional co-operation. It is therefore expected that representatives of member Councils will consider all issues from a regional perspective and decide the merits of an issue in the interests of the regional community.

10. MEETINGS

Meetings of CQROC will be held generally in accordance with the following guidelines:

- a) Meetings shall be held on at least seven days' notice as follows:
 - i) as determined at a previous meeting(s), or
 - ii) called by the Chairperson, or
 - iii) at the request of any three (3) members.
- b) Minutes of the meetings shall be circulated within fourteen (14) days to representatives and confirmed at the following meeting.

- c) A quorum shall consist of four full member Councils.
- d) The Chairperson will preside at all meetings. In the absence of the Chairperson, a person will be elected at the meeting.
- e) The Chairperson shall be responsible for the conduct of the meetings. Meetings will be run in a business-like manner following accepted guidelines for meeting procedure and protocols.

An Annual General Meeting (AGM) shall be held within four (4) months from the end of June:

- To elect a Chairperson;
- To receive audited annual financial statements and reports; and
- To transact any other business.

11. ATTENDANCE

CQROC meetings shall be attended by:

- Mayor and/or Deputy Mayor from each member Council;
- Proxy Councillor or Councillors of a member Council whose Mayor and/or Deputy Mayor are unable to attend;
- Chief Executive Officers from each member Council or a delegate; and
- CQROC Secretariat as appointed by the CQROC from time to time.

CQROCs meetings (where appointed by the Member Council to attend as an observer) are open to Councillors of member Councils as observers and other organisations or individuals invited to attend.

12. MEETINGS - CONFIDENTIALITY

CQROC meetings allow member Council representatives to discuss items or issues in a frank and honest manner without fear or favour. As such, the meetings shall generally be closed to the public.

Meeting agendas and minutes will not form the public record.

13. VOTING

- 1) Every question, matter or motion shall be decided as follows:
 - a) A general question, matter or motion shall be decided by a majority of votes of the members represented at a meeting of the CQROC; and
 - b) Major Regional matters will be decided by a unanimous vote of the members represented at the CQROC meeting.
- 2) Every full member Council shall be entitled one (1) vote per member council at the meeting.
- 3) In the event of an equality of votes the Chairperson shall have a second or casting vote.
- 4) A member Council may vote through its representative or authorise in writing any other person to be its proxy in accordance with its directions.
- 5) Any member may request the recording of and have recorded any dissent from or qualification of a majority decision.

14. ALTERATION OF CHARTER

These rules may be rescinded, amended or added by resolution passed by a unanimous vote of the member Councils present at an Annual General Meeting or Special General Meeting called for that purpose.

A notice of motion to this effect shall be submitted to the Chairperson for distribution to member Councils at least twenty-eight (28) days before the meeting at which the proposal shall be considered.

15. FUNDS AND ACCOUNTS

Funds of the CQROC shall be deposited by the Organisation or any Trustee in the name of the CQROC in a banking institution, in accordance with the requirements in the Local Government Act or Regulation.

Books and accounts shall be kept. The Secretariat shall make all necessary arrangements for the keeping of books and accounts and for the preparation of financial statements and reports to meet statutory auditing requirements.

Such financial statements and reports shall be prepared for the Annual General Meeting and as such other intervals as determined at a meeting of the Organisation.

The income and property of the Organisation shall be used and applied solely in promotion of its objects and in the exercise of its powers and other provisions of this Charter.

Cheques and electronic banking transactions shall be approved and signed by the Chairperson, & Secretariat or any Trustee or any other person as may be authorised from time to time by resolution of a meeting.

We the undersigned, agree to be bound by the Charter of the CQROC.

Signed for and on behalf of the member Councils, as resolved at CQROC meeting held on the _____ day of _____ 2017.

Mayor, Banana Shire Council – Councillor Nev Ferrier
Mayor, Central Highlands Regional Council – Councillor Kerry Hayes
Mayor, Gladstone Regional Council – Councillor Matt Burnett
Mayor, Livingstone Shire Council – Councillor Bill Ludwig
Mayor, Rockhampton Regional Council – Councillor Margaret Strelow
Mayor, Woorabinda Aboriginal Shire Council – Councillor Cheyne Wilke

11.7 PLANNING ACT 2016 AND SUSTAINABLE PLANNING ACT 2009 - TEMPORARY DELEGATION OVER CHRISTMAS / NEW YEAR PERIOD

File No: 4107
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

The purpose of this report is to obtain a temporary delegation for the Chief Executive Officer to facilitate the statutory requirements of the Planning Act 2016 and the Sustainable Planning Act 2009 to accommodate the Council meeting recess over the December 2017 to January 2018 period.

OFFICER'S RECOMMENDATION

THAT pursuant to Section 257 of the *Local Government Act 2009* Council resolves to delegate its powers as 'Assessment Manager' under the *Planning Act 2016* and the *Sustainable Planning Act 2009* to the Chief Executive Officer for the period 13 December 2017 until 29 January 2018, both dates inclusive, subject to the following limitation:

- (1) The exercise of this delegation will only occur following consultation with, and written concurrence from, two elected members with one drawn from each of the below nominated groupings:
 - (a) Mayor or Acting Mayor, and
 - (b) A member of the Planning and Regulatory Standing Committee

BACKGROUND

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

s48(1) of Planning Act 2016

48(1) Who is the assessment manager

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

s22.1 of the Development Assessment Rules:

22.1. The assessment manager must:

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

s247 of Sustainable Planning Act 2009

247 Role of assessment manager

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

S318 of Sustainable Planning Act 2009

s318 - Decision-making period—generally

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

Consequently, to ensure legislative compliance during this period, Council must consider the delegation of its powers as Assessment Manager.

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

Delegation of local government powers

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

Delegations available to Council exist under section 257(a), (b), or (d) only as the Planning and Regulatory Standing Committee does not meet in the period under review and the provisions within section 257 (e) and (f) do not apply.

In formulating a response to this need, consideration has been given to the following items:

- elected member availability;
- transparency of decision making;
- accountability of decision making;
- efficiency of decision making;

and the following table developed to illustrate the interaction of various personnel groupings:

Delegation Interaction Table		
Delegation Group	Consultation Group 1	Consultation Group 2
Chief Executive Officer	Mayor	Planning and Regulatory Committee Chairperson
Acting Chief Executive Officer As appointed for periods of absence	Acting Mayor Initially the Deputy Mayor or another Councillor appointed for periods of absence of both the Mayor and Deputy Mayor.	Planning and Regulatory Committee – Members

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

LEGISLATIVE CONTEXT

The *Planning Act 2016* identifies Council as the Assessment Manager for certain types of development. This Act, including through the Development Assessment Rules and Transitional provisions in relation to the *Sustainable Planning Act 2012* prescribe the process and timeframes by which Council must discharge its obligations as an Assessment Manager. Section 288 of the *Planning Act 2016* provides that an application lodged under the *Sustainable Planning Act 2009* and not decided prior to the commencement of the *Planning Act 2016*, that the *Sustainable Planning Act 2009* continues to apply to the application instead of the *Planning Act 2016*.

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

RISK ASSESSMENT

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

CONCLUSION

Consequently, there is a period of approximately six weeks where some development applications may not be able to be processed in accordance with the requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009*.

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

11.8 LOCAL DISASTER MANAGEMENT PLAN

File No: 3086
Attachments: Nil
Authorising Officer: Martin Crow - Manager Engineering Services
Peter Kofod - General Manager Regional Services
Author: Sam Williams - Coordinator Disaster Management and Strategic Mapping

SUMMARY

The Rockhampton Region Local Disaster Management Plan has recently been reviewed and updated. The updated plan has been endorsed by the LDMG and is submitted for endorsement by the Council.

OFFICER'S RECOMMENDATION

THAT the Rockhampton Region Local Disaster Management Plan be endorsed.

COMMENTARY

As part of its disaster management responsibilities, Council is required to develop a Local Disaster Management Plan (LDMP) and to ensure the local disaster management plan is regularly updated.

The Rockhampton Region Disaster Management Plan has recently been updated to include improvements identified in a number of reviews and to ensure compliance with the State's disaster management policies and guidelines. The LDMP was also reviewed against the Inspector General Emergency Management's framework. Feedback has also been sort from the District Disaster Management Executive and local QFES representatives.

The LDMG members were provided to opportunity to review and provide comments on the draft LDMP. The LDMG endorsed the revised LDMP on 27 October 2017 and recommended it be submitted to Council for final endorsement.

Key changes to Rockhampton Regional Disaster Management Plan	
Section 2.8	A new section has been added which outlines the role of IGEM
Section 2.9	A new section has been inserted which outlines the Emergency Management Assurance Framework
Section 3.2	The actual position titles for the permanent positions who are members of the group are now required to be included in the plan
Section 3.3	Replacement of Sub-Committees with Sub groups which can be established by Chairperson.
Section 3.6	Inclusion of an Action Register for LDMG
Section 3.7	Establishment of requirement for written member/agency reports rather than verbal updates at LDMG meetings

Administrative changes to Rockhampton Regional Disaster Management Plan	
Section	Description
2.1	Inclusion of sentence outlining the plan is prepared by LDMG for Rockhampton Regional Council
2.3	Inclusion of the Qld Disaster Management Structure
2.4	Insertion of the an additional objective for LDMG relating to efficient use of resources
2.6	An additional Disaster Management priority has been included which requires the LDMP to align with Queensland disaster arrangements and LDMP guidelines.
3.1	A list of LDMG functions have been included within the LDMP rather than referenced in another document.
3.2	ABC Capricornia has be added as an Advisory Member
3.4	Section has been revised to expand and clarify the responsibilities for agencies and organisations
5.2.6	An additional requirement for Agencies to report and notify of potential trigger points from business as usual to exceeding their capacity
5.4	Recovery: LDMG requirement to report on built and non-built aspects (eg: infrastructure and economic) to District and /or State Agency

Please note: due to the size of the document (129 pages) a copy of the new LDMP will be provided separately to this report.

Sub plans are not included as there were no changes to the 21 Sub plans. The Sub Plans will be reviewed over the next 12 months.

The endorsed Rockhampton Region LDMP will be made available on Council's website and copies will be available for perusal at the Council's Libraries and Customer Service Centres.

CONCLUSION

The Rockhampton LDMP has been revised and updated to ensure alignment with the current State legislation and guidelines and includes improvements identified through recent reviews undertaken across the State.

11.9 SCHEDULE OF MEETINGS - APRIL TO DECEMBER 2018

File No: 1460
Attachments: 1. Schedule of Meetings April to December 2018
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Schedule of Council and Committee meetings for the period April to December 2018 is presented for adoption by Council.

OFFICER'S RECOMMENDATION

THAT the Schedule of Council and Committee meetings for the period April to December 2018, as attached to the report, be adopted.

BACKGROUND

A Schedule of Council and Committee meetings for the period January to December 2018 was considered by Council at its meeting on 10 October 2017, where it was resolved as follows:

"THAT the Schedule of Council and Committee meetings as attached to the report be adopted for the period January to March 2018, with the remainder of the calendar amended to accommodate no meetings during Beef 2018."

Beef 2018 runs from Sunday 6 May to Saturday 12 May 2018. It is recommended that the attached Schedule of Meetings be adopted, allowing for the following amendments to ensure there are no meetings during Beef 2018:

Current Meeting Date	Proposed Meeting Date
Council - Tuesday 8 May 2018	Tuesday 15 May 2018
Planning & Regulatory Committee – Tuesday 15 May 2018 Infrastructure Committee – Tuesday 15 May 2018 Airport Water & Waste Committee - Tuesday 15 May 2018	Tuesday 22 May 2018
Council - Tuesday 22 May 2018	Tuesday 29 May 2018

SCHEDULE OF MEETINGS – APRIL TO DECEMBER 2018

Schedule of Meetings April to December 2018

Meeting Date: 12 December 2017

Attachment No: 1

APRIL 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
2 APRIL	EASTER MONDAY	3 APRIL	Planning & Regulatory (9am)			4 APRIL				5 APRIL		6 APRIL	
9 APRIL		10 APRIL	Council (9am)			11 APRIL				12 APRIL		13 APRIL	
16 APRIL		17 APRIL	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	18 APRIL	Community Services (9am)	Parks, Recreation & Sport (12.30 pm)		19 APRIL		20 APRIL	
23 APRIL		24 APRIL	Council (9am)			25 APRIL	ANZAC DAY			26 APRIL		27 APRIL	

MAY 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
30 APRIL		1 MAY	Planning & Regulatory (9am)			2 MAY				3 MAY		4 MAY	
7 MAY	LABOUR DAY	8 MAY	Beef 2018	Beef 2018	Beef 2018	9 MAY	Beef 2018	Beef 2018	Beef 2018	10 MAY	Beef 2018	11 MAY	Beef 2018
		15 MAY	Council (9am)			16 MAY				17 MAY		18 MAY	
21 MAY		22 MAY	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	23 MAY	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		24 MAY		25 MAY	
28 MAY		29 MAY	Council (9am)			30 MAY				31 MAY		1 JUNE	

JUNE 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
4 JUNE		5 JUNE	Planning & Regulatory (9am)			6 JUNE				7 JUNE		8 JUNE	
11 JUNE		12 JUNE	Council (9am)			13 JUNE				14 JUNE	SHOW HOLIDAY	15 JUNE	
18 JUNE		19 JUNE	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	20 JUNE	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		21 JUNE		22 JUNE	
25 JUNE		26 JUNE	Council (9am)			27 JUNE				28 JUNE		29 JUNE	

JULY 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
2 JULY		3 JULY	Planning & Regulatory (9am)			4 JULY				5 JULY		6 JULY	
9 JULY		10 JULY	Council (9.00am)			11 JULY				12 JULY		13 JULY	
16 JULY		17 JULY	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	18 JULY	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		19 JULY		20 JULY	
23 JULY		24 JULY	Council (9am)			25 JULY				26 JULY		27 JULY	
30 JULY		31 JULY				1 AUG				2 AUG		3 AUG	

AUGUST 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
6 AUG		7 AUG	Planning & Regulatory (9am)			8 AUG				9 AUG		10 AUG	
13 AUG		14 AUG	Council (9am)			15 AUG				16 AUG		17 AUG	
20 AUG		21 AUG	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	22 AUG	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		23 AUG		24 AUG	
27 AUG		28 AUG	Council (9am)			29 AUG				30 AUG		31 AUG	

SEPTEMBER 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
3 SEPT		4 SEPT	Planning & Regulatory (9am)			5 SEPT				6 SEPT		7 SEPT	
10 SEPT		11 SEPT	Council (9am)			12 SEPT				13 SEPT		14 SEPT	
17 SEPT		18 SEPT	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	19 SEPT	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		20 SEPT		21 SEPT	
24 SEPT		25 SEPT	Council (9am)			26 SEPT				27 SEPT		28 SEPT	

OCTOBER 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
1 OCT	QUEEN'S BIRTHDAY	2 OCT	Planning & Regulatory (9am)			3 OCT				4 OCT		5 OCT	
8 OCT		9 OCT	Council (9am)			10 OCT				11 OCT		12 OCT	
15 OCT		16 OCT	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	17 OCT	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		18 OCT		19 OCT	
22 OCT		23 OCT	Council (9am)			24 OCT				25 OCT		26 OCT	
29 OCT		30 OCT				31 OCT				1 NOV		2 NOV	

NOVEMBER 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
5 NOV		6 NOV	Planning & Regulatory (9am)			7 NOV				8 NOV		9 NOV	
12 NOV		13 NOV	Council (9am)			14 NOV				15 NOV		16 NOV	
19 NOV		20 NOV	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	21 NOV	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		22 NOV		23 NOV	
26 NOV		27 NOV	Council (9am)			28 NOV				29 NOV		30 NOV	

DECEMBER 2018

MONDAY		TUESDAY				WEDNESDAY				THURSDAY		FRIDAY	
3 DEC		4 DEC	Planning & Regulatory (9am)	Infrastructure (12.30pm)	Airport, Water & Waste (3pm)	5 DEC	Community Services (9am)	Parks, Recreation & Sport (12.30pm)		6 DEC		7 DEC	
10 DEC		11 DEC	Council (9am)			12 DEC				13 DEC		14 DEC	
17 DEC		18 DEC				19 DEC				20 DEC		21 DEC	
24 DEC		25 DEC	CHRISTMAS DAY			26 DEC	BOXING DAY			27 DEC		28 DEC	

11.10 REGIONAL ARTS DEVELOPMENT FUND 2017-18 ROUND 2 FUNDING RECOMMENDATIONS

File No: 8944
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: John Webb - Acting Manager Arts and Heritage

SUMMARY

Applications received for round one of the 2017/18 Regional Arts Development Fund have been assessed by the RADF Committee and four are recommended for funding.

OFFICER'S RECOMMENDATION

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

Applicant	Purpose of Grant	Grant Recommended
CQ Contemporary Artists	Bringing 2 tutors to Rockhampton to facilitate 2 separate art workshops in 2018	\$3,395
Recollection Artists	Mounting a joint exhibition of new works re-examining the distinct cultural identity of the Rockhampton region, based on the books <i>The Early History of Rockhampton</i> and <i>Battler's Tales of Early Rockhampton</i> .	\$13,500
Plural Theatre	Conducting theatre workshops with young people in foster care, exploring their emotional wellbeing as they approach transition from care.	\$3,818.48
Rockhampton Art Gallery	Developing and presenting a large scale, engaging exhibition providing opportunity for artists working in the Central Queensland region.	\$3,825
	total	\$24,538.48

COMMENTARY

The Regional Arts Development Fund is a joint program of the Queensland Government (administered by Arts Queensland) and the Rockhampton Regional Council that focuses on the development of quality art and arts practice in our region.

The selection of applicants for recommendation is decided by a committee made up of members of the community. Due to a lack of quorum the assessment meeting for the first round of funding in 17/18 had to be reconvened. Consequently the decision was unable to meet the Community Services Committee report deadlines. Hence the submission of this report to full Council to ensure the recommendations are considered for endorsement, allowing funding to be distributed to the successful applicants in order to undertake the programs within the required timelines.

Five applications were received for a total requested amount of \$31,240.48.

Of the five applications received, four have been recommended for funding by the Regional Arts Development Fund committee. The application not recommended for funding was received from Depot Hill State School and was deemed not to meet the criteria of non-school activities.

The committee declined to recommend funding for Rockhampton Art Gallery to fund a casual staff member for the project but have recommended the funding for local artists, a reduction of funding from \$4,989 to \$3,825.

The remaining three applicants are recommended to be funded the full amount requested.

This is the first round for the 2017-18 financial year. The total funds remaining available for distribution in round four stands at \$35,461.52 (50% from Arts Queensland and 50% from Council). Due to an agreement with Arts Queensland this is available until September 15 2018 for distribution.

11.11 LICENCES FOR CAR RENTAL CONCESSIONS – ROCKHAMPTON AIRPORT

File No: 10535
Attachments: Nil
Authorising Officer: Tracey Baxter - Manager Airport
Author: Sue Mitchell - Airport Commercial and Administration Supervisor

SUMMARY

The contracts for the Licences for Car Rental Concessions at Rockhampton Airport are due to expire on 28 February 2018. Council approved an extension for two (2) years in April 2016. The car rental providers at Rockhampton Airport include all of the current providers in the Australian airport market being; Avis, Budget, Europcar, Hertz, Redspot and Thrifty. On this basis approval is being sought from Council to renew these licences in accordance with provisions of the Local Government Regulation 2012.

OFFICER'S RECOMMENDATION

THAT pursuant to s236(1)(c)(vii) of the *Local Government Regulation 2012* Council approves the current Car Rental Concession licences at Rockhampton Airport be extended for a period of two (2) years for the existing licensees.

COMMENTARY

The current licence for Car Rental Concessions was publicly tendered and commenced on 1 March 2013 for a period of three (3) years. In April 2016 legal opinion was sort and a detailed Market Valuation Report undertaken by Herron Todd White for the licences to be extended for a further (2) years. The car rental providers at Rockhampton Airport remain unchanged and include all of the current providers in the Australian airport market being Avis, Budget, Europcar, Hertz, Redspot and Thrifty.

Regulation s236(1)(c)(vii) permits Council to proceed without the retendering process, in particular states there is no need to go through the public tender process if:

- (vii) the disposal is of an interest in land that is used as an airport or for related purposes if –*
- (A) It is in the public interest to dispose of the interest in land without a tender or auction; and*
 - (B) The disposal is otherwise in accordance with sound contracting principles.*

Factors which support these requirements of this legislation include:

- There are limited national car rental providers in the market and we currently have all under contract.
- The car rental providers provide a service to the airport customers and the community.
- Given that all likely tenderers are those whose licences would be “renewed” the costs of re-tendering will be a burden on the tenderer and Council.
- The number of on-airport service providers already promotes competition amongst each other.

CONCLUSION

It is recommended that Council renew the Car Rental Concession Licences for a further two (2) years.

11.12 COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES**File No:** 11979**Attachments:**

1. Complaints Management Policy
2. Administrative Action Complaint Procedure
3. Corrupt Conduct Policy
4. Corrupt Conduct Procedure
5. Public Interest Disclosure Policy
6. Public Interest Disclosure Procedure

Authorising Officer: Tracy Sweeney - Manager Workforce and Strategy
Ross Cheesman - Deputy Chief Executive Officer**Author:** Travis Pegrem - Coordinator Industrial Relations and Investigations

SUMMARY

A suite of policy documents have been developed to form the Complaints Management Framework in accordance with legislative requirements and to establish a consistent and transparent approach in assessing and dealing with a variety of complaint types.

OFFICER'S RECOMMENDATION

THAT Council adopts the Complaints Management Policy, the Administrative Action Procedure, the Corrupt Conduct Policy and Procedure and the Public Interest Disclosure Policy and Procedure as presented.

COMMENTARY

Council is committed to providing a quality level of customer service that does not attract complaints. Council acknowledges the right of a person to lodge a complaint and is committed to upholding its duty of care by aiming to provide an effective resolution to all complaints received.

A Complaints Management Framework has been formed to;

- (a) Satisfy legislative obligations by establishing a complaints management process for resolving complaints;
- (b) Establish Council's commitment to ethically, fairly, transparently and compliantly manage and resolve all complaints; and
- (c) Provide a single framework for identifying, assessing, recording, managing and resolving complaints.

The Complaints Management Policy, the Administrative Action Procedure, the Corrupt Conduct Policy and Procedure and the Public Interest Disclosure Policy and Procedure are statutorily required and pursuant to Council's Governance Administration Framework Policy need to be adopted by Council.

LEGISLATIVE CONTEXT

Complaints Management Framework Policy (Attachment 1) and Administrative Action Complaint Procedure (Attachment 2):

Section 268 of the *Local Government Act 2009* requires Council to adopt a process for resolving administrative action complaints.

S268 Process for administrative action complaints

- (1) A local government must adopt a process for resolving administrative action complaints.

Chapter 9 Part 4 of the *Local Government Regulation 2012* describes the process for resolving administrative action complaints and mandates various requirements for Council to adopt and employ.

S306 Process for administrative action complaints – Act s268

- (2) A local government must adopt—
 - (a) a complaints management process that effectively manages complaints from their receipt to their resolution; and
 - (b) written policies and procedures supporting the complaints management process.

Corrupt Conduct Policy (Attachment 3) and Procedure (Attachment 4):

Section 48A of the *Crime and Corruption Act 2001* requires the chief executive officer to prepare a policy on how Council would deal with a complaint that involves or may involve corruption of the chief executive officer.

S48A Policy about how complaints involving public official are to be dealt with

- (1) A public official must, in consultation with the chairperson, prepare a policy about how the unit of public administration for which the official is responsible will deal with a complaint that involves or may involve corruption of the public official.
- (2) The policy may nominate a person other than the public official to notify the commission of the complaint under section 37 or 38, and to deal with the complaint under subdivision 1 or 2, on behalf of the public official.

Public Interest Disclosure Policy (Attachment 5) and Procedure (Attachment 6):

Section 28 of the *Public Interest Disclosure Act 2010* requires the chief executive officer to establish procedures that relate to the management of public interest disclosures and the support and protections afforded to disclosers.

S28 Reasonable procedures to deal with public interest disclosures

- (1) The chief executive officer of a public sector entity must establish reasonable procedures to ensure that—
 - (a) public officers of the entity who make public interest disclosures are given appropriate support; and
 - (b) public interest disclosures made to the entity are properly assessed and, when appropriate, properly investigated and dealt with; and
 - (c) appropriate action is taken in relation to any wrongdoing that is the subject of a public interest disclosure made to the entity; and
 - (d) a management program for public interest disclosures made to the entity, consistent with any standard made under section 60, is developed and implemented; and
 - (e) public officers of the entity are offered protection from reprisals by the entity or other public officers of the entity.
- (2) The chief executive officer of a public sector entity must ensure the procedures are published, as soon as practicable after the procedures are made, on a website that is maintained by the public sector entity and readily accessible to the public.

CONCLUSION

The Complaints Management Policy, the Administrative Action Procedure, the Corrupt Conduct Policy and Procedure and the Public Interest Disclosure Policy and Procedure have been prepared and is provided to Council for consideration and adoption.

COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES

Complaints Management Policy

Meeting Date: 12 December 2017

Attachment No: 1



COMPLAINTS MANAGEMENT POLICY (STATUTORY POLICY)

1. Scope

This policy applies to the management of all complaints regarding Rockhampton Regional Council actions, services and employees including Councillors, contractors and volunteers.

2. Purpose

To:

- (a) Satisfy legislative obligations by establishing a complaints management process for resolving complaints;
- (b) Establish Council's commitment to ethically, fairly, transparently and compliantly manage and resolve all complaints; and
- (c) Provide a single framework for identifying, assessing, recording, managing and resolving complaints.

3. Related Documents

Primary

Local Government Act 2009

Secondary

Age Discrimination Act 2004 (Cwth)
Anti-Discrimination Act 1991
Australian Human Rights Commission Act 1986 (Cwth)
Crime and Corruption Act 2001
Criminal Code Act 1899
Disability Discrimination Act 1992 (Cwth)
Industrial Relations Act 2016
Information Privacy Act 2009
Integrity Act 2009
Local Government Regulation 2012
Ombudsman Act 2001
Public Interest Disclosure Act 2010
Public Sector Ethics Act 1994
Racial Discrimination Act 1975 (Cwth)
Right to Information Act 2009
Sex Discrimination Act 1984 (Cwth)
Work Health and Safety Act 2011
Workplace Gender Equality Act 2012 (Cwth)
 and associated Regulations and Codes of Practice
 Actionable Communications Whole of Council Work Instruction

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Administrative Action Complaints Procedure
 Code of Conduct
 Corrupt Conduct Policy
 Corrupt Conduct Procedure
 Councillor Code of Conduct Policy
 Discipline Procedure
 Fraud and Corruption Control Plan
 Fraud and Corruption Control Policy
 Grievance Procedure
 Industrial Instruments
 Investigation Procedure
 Privacy Policy
 Public Interest Disclosure Policy
 Public Interest Disclosure Procedure
 Right to Information Policy
 Workplace Bullying, Discrimination and Sexual Harassment Policy

4. Definitions

To assist in interpretation, the following definitions apply:

Administrative Action	As per the <i>Local Government Act 2009</i> , includes a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or a failure to do an act; the formulation of a proposal or intention; or the making of a recommendation.
AAC	Administrative Action Complaint An expression of dissatisfaction by a person who is directly affected by an administrative action of Council, including a failure to take action. An administrative action complaint can be in relation to: the lack of timeliness; lack of quality; lack of communication; safety/risk concern; policy or procedure not followed; or an unsatisfactory decision.
Affected Person	As per the <i>Local Government Act 2009</i> , a person who is apparently directly affected by an administrative action of a local government.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Complaint	An expression of dissatisfaction by a customer regarding the unsatisfactory delivery of a product or service offered by Council or the unsatisfactory conduct of Council employees, Councillors, contractors and volunteers.
Complainant	The person, organisation or their representative making a complaint.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by

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	law.
Corrupt Conduct	<p>As per the <i>Crime and Corruption Act 2001</i>, conduct of a person (regardless of whether the person holds or held an appointment) that fulfils each of the following elements:</p> <p>(a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a Unit of Public Administration (UPA) or a person holding an appointment in a UPA;</p> <p>(b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that is:</p> <ul style="list-style-type: none"> (i) not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and <p>(c) Is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and</p> <p>(d) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
Council	Rockhampton Regional Council
Council Service	Refers to basic services customers expect the Council to provide, such as sanitation, water supply, roads etc. For the purpose of this policy, a Council service does not include internal operational matters.
Councillor/s	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Councillor Misconduct	<p>As per the <i>Local Government Act 2009</i>:</p> <p>Conduct, or a conspiracy or attempt to engage in conduct, of or by a Councillor:</p> <p>(a) That adversely affects, or could adversely affect, (either directly or indirectly) the honest and impartial performance of the Councillor's responsibilities or exercise of the Councillor's powers; or</p> <p>(b) That is or involves:</p> <ul style="list-style-type: none"> (i) The performance of the Councillor's responsibilities, or the exercise of the Councillor's powers, in a way that is not honest or is not impartial; or (ii) A breach of the trust placed in the Councillor; or (iii) A misuse of information or material acquired in or in connection with the performance of the Councillor's responsibilities, whether the misuse is for the benefit of the Councillor or someone else; or (iv) A failure by the Councillor to comply with a direction to

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	<p>leave a meeting of the local government or its committees by the chairperson presiding at the meeting; or</p> <p>(v) A refusal by the Councillor to comply with a direction or order of the regional conduct review panel or tribunal about the Councillor; or</p> <p>(c) That is a repeat of inappropriate conduct that the Mayor or the department's chief executive has ordered to be referred to the regional conduct review panel under section 181(2) of the Act; or</p> <p>(d) That contravenes section 171(3) or 173(4) of the Act.</p>
Duty of Care	An obligation recognised by law to avoid conduct fraught with unreasonable risk of danger to others and to the organisation, in particular to reduce any vicarious liability risks.
Employee/s	<p>Local government employee:</p> <p>(a) the Chief Executive Officer; or</p> <p>(b) a person holding an appointment under section 196 of the Local Government Act 2009.</p>
Frivolous Complaint	<p>A complaint which is considered to be:</p> <p>(a) made without evidence to cause annoyance;</p> <p>(b) regularly focused on a trivial matter to the extent which is out of proportion to its significance and the complainant continues to focus on this matter;</p> <p>(c) continually lodged to invoke a desired response; or</p> <p>(d) on a matter which the complainant persists in pursuing despite Council's reasonable efforts to help them specify their concerns, and/or where the concerns identified are not with the realm of Council to investigate, and/or where Council has advised the complainant that the matter has been investigated and resolved.</p>
Industrial Instruments	Relevant Certified Agreement, Award and/or Contract of Employment.
Inappropriate Conduct	<p>As per the <i>Local Government Act 2009</i>:</p> <p>Conduct that is not appropriate conduct for a representative of a local government, but is not misconduct including for example:</p> <p>(a) a Councillor failing to comply with the local government's procedures; or</p> <p>(b) a Councillor behaving in an offensive or disorderly way in a meeting of the local government or any of its committees.</p>
Industrial Relations Matters	Disputes between an employee and the employer in respect to Council's certified agreements and relevant industrial instruments and matters that relate.
Information	Information in any number of forms including letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.
Investigations Unit	Industrial Relations and Investigations Unit, Workforce and

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	Strategy
Maladministration	As per the <i>Public Interest Disclosure Act 2010</i> : An administrative action that was: (a) taken contrary to law; or (b) unreasonable, unjust, oppressive, or improperly discriminatory; or (c) in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; (d) taken – i. for an improper purpose; or ii. on irrelevant grounds; or iii. having regard to irrelevant considerations; or (e) an action for which reasons should have been given, but were not given; or (f) based wholly or partly on a mistake of law or fact; or (g) wrong.
Public Interest Disclosure	As per section 11 of the <i>Public Interest Disclosure Act 2010</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to, pursuant to sections 12 and 13 of the <i>Public Interest Disclosure Act 2010</i> .
Request for Service	A customer request made to Council to take action to satisfy the needs of the customer, for example request to fill a pothole or collect a stray dog.
Vexatious Complaint	A complaint which is considered to be: (a) made maliciously to damage a person's career or reputation, or the reputation of Council; (b) a threat of violence against others or property; or (c) collusion between others, in an effort to discredit others or take retribution or to have an employee removed from the workplace.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or his authorised delegates.

5. Policy Statement

Council is committed to providing a quality level of customer service that does not attract complaints. Council acknowledges the right of a person to lodge a complaint and is committed to upholding its duty of care by aiming to provide an effective resolution to all complaints received.

The objectives of this policy are to:

- (a) Provide a contemporary framework for the process of identifying, assessing, recording, managing and resolving complaints;
- (b) Ensure the complaints management process is statutory compliant, ethical, fair, objective, transparent and consistent;

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- (c) Offer a complaints regime that facilitates continuous improvement of Council, its overall service delivery, systems, processes and employees;
- (d) Ensure complaints are responded to in a timely manner; and
- (e) Inform complainants of the redress available to them if they are not satisfied with a particular outcome, decision or action that directly affects them.

Council is committed to the following complaint management principles:

- (a) Accessibility – Information about Council's complaints process is readily available on Council's website and complaints can be lodged in various forms (fax, email, verbally).
- (b) Client Focus – Complaints will be taken seriously and all complainants will be treated with respect, courtesy, dignity and fairness.
- (c) Confidentiality – Complaints will be treated strictly confidentially and managed in accordance with information management policies and relevant legislation.
- (d) Communication – All complaints will be managed transparently and reasons for decisions and/or actions will be provided in a timely manner.
- (e) Continuous Improvement – Council recognises the opportunity for improvement and commits to continuously enhancing its services, systems and employees.
- (f) Fair and Objective – Complaints received by Council will be reviewed on their merits and addressed in an equitable and impartial manner adhering to the principles of natural justice and procedural fairness.
- (g) Responsiveness – Council is committed to acknowledging and responding to the complaint, keeping the complainant informed as to the progress of the complaint and advising the complainant of the outcome and reasons for Council's decision.

5.1 Assessment of the 'Complaint'

A complaint may be received via any communication method, such as email, fax, letter, Council's website, verbally (in person, by telephone) or any other communication method. The preferred method for receipt of a complaint is in writing, however Council does not consider comments published on social media to be complaints.

Once information is received, it will be initially assessed to establish the information is a complaint, as defined; and to determine the complaint category. Not all complaints will require a formal investigation.

Categorisation of the complaint will determine the applicable procedure to apply, including the management level to consult and liaise with, in regards to the complaint.

Ideally every effort should be made to address the complaint at the first point of contact, however if the complaint is of a serious nature, or there are possible multiple categorisations or the categorisation is unclear; the Investigations Unit will assess and categorise the complaint.

The following is a list of complaint categories Council may receive:

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5.1.1 Administrative Action Complaints

An AAC is a complaint about an administrative action of Council made by an affected person. For a complaint to be an AAC, the complainant must be an affected person.

AACs may take many forms, for example:

- (a) Complaints about Council's services for example, a repeated complaint by an affected person about the general quality of park maintenance;
- (b) Failure to take action within a satisfactory timeframe after a request for service has been received to fix a pothole in the complainant's street;
- (c) Complaint from a customer whose private information has been inappropriately disclosed (breach of privacy);
- (d) Complaint from an anonymous person, if sufficient information is provided to investigate the complaint; and
- (e) Referrals from outside agencies, for example, the Queensland Ombudsman.

5.1.2 Complaints other than Administrative Action Complaints

If it has been determined, that the definition of a complaint has been satisfied and the complaint is not an AAC, then it will generally fall into one of the following categories:

5.1.2.1 Complaints about Councillors, including the Mayor

Complaints about the conduct of a Councillor will be directed to the CEO who will assess and manage in accordance with sections 176-182 of the *Local Government Act 2009*.

The CEO or Mayor, if appropriate, may refer the complaint to the Investigations Unit for investigation or assistance. The CEO or Mayor, if appropriate, is responsible for completing or delegating any follow up actions arising from the investigation.

5.1.2.2 Complaints about the Chief Executive Officer

Complaints about the conduct of the CEO will be directed to the Manager Workforce and Strategy or delegate who will initially assess and manage. The Manager Workforce and Strategy will liaise with the Mayor as required.

5.1.2.3 Public Interest Disclosure

A complaint received regarding a public interest disclosure, which identifies or alleges cases of; maladministration, corrupt conduct or the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities, will be administered in accordance with the *Public Interest Disclosure Act 2010* and Council's Public Interest Disclosure Policy and Procedure.

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5.1.2.4 Corrupt Conduct

A complaint, information or matter that involves or may involve suspected corrupt conduct will be assessed and managed in accordance with the *Crime and Corruption Act 2001* and Council's Reporting Corrupt Conduct Policy and Procedure.

The Manager Workforce and Strategy is the CEO nominated person, under section 48A of the *Crime and Corruption Act 2001*, to manage complaints against the CEO that are reasonably suspected to involve corrupt conduct.

5.1.2.5 Internal Complaint or Grievance

An internal complaint or grievance is any type of problem, concern or complaint relating to an employee's work or the work environment. A grievance can be about any act, behaviour, omission, situation or decision affecting an employee, which the employee thinks is unfair or unjustified.

Although not an exhaustive list, a grievance may relate to aspects of employment, such as:

- (a) Workplace bullying including sexual harassment;
- (b) Workplace discrimination;
- (c) Unreasonable or lack of management action; and
- (d) Breaches of Council policy documents and legislation, for example Code of Conduct.

A complaint will not be deemed a grievance if it relates to reasonable management action, such as, but not limited to:

- (a) Setting and managing performance goals and standards including dealing with unsatisfactory performance;
- (b) Allocating work or work location in a transparent manner;
- (c) Implementing organisational changes or restructuring; or
- (d) Resolution for complaints or disputes pertaining to industrial relation matters.

Complaints that are considered a grievance will be administered in accordance with Council's Grievance and Investigation Procedures.

Council's Certified Agreement Dispute Resolution Procedure will govern complaints relating to employee industrial relation matters.

5.1.2.6 Other Matters Governed by a Statutory Review Process

A complaint that has a separate statutory review process will need to be directed to the relevant review process, in the first instance. For example:

- (a) planning issues that can be addressed through the *Planning Act 2016*;

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- (b) competitive neutrality issues that can be addressed through the *Local Government Act 2009*;
- (c) disputes regarding administrative decisions that can be addressed through the Queensland Civil and Administrative Tribunal; or
- (d) disputes regarding infringement notices which can be reviewed through the Magistrate's Court.

5.1.2.7 Other

Any other type of complaint that is not within the scope of an AAC or categorised within this policy will be directed to the CEO, relevant general manager and/or Investigations Unit for assessment and review.

5.2 Frivolous and/or Vexatious Complaints

Frivolous and vexatious complaints consume considerable time, resources and finances with no benefit to the community or Council. Any complaint deemed to satisfy the criteria for this complaint category will be managed in accordance with Council's Investigation Procedure.

Some examples include:

- (a) Matters either deemed to be minor, in relation to higher priorities, that are not likely to cause threat to public safety or financial loss to Council or others, for example a complaint about a person illegally parked may not be given priority unless the situation was considered dangerous.
- (b) Follow up calls about minor matters.
- (c) Rhetorical comments/questions, for example 'can't anyone at Council add up?'
- (d) A complaint from a complainant who has consistently, over time, contacted Council about minor or the same matter/s, judged not to be a priority, resulting in unnecessary and costly consumption of Council's resources, unless the subject matter is deemed to warrant investigation.
- (e) A complainant who refuses to accept the decision of an authorised officer.
- (f) A complainant who unreasonably refuses to deal with the officer appointed to undertake the review.
- (g) A complainant who has a history of:
 - (i) Making complaints and review requests about their issue/related issues and contacting or cc'ing other government agencies, Members of Parliament, Ministers or other people and organisations.
 - (ii) Complaining about Council's or an officer's integrity or competence or taking their complaint to other forums alleging bias or corruption, because they are dissatisfied with the decision.
 - (iii) Giving forceful instructions about how their complaint should be dealt with and/or by whom.
 - (iv) Making unreasonable demands that organisational time and resources be spent dealing with their complaint.

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5.3 Communications with Complainant/s

Anonymous complaints will be accepted and assessed. Council prefers a complainant to provide a name and contact details as the Investigations Unit may, in some cases, invite a complainant to provide further information to assist in fully understanding the concerns, the issue/s to be investigated (if an investigation is to be undertaken) and the outcome or remedy sought in accordance with Council's Investigation Procedure.

If a person requires assistance to lodge a complaint, assistance will be provided.

Council is committed to transparency; the Investigations Unit will, in a timely manner, acknowledge receipt of a complaint, keep the complainant appropriately informed of the progress of the complaint and/or investigation and outcome of the decision.

5.4 Review

A complainant will be advised of review options when notified of the outcome of their complaint. Review options may include an internal review on the merits of the complaint, undertaken at the CEO's discretion, and/or an external review by an external agency such as the Queensland Ombudsman.

5.5 Reporting on Administrative Action Complaints

Council will maintain a record of all AACs in a secured register. The Investigations Unit will report on AACs in accordance with Council's Administrative Action Complaint Procedure and State legislation.

5.6 Investigations Unit Responsibilities

Council's Investigation Unit is responsible for:

- (a) Assessing the complaint category and actioning accordingly;
- (b) Conducting investigations into complaints deemed to require investigation;
- (c) Investigating complaints referred by the CEO, general manager or external agencies such as the Queensland Ombudsman;
- (d) Providing progress reports to senior management, identifying and advising of potential risks requiring immediate rectification;
- (e) Liaising with state government agencies as required;
- (f) Administering the complaints management process, providing formal and statistical reports, recommendations and associated administrative tasks;
- (g) Providing advice to Council departments investigating complaints;
- (h) Facilitating educational awareness programs in relation to the Complaint Management Policy and applicable procedures;
- (i) Being the central registrar for Council's complaint registers; and
- (j) Reviewing and reporting to the CEO, senior management and Council as required on complaints.

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6. Review Timelines:

This policy is reviewed when any of the following occur:

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

7. Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Workforce and Strategy
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES

Administrative Action Complaint Procedure

Meeting Date: 12 December 2017

Attachment No: 2



ADMINISTRATIVE ACTION COMPLAINT PROCEDURE

1. Scope

This procedure applies to the management of all administrative action complaints received by Rockhampton Regional Council.

2. Purpose

To:

- (a) satisfy legislative obligations by establishing a complaints management process for resolving administrative action complaints.
- (b) outline the method for handling and resolving complaints made by an affected person.

3. Related Documents

Primary

Complaint Management Policy

Secondary

Crime and Corruption Act 2001

Industrial Relations Act 2016

Information Privacy Act 2009

Integrity Act 2009

Local Government Act 2009

Local Government Regulation 2012

Ombudsman Act 2001

Actionable Communications Whole of Council Work Instruction

Code of Conduct

Councillor Code of Conduct Policy

Investigation Procedure

Privacy Policy

Public Interest Disclosure Policy

Public Interest Disclosure Procedure

Reporting Corrupt Conduct Policy

Reporting Corrupt Conduct Procedure

Right to Information Policy

4. Definitions

To assist in interpretation, the following definitions apply:

Administrative Action	As per the <i>Local Government Act 2009</i> , including the following, for
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	example a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or a failure to do an act; the formulation of a proposal or intention; or the making of a recommendation.
AAC	Administrative Action Complaint An expression of dissatisfaction by a person who is directly affected by an administrative action of Council, including a failure to take action. An administrative action complaint can be in relation to: the lack of timeliness; lack of quality; lack of communication; safety/risk concern; policy or procedure not followed; or unsatisfactory decision.
Affected Person	As per the <i>Local Government Act 2009</i> , a person who is apparently directly affected by an administrative action of a local government.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Complainant	Person, organisation or their representative making a complaint.
Complaint	An expression of dissatisfaction by a customer regarding the unsatisfactory delivery of a product or service offered by Council or the unsatisfactory conduct of Council employees, Councillors, contractors and volunteers.
Council	Rockhampton Regional Council
Council Service	Refers to basic services that customers expect the Council to provide, such as sanitation, water supply, roads etc. For the purpose of this procedure, a Council service does not include internal operational matters.
Customer	Member of the public.
ECM	Enterprise Content Management Council's corporate recordkeeping system.
Investigations Unit	Industrial Relations and Investigations Unit, Workforce and Strategy
Grievance	A grievance is any type of problem, concern or complaint relating to an employee's work or the work environment.
Public Interest Disclosure	As per section 11 of the <i>Public Interest Disclosure Act 2010</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to, pursuant to sections 12 and 13 of the <i>Public Interest Disclosure Act 2010</i> .
Request for information	An enquiry or request for information about Council services, policies or procedures.
Request for service	A customer request made to Council to take action to satisfy the needs of the Customer, for example request to fill a pothole or collect a stray dog.

5. Procedure

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5.1 Administrative Action Complaints

An AAC is a complaint about an administrative action of Council made by an affected person. For a complaint to be an AAC, the complainant must be an affected person. An affected person is someone who is apparently directly affected by the administrative action.

An administrative action includes the following, for example a decision, a failure to make a decision, including a failure to provide a written statement of reasons for a decision, an act, a failure to do an act, the formulation of a proposal or intention or the making of a recommendation.

Examples of an AAC are as follows:

- (a) Complaints about Council's services, for example a repeated complaint by an affected person about the general quality of park maintenance;
- (b) Failure to take action within a satisfactory timeframe after a request for service has been received to fix a pothole in the complainant's street; and
- (c) Complaint from a customer whose private information has been inappropriately disclosed (breach of privacy).

Examples of what is **not** an AAC:

- (a) Request for information;
- (b) Request for service;
- (c) Suggestions;
- (d) Enquiries;
- (e) Petitions;
- (f) Comments submitted during formal consultation or negotiation processes;
- (g) Councillor conduct;
- (h) Public interest disclosure;
- (i) A grievance about another Council employee; and
- (j) Complaint from someone who is not an affected person.

5.2 Making an Administrative Action Complaint

An affected person may make an AAC in any of the following ways however Council's preferred method is in writing. Council does not consider comments published on social media to be complaints:

- (a) Telephone Council on 07 4932 9000 or 1300 22 55 77;
- (b) Visit a Customer Service Centre in Rockhampton, Gracemere or Mount Morgan;
- (c) Online www.rockhampton.qld.gov.au;
- (d) Email Council enquiries@rrc.qld.gov.au;
- (e) Write to Council PO Box 1860, Rockhampton Qld, 4700; or
- (f) Fax Council 07 4936 8862 or 1300 22 55 79.

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5.2.1 Assistance

If this information is not in the complainant's language, assistance is available by calling the National Translating and Interpreting Service (NTIS) on 131 450. The complainant can advise the NTIS of their preferred language and ask to speak with the Rockhampton Regional Council Customer Service on 1300 225 577 or 4932 9000.

If assistance is required because of a hearing or speech impairment, the complainant may contact the National Relay Service on 133 677. If the complainant can speak and hear but sometimes people have trouble understanding them, the complainant may call the Relay Service on 1300 555 727.

5.2.2 Anonymous Complaints

Council may accept anonymous AACs however sufficient information is required to review a matter to ensure the matter can be addressed effectively.

5.3 Acknowledgement

AACs received and resolved at the first point of contact may not require a formal acknowledgment. Where appropriate, AACs will be acknowledged in accordance with Council's Actionable Communications Whole of Council Work Instruction and Customer Service Charter. Written acknowledgment of an AAC will occur within 10 working days which will include a summary of the issues identified, possible outcomes, information regarding the complaints process, timeframes as well as applicable contact details.

The affected person will be kept informed as to the progress of their complaint throughout all steps.

5.4 Recording

Council employees dealing with AACs at either the first contact or at any stage of the process must keep full and accurate records in accordance with the *Local Government Act 2009* and Council's policy documents. An officer receiving an AAC must enter the details into Council's Pathway system in accordance with the Actionable Communications Whole of Council Work Instruction. If an AAC progresses to step 2 or 3 relevant documents are also required to be entered into ECM.

5.5 Administrative Action Complaints Process

The AACs process comprises of four steps:

- 1 Initial consultation;
- 2 Preliminary review;
- 3 Final review; and
- 4 External review options.

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5.5.1 Step 1 – Initial Consultation

Wherever possible, an AAC will be resolved without the need for formal investigation, preference should be given to less formal modes of resolution which may enable a complaint to be resolved promptly and amicably. An example is when a complainant phones in and the contact officer and the complainant work through the issues to obtain a mutually satisfactory outcome.

5.5.2 Step 2 – Preliminary Review

If the complainant remains dissatisfied they may request a preliminary review to be undertaken by the relevant section manager. The manager will determine if the AAC falls within the following assessment criteria and determines if the complaint will be investigated.

AACs will require an initial assessment of the complaint in terms of criteria such as severity, safety implications, complexity, impact and the need for and possibility of immediate action.

In the majority of cases every complaint will be assessed and investigated unless it comes within one of the following assessment criteria:

- (a) It is considered to be frivolous or vexatious, i.e. lacks substance or credibility, is an abuse of the complaints management process, is not made in good faith, or attempts to reopen an issue that has been determined by raising the same/similar issue/s again; such that an investigation would be unnecessary, unjustifiable or an inappropriate use of resources.
- (b) It is made using rude or uncontrolled language, or where the complainant is physically harassing or stalking a Council officer. These complaints may not be answered or may be returned.
- (c) It is made 12 months after the matter arose unless there was a relevant matter which was not within the means of knowledge of the complainant within 12 months after the matter arose. Approval may be granted to extend time up to 12 months after the complainant became aware of the relevant matter.
- (d) The complaint is made anonymously and it is determined there is insufficient information to investigate.
- (e) It is determined the complaint is complex and the complainant refuses to put it in writing.
- (f) The complainant is pursuing the complaint through an alternative review process, or it has already been reviewed through an alternative review process, for example through the Queensland Civil and Administrative Tribunal (QCAT) or the Ombudsman's Office.
- (g) It is a request for a review of an AAC which is subject to legislative or adopted policy timeframes or is subject to an agreed service level framework and the legislative or adopted policy timeframes have not expired or all actions within the agreed service level framework have not been exhausted.
- (h) Where the complainant fails to provide sufficient information or in some way inhibits the investigation, for example fails to respond to requests for

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information within a reasonable time period or refuses to give the necessary access to a property.

The assessment against the criteria must be completed within seven working days. In certain instances Council may request the complainant to supply further details via a statutory declaration.

If an AAC does satisfy one or more of the above criteria, only a delegated officer with a corporate band 3 can approve to not proceed to a preliminary review once consultation with the Investigations Unit has occurred. The complainant will be advised in 10 working days from the decision to not investigate the complaint.

If the AAC is to progress to a preliminary review, the manager may carry out the review, refer to another appropriate officer within the relevant section or refer to the Investigations Unit.

Preliminary reviews should be completed within 30 working days. It is the responsibility of the officer undertaking the review to advise all parties should this timeframe require extension. The officer undertaking the preliminary review will:

- (a) Ensure the AAC is recorded appropriately and continue to maintain records as the investigation progresses.
- (b) Acknowledge the request for preliminary review of the AAC and contact the complainant to:
 - i. seek any further clarification on the ACC and the outcome the complainant is requesting;
 - ii. allow the opportunity to provide further relevant information;
 - iii. attempt to reach a mutually acceptable resolution, if appropriate; and
 - iv. advise the expected timeframe for reviewing the ACC.
- (c) Assess and investigate the AAC in consultation; as necessary or appropriate; with the complainant, management and specialist officers.
- (d) Make a recommended decision on the outcome and, if required an appropriate remedy.
- (e) Provide the decision to the relevant manager for review and approval.
- (f) Advise the complainant in writing of the outcome, which will include the reasons for the decision.
- (g) If the AAC is accepted, advise of any remedy or redress, the timeframe which it will be provided and detail any other changes that may occur as a result of the ACC.
- (h) If the AAC is not accepted advise of the opportunity for a final review.
- (i) Ensure the Council's Pathway system or ECM is updated with outcomes and implement any required actions.

5.5.2.1 Exemptions to Step 2: Preliminary Review

An AAC may be immediately escalated if the CEO or general manager determines that a matter, because of the issues it raises, it

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is unusually complex or for any other reason deemed relevant or appropriate can be immediately escalated to the final review stage.

5.5.3 Step 3 – Final Review

If the complainant remains dissatisfied they may request a final review to be undertaken by the Investigations Unit, in conjunction with the CEO or relevant general manager or as determined by the CEO. The responsible officer undertaking the final review will:

- (a) Ensure the AAC is recorded appropriately and continue to maintain records as the investigation progresses.
- (b) Acknowledge the request for a final review of the AAC and contact the complainant to:
 - i. seek any further clarification on the ACC and the outcome the complainant is requesting;
 - ii. allow the opportunity to provide further relevant information;
 - iii. attempt to reach a mutually acceptable resolution, if appropriate; and
 - iv. advise the expected timeframe for reviewing the ACC.
- (c) Undertake an investigation in accordance with Council's Investigation Procedure. The Investigations Unit has a maximum of 45 working days to investigate and make recommendations. In the case of a technical or complex matter, this timeframe may be extended by the CEO or general manager.
- (d) Provide the Investigation Report and recommended action/s to the CEO or relevant general manager for approval.
- (e) Advise the complainant in writing of the outcome, with a statement of reasons which should include:
 - i. Relevant legislation, local laws and policy documents;
 - ii. Correspondence and other communication relating to the complaint, where applicable;
 - iii. Evidence and other material available to the investigating officer, where applicable;
 - iv. Findings of fact;
 - v. Any decisions made by Council in regards to the complaint; and
 - vi. Reasons for Council's decision.
- (f) If the AAC is accepted, advise of any remedy or redress, the timeframe which it will be provided and detail any other changes that may occur as a result of the AAC.
- (g) If the AAC is not accepted advise of external review options.
- (h) Ensure appropriate records are updated with outcomes and implement any required actions.

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5.5.4 Step 4 – External Review Options

If an AAC is not accepted and all internal Council review options have been exhausted, the complainant will be advised of external review options.

External review options may be one or more of the following, subject to jurisdiction:

- a) Queensland Ombudsman;
- b) Office of Information Commissioner for privacy complaints;
- c) Queensland Civil and Administrative Tribunal; and/or
- d) Courts.

5.6 Remedies

Where AACs are found to be justified, Council will, where practicable, remedy the situation in a manner which is consistent and fair for both Council and complainant/s. Possible remedial actions may include:

- (a) An explanation for the action in question;
- (b) An admission of fault;
- (c) An apology;
- (d) Cancellation or amendment of the decision;
- (e) Rectification, including repairing or replacing the matter in dispute;
- (f) Revision of relevant policy, procedure or practice;
- (g) Reimbursement of costs incurred as a result of the action in question;
- (h) Financial compensation, including an ex gratia payment; and/or
- (i) Waiver of debt.

More than one remedy may be applied if the circumstances justify that course of action.

5.7 Confidentiality and Privacy

A complainant's details should remain confidential however, Council officers should advise a complainant of the possibility that their identity may become obvious as a result of an investigation process or subsequent enforcement action. Council's Privacy Policy provides advice on handling the disclosure of personal information.

Council may be obliged to disclose a person's personal details to an external body for investigation or under a legal or statutory process.

5.8 Investigations Unit Responsibilities

Council's Investigations Unit is responsible for:

- (a) Investigating all ACCs referred by the CEO, general manager and external agencies such as the Queensland Ombudsman;
- (b) Liaising with state government agencies as required;
- (c) Administering the AAC process, providing formal and statistical reports, recommendations and associated administrative tasks;

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- (d) Providing advice to Council departments investigating AACs;
- (e) Facilitating educational awareness programs in relation to AACs and applicable procedures;
- (f) Being the central registrar for Council's complaint registers; and
- (g) Evaluating the effectiveness of the AAC management process.

Evaluation and review of the AAC process may include:

- (a) Analysis of AACs including timeliness of responses, identifying systematic problems, correcting process deficiencies and assessing opportunities for improvement and trends to help eliminate underlying causes of AACs.
- (b) Survey of reviewing officers and complainants to determine the level of satisfaction with the process.
- (c) Evaluating the AAC process's continuing suitability, adequacy, effectiveness and efficiency.
- (d) Identifying and addressing instances of nonconformity with health, safety, environmental, customer, regulatory and other legal requirements.

An operational report is to be provided to senior management, at least annually, for consideration and input. This report is separate to the statutory information required under section 187 of the *Local Government Regulation 2012* which is included in Council's Annual Report. Operational reports may include information on:

- (a) Internal factors, for example changes in policy, objectives, organisational structure, training needs and available resources;
- (b) External factors, for example legislative changes;
- (c) Overall performance of the AAC procedure and work instruction;
- (d) Outcomes of consultation with relevant Council employees and customers;
- (e) Individual or total complaints data, for example the way complaints were received, date received/finalised, topic and outcome;
- (f) Significant, emerging or recurring issues;
- (g) The status of corrective and preventive actions;
- (h) Identify, analyse and respond to complaint trends; and
- (i) Recommendations for improving the effectiveness and efficiency of the AAC process.

6. Review Timelines

This procedure is reviewed when any of the following occur:

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

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7. Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Procedure Owner	Manager Workforce and Strategy
Procedure Compliance	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES

Corrupt Conduct Policy

Meeting Date: 12 December 2017

Attachment No: 3



CORRUPT CONDUCT POLICY (STATUTORY POLICY)

1 Scope:

This policy applies to suspected corrupt conduct of Rockhampton Regional Council Councillors, employees, contractors and volunteers.

2 Purpose:

To:

- (a) Enable the Chief Executive Officer to meet all statutory requirements for reporting suspected corrupt conduct.
- (b) Promote public confidence, accountability, integrity and transparency in the way suspected corrupt conduct is managed within Council.
- (c) Highlight Council's commitment to the promotion and proper management and reporting of suspected corrupt conduct disclosures.

3 Related Documents:

Primary

Crime and Corruption Act 2001

Secondary

Crime and Corruption Regulation 2015

Criminal Code Act 1899

Industrial Relations Act 2016

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Code of Conduct

Councillor Code of Conduct Policy

Complaint Management Policy

Corrupt Conduct Procedure

Fraud and Corruption Control Plan

Fraud and Corruption Control Policy

Grievance Procedure

Investigation Procedure

Privacy Policy

Public Interest Disclosure Policy

Public Interest Disclosure Procedure

Workplace Bullying, Discrimination and Sexual Harassment Policy

4 Definitions:

To assist in interpretation, the following definitions apply:

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Act	<i>The Crime and Corruption Act 2001</i>
CCC	Queensland Crime and Corruption Commission
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Conduct	As per the Act, includes neglect, failure, inaction; and conspiracy to engage in conduct; and attempt to engage in conduct.
Confidentiality	As per the Act, a ground recognised at law that giving an answer or disclosing a communication or document, would be a breach of an oath taken, statutory or commercial obligation or restriction to maintain secrecy.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Criminal Offences	As per the <i>Criminal Code Act 1899</i> , comprise crimes, misdemeanours and simple offences.
Discloser	A person who reports suspected corrupt conduct.
Disciplinary Breach	An allegation against an employee is substantiated and the CEO enacts an action/s under section 280 of the <i>Local Government Regulation 2012</i> .
Duty of Care	An obligation recognised by law to avoid conduct fraught with unreasonable risk of danger to others and to the organisation, in particular to reduce any vicarious liability risks.
Employee	Local government employee: (a) the Chief Executive Officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Nominated Person	Manager Workforce and Strategy
Offence	As per the <i>Criminal Code Act 1899</i> , an act or omission which renders the person doing the act or making the omission liable to punishment.
Public Interest Disclosure	As per section 11 of the <i>Public Interest Disclosure Act 2010</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to pursuant to section 12 and 13 of the <i>Public Interest Disclosure Act 2010</i> .
Reportable Loss	As per the <i>Local Government Regulation 2012</i> , for an asset belonging to the local government, means a loss resulting from: (a) the commission of an offence under the Criminal Code or another Act; or (b) the corrupt conduct of a councillor, local government employee or local government worker; or (c) conduct of a contractor of the local government that would be corrupt conduct if the contractor were a councillor, local government employee or local government worker.

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Reprisal	A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that: (a) The other person or someone else has made, or intends to make a public interest disclosure; or (b) The other person or someone else is, has been, or intends to be, involved in a proceeding under the Act against any person.
Systemic Issues	An issue, problem or change in Council policy or practice which is identified as affecting a broader range of people than just the matter/issue being investigated. This may include employees having adopted unacceptable practices by way of an inferred approval from management/supervisors.
UPA	Unit of Public Administration Includes the following: (a) the Legislative Assembly, and the parliamentary service; (b) the Executive Council; (c) a department; (d) the police service; (e) a local government; (f) a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act; (g) a noncorporate entity, established or maintained under an Act, that: (i.) is funded to any extent with State moneys; or (ii.) is financially assisted by the State; (h) a State court, of whatever jurisdiction, and its registry and other administrative offices; and (i) another entity prescribed under a regulation.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a volunteer by the CEO and/or his authorised delegates.

5 Policy Statement:

Council is committed to ensuring the standing and reputation of Council is maintained and continually enhanced where opportunities exist.

Council recognises the important role Councillors, employees, contractors, volunteers and members of the public can play in the identification of suspected corrupt conduct. The CCC and Council are concerned with protecting the reputation of both those who report suspected corrupt conduct and those who are the subject of the disclosure.

Council has a zero tolerance approach and is committed to eliminating and or minimising the potential of any corrupt conduct within Council.

Where prevention opportunities, strategies and/or systemic issues are identified mechanisms will be implemented to reduce any further possible occurrences of corrupt conduct where possible.

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5.1 Obligations and Requirements

In accordance with the obligations and requirements of the *Act*, Council must comply with crime and corruption legislation and:

- (a) Ensure all allegations of suspected corrupt conduct are appropriately reported to the appropriate authorities;
- (b) Ensure all allegations of suspected corrupt conduct are assessed and where appropriate investigated and dealt with accordingly;
- (c) Should the suspected corrupt conduct involve a reportable loss in accordance with section 307A of the *Local Government Regulation 2012* the Queensland Auditor General must be advised;
- (d) Ensure appropriate consideration is given to the interests of the persons who are the subject of a corrupt conduct disclosure;
- (e) Afford protection from reprisals to persons making an a corrupt conduct disclosure; and
- (f) Ensure that prevention opportunities are identified and implemented to minimise the exposure of the risks of corrupt conduct within Council.

5.2 Elimination and Prevention

Council is committed to eliminating corrupt conduct and preventing its occurrence and believes:

- (a) Honest and impartial public administration enhances the standing and reputation of the Queensland public sector;
- (b) Corrupt conduct is unfair, wastes public money and resources, leads to inefficiency and destroys public trust;
- (c) Corrupt conduct disadvantages everyone; and
- (d) Every employee has a role to play in watching for and reporting corrupt conduct and maintaining effective work practices to combat corrupt conduct.

5.3 What is Corrupt Conduct?

Corrupt conduct is defined in the *Act* as the conduct of a person (regardless of whether the person holds or held an appointment) that fulfils **each** of the following elements:

- (a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a UPA or a person holding an appointment in a UPA;
- (b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that is not honest or is not impartial; or involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment;
- (c) Is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- (d) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Common examples of corrupt conduct could include:

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- (a) Engaging in fraud and/or forgery to obtain a certain outcome for example manipulating timesheets to accumulate accrued hours not worked i.e. 'fraud'.
- (b) Stealing from Council, such as, laptops or portable and attractive items without returning them to Council i.e. 'theft'.
- (c) Accessing and/or disclosing official, confidential or personal information for own benefit, for a family member or for third parties i.e. 'unauthorised release of information'.
- (d) Engaging in preferential treatment of suppliers of goods or services to Council in return for a monetary consideration or other benefit from the supplier to you and/or your family members i.e. 'obtaining a secret commission'.
- (e) Hiring or promoting a family member or employee to a role they are not qualified for, regardless of merit i.e. 'nepotism'.

Conduct can be corrupt conduct even if:

- (a) The employee, Councillor, contractor or volunteer was not at the time of the conduct an employee, Councillor, contractor or volunteer but has since become one;
- (b) The conduct occurred outside of Queensland;
- (c) The conduct occurred prior to the commencement of the Crime and Corruption legislation;
- (d) The employee, Councillor, contractor or volunteer is no longer an employee, Councillor, contractor or volunteer of Council;
- (e) The person did not receive money or personal benefit; and/or
- (f) It amounts to a conspiracy or attempt to engage such conduct.

5.4 When Does Suspicion Exist?

For a suspicion to be 'reasonable', there needs to be more than bare or idle speculation, there must be some evidence sufficient for a reasonable person to suspect corrupt conduct. The CEO does not have to *believe* that the alleged conduct is corrupt conduct, or that the conduct has actually occurred. Reasonable suspicion must be based on an objective assessment of the information at hand. It is not sufficient to subjectively decide that someone is or is not capable of the alleged conduct.

There does not have to be sufficient evidence to *prove* the corrupt conduct allegation, but the available facts, evidence or other information must suggest that the allegation, if proven, would amount to corrupt conduct. The suspicion may be based on hearsay and other inadmissible material that however is relevant.

5.5 Reporting Corrupt Conduct

The CEO has a specific legal obligation to notify the CCC of any complaints or information which may be suspected of being corrupt conduct.

All persons have a duty of care and an obligation to report any suspicions or allegations of corrupt conduct. There does not need to be a formal complaint from an aggrieved person to make a report.

It is important to report any suspicions of corrupt conduct as early as possible, to enable Council to prevent escalation of corrupt conduct or cause greater harm to finances, service delivery or reputation. Also, it will enable Council to identify any 'red flags' or early warning signs of any other corrupt conduct activity. Some examples, of possible 'red flags' or early warning signs of corrupt conduct activity:

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- (a) goods or services procured through the same supplier on a number of occasions with no clear reasons or justification, especially if the employee involved in the procurement and the supplier are friends, family or has a previous professional relationship;
- (b) unusual trends start to appear in the spend pattern of an employee with a corporate credit card and no clear explanation for the spend (it may start with small value items and start to increase in value over time); or
- (c) employees 'bragging' to other persons about getting away with things.

Processes for reporting are outlined in Council's Corrupt Conduct Procedure.

5.6 Complaints about the Chief Executive Officer (section 48A of the Act)

This policy nominates the Manager Workforce and Strategy as the nominated person under the *Act* to handle complaints which may involve corrupt conduct on the part of the CEO.

If the nominated person reasonable suspects a complaint may involve corrupt conduct on the part of the CEO, the nominated person has the same responsibilities as the CEO under the *Act* and policy.

The nominated person will have sufficient resources available to enable them to deal with the complaint appropriately.

Only for the purposes of dealing with a complaint the nominated person will have the same authority, functions and power as the CEO to direct and control employees and enter into contracts on behalf of Council.

5.7 Protection and Public Interest Disclosures

When an employee or Councillor makes an allegation about conduct of another employee or Councillor which would, if proved, be corrupt conduct, it may also be a public interest disclosure under the *Public Interest Disclosure Act 2010*.

Council has a legal obligation to protect any corrupt conduct discloser from possible reprisals in accordance with the *Act*, the *Public Interest Disclosure Act 2010* and Council's Public Interest Disclosure Policy and Procedure.

Council endeavours to protect all parties to any corrupt conduct investigation. Confidentiality shall be maintained throughout any corrupt conduct process.

Any identified reprisals will be referred to the CCC.

6 Review Timelines:

This policy is reviewed when any of the following occur:

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

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6 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Workforce and Strategy
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES

Corrupt Conduct Procedure

Meeting Date: 12 December 2017

Attachment No: 4



CORRUPT CONDUCT PROCEDURE

1. Scope:

This procedure applies to suspected corrupt conduct of Rockhampton Regional Council Councillors, employees, contractors and volunteers.

2. Purpose:

To:

- (a) outline processes upon receipt of an allegation or allegations of suspected corrupt conduct;
- (b) ensure prompt assessment and referral of complaints or instances of suspected corrupt conduct to comply with the *Crime and Corruption Act 2001*;
- (c) allow for a prompt investigation into corrupt conduct complaints; and
- (d) ensure appropriate action is taken when corrupt conduct occurs.

3. Related Documents:

Primary

Corrupt Conduct Policy

Secondary

Crime and Corruption Act 2001

Crime and Corruption Regulation 2015

Criminal Code Act 1899

Industrial Relations Act 2016

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Code of Conduct

Complaint Management Policy

Corruption in Focus: A Guide to Dealing with Corrupt Conduct in the Queensland Public Sector

Councillor Code of Conduct Policy

Discipline Procedure

Fraud and Corruption Control Plan

Fraud and Corruption Control Policy

Grievance Procedure

Investigation Procedure

Privacy Policy

Public Interest Disclosure Policy

Public Interest Disclosure Procedure

Workplace Bullying, Discrimination and Sexual Harassment Policy

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4. Definitions:

To assist in interpretation, the following definitions apply:

Act	The <i>Crime and Corruption Act 2001</i>
CC	The <i>Criminal Code Act 1899</i>
CCC	Queensland Crime and Corruption Commission
CCC Liaison Officer	Coordinator Industrial Relations and Investigations
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Conduct	As per the <i>Act</i> , includes neglect, failure and inaction; and conspiracy to engage in conduct; and attempt to engage in conduct.
Confidentiality	As per the <i>Act</i> , a ground recognised at law that giving an answer or disclosing a communication or document, would be a breach of an oath taken, statutory or commercial obligation or restriction to maintain secrecy.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Corrupt Conduct	As per the <i>Act</i> , conduct of a person (regardless of whether the person holds or held an appointment) that fulfils each of the following elements: (a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a UPA or a person holding an appointment in a UPA; and (b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that: (i) is not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and (c) Is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and (d) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Council	Rockhampton Regional Council
Criminal Offences	As per the <i>CC</i> , comprise crimes, misdemeanours and simple offences.
Discloser	A person who reports suspected corrupt conduct.
Disciplinary Breach	An allegation against an employee is substantiated and the CEO enacts an action/s under section 280 of the <i>Local Government Regulation 2012</i> .

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Employee	Local government employee: (a) the Chief Executive Officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Investigations Unit	Industrial Relations and Investigations Unit, Workforce and Strategy
Nominated Person	Manager Workforce and Strategy
Offence	As per the <i>Criminal Code Act 1899</i> , an act or omission which renders the person doing the act or making the omission liable to punishment.
Public Interest Disclosure	As per section 11 of the <i>Public Interest Disclosure Act 2010</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to pursuant to section 12 and 13 of the <i>Public Interest Disclosure Act 2010</i> .
Public Official	CEO and nominated person for complaints which may involve corrupt conduct on the part of the CEO.
Person	A human being regarded as an individual, whether or not the individual is a public officer (members of the public). Councillors, employees, contractors, consultants, volunteers or anyone else who works in any other capacity for Council.
Reprisal	A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that: (a) The other person or someone else has made, or intends to make a public interest disclosure; or (b) The other person or someone else is, has been, or intends to be, involved in a proceeding under the Act against any person.
Systemic Issues	An issue, problem or change in Council policy or practice which is identified as affecting a broader range of people than just the matter/issue being investigated. This may include employees having adopted unacceptable practices by way of an inferred approval from management/supervisors.
UPA	Unit of Public Administration Includes the following: (a) the Legislative Assembly, and the parliamentary service; (b) the Executive Council; (c) a department; (d) the police service; (e) a local government; (f) a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act; (g) a noncorporate entity, established or maintained under an Act, that: (i.) is funded to any extent with State moneys; or (ii.) is financially assisted by the State; (h) a State court, of whatever jurisdiction, and its registry and other administrative offices; and another entity prescribed under a regulation.

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5. Procedure:

Council is committed to ensuring the standing and reputation of Council is maintained and continually enhanced where opportunities exist.

Council is committed to protecting the reputation of both those who report suspected corrupt conduct and those who are subject of the complaint. Strict confidentiality shall be maintained by all involved throughout this entire process.

In accordance with the obligations and requirements of the *Act*, Council must comply with the Crime and Corruption legislation.

5.1 Obligations

Every Councillor and employee has an obligation to report any suspected corrupt conduct they may become aware of throughout the course of their duties or even out of hours that may impact Council or another Council employee.

A Councillor or an employee who makes a disclosure is protected under the *Act* and the *Public Interest Disclosure Act 2010*. An employee cannot be held liable for defamation, breach of employer confidence or breach of official secrecy for having made a disclosure. This includes disclosures made internally or to any external Government agency and such disclosure that becomes subject to public attention, but not disclosures to the media.

A discloser may report suspected corrupt conduct to their line management, to the Investigations Unit, to the CEO, to the nominated person, to a Councillor or directly to the CCC. It is essential suspected corrupt conduct matters are referred as soon as practicable, preferable within 24 hours of being aware of the matter.

5.2 Complaint Assessments

Suspected corrupt conduct complaints relating to a Councillor will be directed to the CEO who will assess and manage in accordance with the provisions of sections 176-182 of the *Local Government Act 2009*.

Suspected corrupt conduct complaints relating to the CEO will be directed to the nominated person who will assess and manage accordingly. The nominated person may utilise internal and/or external investigative or specialist advisors in assessing and managing a suspected corrupt conduct complaint.

Suspected corrupt conduct complaints relating to employees will be directed to the CCC Liaison Officer who will assess and manage accordingly. The CEO and other managers will be informed and regularly briefed as required by the Investigations Unit.

5.3 Reporting Requirements

Section 40 of the *Act* provides that the CCC may issue directions about how and when a public official must notify the CCC of complaints under section 38. The CCC has issued Council directions on the types of conduct required to be referred to the CCC.

Level 1 conduct complaints must be notified to the CCC without reasonable delay. If conduct is revealed which falls within the level one category, Council must cease any action in relation to the matter and immediately notify the CCC.

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Level 2 conduct complaints must be notified to the CCC via a section 40 schedule at the conclusion of each month in the CCC's prescribed format.

Level 3 conduct complaints do not require notification to the CCC however Council may commence dealing with these matters immediately. Level 3 conduct complaint matters will be subject to the CCC's auditing program.

The table below details the three types and their level.

Level	Conduct Type
1	<ul style="list-style-type: none"> (a) involves an allegation of corrupt conduct against a senior executive level officer or a public (including Council) officer in a prominent and/or sensitive position; (b) involves an allegation of corrupt conduct against an elected official (c) is one concerning conduct about which the CCC has notified the public official is of a type of a particular interest to it; or (d) raises suspicion of serious systemic concerns, and involves an allegation of 'professional misconduct', which is either: <ul style="list-style-type: none"> (i.) a course of conduct involving repeated and/or willful behaviour that undermines the trust placed in the person by virtue of their position; or (ii.) a single incident of behaviour indicating a callous disregard for, or reckless indifference to, the exercise of skills or the performance of the duties or activities of the subject officer; or (e) an offence relating to corruption or abuse of office in chapter 13 of the <i>CC</i>, including an allegation of an offence of corruption (s87), extortion by public officers (s88), abuse of office (s92), misconduct in relation to public office (s92A); or (f) an offence relating to receiving, soliciting, gifting or offering secret commissions in chapter 42A of the <i>CC</i>; or (g) an offence relating to the administration of justice as contained in chapter 16 of the <i>CC</i>, including an offence of attempt to pervert the course of justice (s140), or official corruption (s121), or perjury (s123) or fabricating evidence (s126), or corruption of witnesses (s127), or damaging evidence with intent (s129), or conspiring to bring false accusations (s131); or (h) an offence relating to the executive and the legislative assembly contained in chapter 8 of the <i>CC</i>, including an offence of false evidence before Parliament (s57), or a member of parliament receiving bribes (s59) or bribery of member of parliament (s60); (i) an offence under Chapter 5 of the <i>Act</i>, including injury or detriment to witness (s211), victimisation (s212), secrecy (s213) and a person making a frivolous or vexatious complaint (s216), or counselling or procuring a person to make a frivolous or vexatious complaint; (j) involves an allegation of an offence under the <i>Drugs Misuse Act 1986</i> of trafficking in dangerous drugs (s5), supplying dangerous drugs (s6), producing dangerous drugs (s8), or permitting use of place (s11); or (k) an offence relating to property and public monies in Part 6 of the <i>CC</i> and maladministration where the value exceeds \$20,000; or (l) use of force exercised in the course of performing official duties which has caused or may cause a serious injury and which could lead to a charge of unlawful wounding (s323) or doing grievous bodily harm (s320) in chapter 29

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	<p>of the CC; or</p> <p>(m) an offence of reprisal or a breach of confidentiality under s41 and s65 respectively of the <i>Public Interest Disclosure Act 2010</i>; or</p> <p>(n) involves an allegation of a deliberate failure to comply with s38 of the <i>Act</i>; or</p> <p>(o) the public official reasonably considers that the public interest requires that the matter be referred in the first instance to the CCC; or</p> <p>(p) a complaint concerning an officer who has a significant complaints history; or</p> <p>(q) is already or likely to be the subject of significant media attention.</p>
2	<p>A complaint of corrupt conduct that does not meet any of the conduct types as identified in Level 1, but involves:</p> <p>(a) Repeated behaviour of a similar nature (for example conduct that has been occurring for a significant period of time);</p> <p>(b) Fraud or misappropriation over \$5000;</p> <p>(c) A substantial injury;</p> <p>(d) A senior officer or supervisor failing to report or deal with corrupt conduct; or</p> <p>(e) Potential systemic concerns.</p>
3	<p>All other matters the public official reasonably suspects involves, or may involve, corrupt conduct.</p>

5.3 Process for Dealing with Suspected Corrupt Conduct

The Investigations Unit will deal with complaints which may involve corrupt conduct referred to the CEO by the CCC in the most appropriate manner subject to CCC directions.

To deal with a complaint involving corrupt conduct includes:

- (a) investigate the complaint, information or matter;
- (b) gather evidence for:
 - (i.) prosecutions for offences; or
 - (ii.) disciplinary proceedings;
- (c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding;
- (d) start a disciplinary proceeding; and
- (e) take other action, including managerial action, to address the complaint in an appropriate way.

All investigations will be undertaken in accordance with Council's Investigation Procedure and guided by the CCC's Corruption in Focus and other CCC guidelines. In some instances certain investigations may be referred to external organisations for completion.

5.4 Reporting

The nominated person or the CCC Liaison Officer will report and liaise with the CCC as required to satisfy various obligations.

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The Investigations Unit will maintain the Council complaints register and record system to support effective notification of complaints to the CCC and for auditing purposes.

Where the CEO is satisfied suspected corrupt conduct is a reportable loss pursuant to section 307A of the *Local Government Regulation 2012* the CEO, nominated person or the CCC Liaison Officer will notify the Minister, Auditor General, the Queensland Police and the CCC.

5.5 Protections and Confidentiality

Providing information about corrupt conduct to Council or the CCC has a high priority and overrides the confidential provisions of other *Acts*, oaths, affirmations, statutory declarations and rules and practices of Council.

- (a) An employee does not commit an offence and is not liable to disciplinary action by providing information to the CCC.
- (b) Council has a legal obligation to protect any discloser from possible reprisals in accordance with the *Act*, *Public Interest Disclosure Act 2010* and Council's Public Interest Disclosure Policy and Procedure.
- (c) Any reprisals from making a disclosure must be reported immediately to management or the Investigations Unit and will be referred to the CCC accordingly.
- (d) Council endeavours to protect all parties to any corrupt conduct investigation. Confidentiality shall be maintained throughout any corrupt conduct process by all parties involved.
- (e) Confidentiality is essential to ensure:
 - (i.) Efforts to obtain the truth are not jeopardised;
 - (ii.) Protection of the reputations of people where complaints are found to be without substance; and
 - (iii.) Protection of the identity of those who provide information.

6. Review Timelines:

This procedure is reviewed when any of the following occur:

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

7. Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Procedure Owner	Manager Workforce and Strategy
Procedure Quality Control	Corporate Improvement and Strategy

ROSS CHEESMAN
DEPUTY CHIEF EXECUTIVE OFFICER

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COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES

Public Interest Disclosure Policy

Meeting Date: 12 December 2017

Attachment No: 5



PUBLIC INTEREST DISCLOSURE POLICY (STATUTORY POLICY)

1 Scope:

This policy applies to all Rockhampton Regional Council Councillors, employees and members of the public.

2 Purpose:

To:

- (a) Acknowledge Council's obligations as a public sector entity as defined in the *Public Interest Disclosure Act 2010*; and
- (b) Establish Council's commitment to the promotion and management of public interest disclosures.

3 Related Documents:

Primary

Public Interest Disclosure Act 2010

Secondary

Aboriginal Cultural Heritage Act 2003
Anti-Discrimination Act 1991
Crime and Corruption Act 2001
Criminal Code Act 1899
Disability Services Act 2006
Environmental Protection Act 1994
Fisheries Act 1994
Forestry Act 1959
Greenhouse Gas Storage Act 2009
Industrial Relations Act 1999
Information Privacy Act 2009
Integrity Act 2009
Land Act 1994
Local Government Act 2009
Local Government Regulation 2012
Mineral Resources Act 1989
Nature Conservation Act 1992
Ombudsman Act 2001
Petroleum Act 1923
Petroleum and Gas (Production and Safety) Act 2004
Public Sector Ethics Act 1994
Queensland Heritage Act 1992
Right to Information 2009
Torres Strait Islander Cultural Heritage Act 2003
Transport Operations (Marine Pollution) Act 1995
Water Act 2000
Work Health and Safety Act 2011

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Administrative Action Complaint Procedure
 Actionable Communications Whole of Council Work Instruction
 Code of Conduct
 Complaint Management Policy
 Corrupt Conduct Policy
 Corrupt Conduct Procedure
 Councillor Code of Conduct Policy
 Discipline Procedure
 Drug and Alcohol Policy
 Drug and Alcohol Procedure (Councillors)
 Drug and Alcohol Procedure (Workers)
 Environmental Policy
 Handling of Confidential Information Policy
 Information Public Disclosure Procedure
 Investigation Procedure
 Privacy Policy
 Public Interest Disclosure Procedure
 Right to Information Policy
 Workplace Bullying, Discrimination and Sexual Harassment Policy
 Workplace Health and Safety Policy

4 Definitions:

To assist in interpretation, the following definitions apply:

Act	The <i>Public Interest Disclosure Act 2010</i>
Administrative Action	<p>As per Schedule 4 of the Act:</p> <p>a) Any action about a matter of administration, including for example:</p> <ul style="list-style-type: none"> i. A decision and an act; and ii. A failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and iii. The formulation of a proposal or intention; and iv. The making of a recommendation, including a recommendation made to a Minister; and v. An action taken because of a recommendation to a Minister.
Corrupt Conduct	<p>As per the <i>Crime and Corruption Act 2001</i>, conduct of a person (regardless of whether the person holds or held an appointment) that fulfils each of the following elements:</p> <p>(a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a UPA or a person holding an appointment in a UPA;</p> <p>(b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in section (a) in a way that is:</p> <ul style="list-style-type: none"> (i) not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and <p>(c) Is engaged in for the purpose of providing a benefit to the</p>

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	<p>person or another person or causing a detriment to another person; and</p> <p>(d) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Detriment	<p>As per Schedule 4 of the <i>Act</i>: Includes:</p> <ul style="list-style-type: none"> a) personal injury or prejudice to safety; and b) property damage or loss; and c) intimidation or harassment; and d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and e) financial loss; and f) damage to reputation, including for example, personal, professional or business reputation.
Disability	<p>As per Schedule 4 of the <i>Act</i>: A person's condition that:</p> <ul style="list-style-type: none"> a) is attributable to: <ul style="list-style-type: none"> i. an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or ii. a combination of impairments listed above; and b) results in: <ul style="list-style-type: none"> i. a substantial reduction of the person's capacity for communication, social interaction, learning, mobility or self care or management; and ii. the person needing support.
Employee	<p>Local government employee:</p> <ul style="list-style-type: none"> a) the Chief Executive Officer; or b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i>.
Environment	<p>As per Schedule 4 of the <i>Act</i>: Includes:</p> <ul style="list-style-type: none"> a) Ecosystems and their constituent parts, including people and communities; and b) All natural and physical resources; and c) The qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and d) The social, economic, aesthetic and cultural conditions that affect, or are affected by things mentioned above.
Maladministration	<p>As per Schedule 4 of the <i>Act</i>: An administrative action that was:</p> <ul style="list-style-type: none"> a) taken contrary to law; or b) unreasonable, unjust, oppressive, or improperly discriminatory; or c) in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or

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	<p>d) taken –</p> <ul style="list-style-type: none"> i. for an improper purpose; or ii. on irrelevant grounds; or iii. having regard to irrelevant considerations; or <p>e) an action for which reasons should have been given, but were not given; or</p> <p>f) based wholly or partly on a mistake of law or fact; or</p> <p>g) wrong.</p>
Person	A human being regarded as an individual, whether or not the individual is a public officer. (members of the public)
Proper Authority	As per section 5 of the <i>Act</i> , a public sector entity or a member of the Legislative Assembly.
Public Interest Disclosure	As per section 11 of the <i>Act</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to pursuant to s12 and s13 of the <i>Act</i> .
Public Officer	All Rockhampton Regional Council's Councillors and employees.
Public Sector Entity	<p>A committee of the Legislative Assembly, the parliamentary service, a court or tribunal, the Executive Council, a Government department that maintains relevant investigation and/or enforcement powers relating to the nature of the disclosure, a local government and others as prescribed by the <i>Act</i>.</p> <p>A proper authority may include public sector entities such as the Crime and Misconduct Commission, the Public Service Commission, the Queensland Ombudsman, Anti-Discrimination Commission or the Queensland Industrial Relations Commission.</p>
Reprisal	<p>As per section 40 of the <i>Act</i>:</p> <p>(a) a person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that:</p> <ul style="list-style-type: none"> (i.) The other person or someone else has made, or intends to make, a public interest disclosure; or (ii.) The other person or someone else is, has been, or intends to be, involved in a proceeding under the <i>Act</i> against any person.
UPA	<p>Unit of Public Administration</p> <p>Includes the following:</p> <ul style="list-style-type: none"> (a) the Legislative Assembly, and the parliamentary service; (b) the Executive Council; (c) a department; (d) the police service; (e) a local government; (f) a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act; (g) a noncorporate entity, established or maintained under an Act, that: <ul style="list-style-type: none"> (i.) is funded to any extent with State moneys; or (ii.) is financially assisted by the State; (h) a State court, of whatever jurisdiction, and its registry and other

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	administrative offices; and another entity prescribed under a regulation.
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5 Policy Statement:

In accordance with the objectives of the *Act*, it is Council policy to:

- (a) Promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector;
- (b) Ensure that public interest disclosures are properly made, assessed, and when appropriate, properly investigated and dealt with;
- (c) Ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure; and
- (d) Afford protection from reprisals to persons making public interest disclosures.

Council recognises the important role Councillors, Council employees and members of the public can play in the identification of cases of maladministration, corrupt conduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.

5.1 Public interest disclosures must be:

- (a) Made to a proper authority; and
- (b) Information about the conduct of another person or another matter if:
 - (i.) The person honestly believes on reasonable grounds that the information tends to show the conduct or other matter; or
 - (ii.) The information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter.

A proper authority includes a public sector entity as defined by section 6 of the *Act* if the information and the subject of the disclosure relates to the conduct of the entity, or the public sector entity has power to investigate or remedy.

5.2 Information that may be disclosed and who may disclose it

5.2.1 Disclosure by any Person

A public interest disclosure can be made by any person about:

- (a) A substantial and specific danger to the health or safety of a person with a disability; or
- (b) The commission of an offence against a provision mentioned in schedule 2* of the *Act*, if the commission of the offence is or would be a substantial and specific danger to the environment; or
- (c) A contravention of a condition imposed under a provision mentioned in schedule 2* of the *Act*, if the contravention is or would be a substantial and specific danger to the environment; or
- (d) The conduct of another person that could, if proved, be a reprisal.

*Schedule 2 of the *Act* specifies particular statutory offences or contraventions involving endangering the environment.

5.2.2 Disclosure by a Public Officer

In addition to 5.2.1, public officers can also make a public interest disclosure about:

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- (a) The conduct of another person that could, if proved, be:
 - (i.) corrupt conduct; or
 - (ii.) maladministration that adversely affects a person's interests in a substantial and specific way; or
- (b) A substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); or
- (c) A substantial and specific danger to public health or safety; or
- (d) A substantial and specific danger to the environment.

5.2.3 Referral to another public sector entity may occur in the following circumstances:

- (a) When the public interest disclosure received relates to the conduct of another public sector entity or a public officer of another public sector entity; or
- (b) If another entity has the necessary jurisdiction, expertise and technical knowledge to investigate or take other action.

5.3 Management of Public Interest Disclosures

Council recognises the sensitivities which can be associated with public interest disclosures and the need to maintain public confidence in its process for managing public interest disclosures. Council will:

- (a) Ensure public interest disclosures are managed appropriately in accordance with the requirements of the *Act* and are achieved via the Public Interest Disclosure Procedure;
- (b) Maintain confidentiality of public interest disclosures received;
- (c) Consider prosecution of any person who provides a false or misleading statement or information to Council with the intention of it being processed as a public interest disclosure;
- (d) Consider prosecution and/or disciplinary action against any Councillor or employee who takes or attempts to take a reprisal action;
- (e) Facilitate public interest disclosure educational awareness programs for employees and make available applicable information for members of the public;
- (f) Ensure the disclosure regime facilitates continuous improvement of Council, its overall service delivery, systems, processes and employees;
- (g) Ensure records of public interest disclosures received are maintained, and that the confidentiality of all records created during the investigation and reporting of public interest disclosures is preserved.

6 Review Timelines:

This policy is reviewed when any of the following occur:

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

7 Responsibilities:

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Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Workforce and Strategy
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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COMPLAINTS MANAGEMENT FRAMEWORK POLICIES AND PROCEDURES

Public Interest Disclosure Procedure

Meeting Date: 12 December 2017

Attachment No: 6



PUBLIC INTEREST DISCLOSURE PROCEDURE

1. Scope:

This policy applies to all Rockhampton Regional Council Councillors, employees and members of the public.

2. Purpose:

To:

- (a) Communicate the rights and obligations, and to outline the process for Councillors, employees and members of the public to make appropriate disclosures;
- (b) Ensure the prompt, efficient and appropriate action of all disclosures and compliance with the *Public Interest Disclosure Act 2010*; and
- (c) Outline the disclosure processes and the required responsibilities of all employees.

3. Related Documents:

Primary

Public Interest Disclosure Policy

Secondary

Aboriginal Cultural Heritage Act 2003
Anti-Discrimination Act 1991
Crime and Corruption Act 2001
Criminal Code Act 1899
Disability Services Act 2006
Environmental Protection Act 1994
Fisheries Act 1994
Forestry Act 1959
Greenhouse Gas Storage Act 2009
Industrial Relations Act 2016
Information Privacy Act 2009
Integrity Act 2009
Land Act 1994
Local Government Act 2009
Local Government Regulation 2012
Mineral Resources Act 1989
Nature Conservation Act 1992
Ombudsman Act 2001
Petroleum Act 1923
Petroleum and Gas (Production and Safety) Act 2004
Public Sector Ethics Act 1994
Right to Information 2009
Torres Strait Islander Cultural Heritage Act 2003
Transport Operations (Marine Pollution) Act 1995

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Water Act 2000
Work Health and Safety Act 2011
 Public Interest Disclosure Standard No 1
 Actionable Communications Whole of Council Work Instruction
 Administrative Action Complaint Procedure
 Code of Conduct
 Complaint Management Policy
 Corrupt Conduct Policy
 Corrupt Conduct Procedure
 Councillor Code of Conduct Policy
 Discipline Procedure
 Drug and Alcohol Policy
 Drug and Alcohol Procedure (Councillors)
 Drug and Alcohol Procedure (Workers)
 Environmental Policy
 Handling of Confidential Information Policy
 Information Public Disclosure Procedure
 Investigation Procedure
 Privacy Policy
 Right to Information Policy
 Workplace Bullying, Discrimination and Sexual Harassment Policy
 Workplace Health and Safety Policy

4. Definitions:

To assist in interpretation, the following definitions apply:

Act	The <i>Public Interest Disclosure Act 2010</i>
Administrative action	<p>As per Schedule 4 of the Act:</p> <p>a) Any action about a matter of administration, including for example:</p> <ul style="list-style-type: none"> i. A decision and an act; and ii. A failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and iii. The formulation of a proposal or intention; and iv. The making of a recommendation, including a recommendation made to a Minister; and v. An action taken because of a recommendation to a Minister.
CEO	<p><i>Chief Executive Officer</i></p> <p>A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i>. This includes a person acting in the position.</p>
Corrupt Conduct	<p>As per the <i>Crime and Corruption Act 2001</i>, conduct of a person (regardless of whether the person holds or held an appointment) that fulfils each of the following elements:</p> <p>(a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a UPA or a person holding an appointment in a UPA;</p> <p>(b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in section (a) in a way that is:</p> <ul style="list-style-type: none"> (i) not honest or is not impartial; or (ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) involves a misuse of information or material acquired in or in

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	<p>connection with the performance of functions or the exercise of powers of a person holding an appointment; and</p> <p>(c) Is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and</p> <p>(d) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee/s	Local government employee: (a) the Chief Executive Officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Environment	As per Schedule 4 of the <i>Act</i> : Includes: a) Ecosystems and their constituent parts, including people and communities; and b) All natural and physical resources; and c) The qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; and d) The social, economic, aesthetic and cultural conditions that affect, or are affected by things mentioned above.
Investigations Unit	Industrial Relations and Investigations Unit, Workforce and Strategy
Maladministration	As per Schedule 4 of the <i>Act</i> : An administrative action that was: a) taken contrary to law; or b) unreasonable, unjust, oppressive, or improperly discriminatory; or c) in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or d) taken – i. for an improper purpose; or ii. on irrelevant grounds; or iii. having regard to irrelevant considerations; or a) an action for which reasons should have been given, but were not given; or b) based wholly or partly on a mistake of law or fact; or c) wrong.
Natural Justice	The principles and procedures that govern the adjudication of disputes between persons or organisations. The principles of natural justice are: (a) All parties will have the right to be heard and judged without bias. (b) All issues are investigated thoroughly and justly.
Person	A human being regarded as an individual, whether or not the individual is a public officer. (members of the public)

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Proper Authority	As per section 5 of the <i>Act</i> , a public sector entity or a member of the Legislative Assembly.
Public Interest Disclosure	As per section 11 of the <i>Act</i> , all information and help given by the discloser to a proper authority about a public interest matter referred to, pursuant to sections 12 and 13 of the <i>Act</i> .
Public Officer	All Rockhampton Regional Council's Councillors and employees.
Public Sector Entity	<p>A committee of the Legislative Assembly, the parliamentary service, a court or tribunal, the Executive Council, a Government department that maintains relevant investigation and/or enforcement powers relating to the nature of the disclosure, a local government and others as prescribed by the <i>Act</i>.</p> <p>A proper authority may include public sector entities such as the Crime and Misconduct Commission, the Public Service Commission, the Queensland Ombudsman, Anti-Discrimination Commission or the Queensland Industrial Relations Commission.</p>
Reprisal	<p>As per section 40 of the <i>Act</i>:</p> <p>A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that:</p> <p>(a) The other person or someone else has made, or intends to make a public interest disclosure; or</p> <p>(b) The other person or someone else is, has been, or intends to be, involved in a proceeding under the <i>Act</i> against any person.</p>
UPA	<p>Unit of Public Administration</p> <p>Includes the following:</p> <p>(a) the Legislative Assembly, and the parliamentary service;</p> <p>(b) the Executive Council;</p> <p>(c) a department;</p> <p>(d) the police service;</p> <p>(e) a local government;</p> <p>(f) a corporate entity established by an Act or that is of a description of a corporate entity provided for by an Act which, in either case, collects revenues or raises funds under the authority of an Act;</p> <p>(g) a noncorporate entity, established or maintained under an Act, that:</p> <p>(i.) is funded to any extent with State moneys; or</p> <p>(ii.) is financially assisted by the State;</p> <p>(h) a State court, of whatever jurisdiction, and its registry and other administrative offices; and</p> <p>another entity prescribed under a regulation.</p>

5. Procedure:

Everyone plays an important role in identifying cases of maladministration, corrupt conduct and the misuse of public resources or contraventions giving rise to dangers to public health and safety, the environment or to persons with disabilities.

All disclosures will be handled in the same manner regardless if the disclosure is made from a person or a public officer.

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Disclosures must be made to the proper authority, namely a public sector entity and Council can only pursue disclosures where the information and the subject of the disclosure relates to the conduct of Council or that Council has the power to investigate.

Referral to another public sector entity may occur in the following circumstances:

- (a) When the public interest disclosure received relates to the conduct of another public sector entity or a public officer of another public section entity; or
- (b) If another entity has the necessary jurisdiction, expertise and technical knowledge to investigate or take other action.

5.1 Responsibilities

5.1.1 Chief Executive Officer, Deputy CEO and General Managers

Responsible for ensuring:

- (a) The communication of expectations that all employees are required to conduct their duties to high professional and ethical standards and always act in the public interest (Code of Conduct);
- (b) Reasonable procedures are in place to deal with a public interest disclosure and are published to enable persons and public officers to access them;
- (c) Disclosures are properly assessed, investigated and dealt with, including appropriate action being taken in relation to any wrongdoing in a disclosure;
- (d) Employees making a disclosure receive support and protection from reprisal;
- (e) Legislative obligations in relation to reporting and investigation are met; and
- (f) Matters involving suspected corrupt conduct are assessed and referred, as required to the Crime and Corruption Commission in accordance with the *Crime and Corruption Act 2001*. Refer to Council's Corrupt Conduct Policy and Procedure.

5.1.2 Supervisors

Responsible for maintaining an ethical culture and leading by example to:

- (a) Provide clear direction to employees on how to raise matters that involve corrupt conduct, while maintaining confidentiality and natural justice;
- (b) Ensure employees in their operational area are aware of their obligations in relation to the requirements of the Public Interest Disclosure Policy and this procedure; and
- (c) Monitor the workplace for signs of reprisal against a discloser or an employee who is the subject of a disclosure under the principles of natural justice.

5.1.3 Employees

Responsible for:

- (a) Complying with the Public Interest Disclosure Policy, this procedure and the Code of Conduct;

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- (b) Reporting their concerns about suspected corrupt conduct or unethical behaviour in accordance with the Public Interest Disclosure Policy and this procedure; and
- (c) Participating in various educational awareness training programs.

5.2 Making a Disclosure

- (a) A disclosure can be made in writing (preferable) or orally and anonymously, although a person making an anonymous disclosure should disclose as much information as possible to enable Council to respond appropriately.
- (b) A person should disclose anything that they think may constitute a disclosure and be prepared to provide evidence to support the disclosure to the investigating officer. All disclosures will be treated with strict confidentiality and shall not be discussed (including any correspondence) with any other person other than chosen support persons. The only exception would be when a disclosure is required by law.
- (c) Some disclosures are not protected by the *Act*, including disclosures made to the media, false or misleading information, those that question the merits of Council policy and those that are made to avoid disciplinary action. Section 20 of the *Act* highlights the circumstances when a disclosure can be made to a journalist.
- (d) Pursuant to section 45 of the *Act*, making a disclosure does not prevent reasonable management action.
- (e) To intentionally make a false disclosure is an offence under section 66 of the *Act* and may lead to disciplinary action.
- (f) Disclosures can be made directly to the Crime and Corruption Commission regarding corrupt conduct, or the Ombudsman concerning maladministration or a Member of Parliament.

5.3 Process

- (a) Disclosures will be forwarded to the Investigations Unit who will assess and determine if it constitutes a disclosure and if it requires investigation.
- (b) The responsible officer will make a recommendation to appropriate senior management and a statement of reasons for action before proceeding with an investigation or another course of action.
- (c) Any disclosures pertaining to the CEO or a Councillor shall be dealt with in accordance with current statutory provisions and Council policy.
- (d) Under section 46 of the *Act*, public officers have a right of appeal or review, internally and externally on the management of and/or a decision regarding their disclosure. External review avenues include the Queensland Ombudsman and the Crime and Corruption Commission.

5.3 Support and Protection

- (a) Management and responsible officers from the Investigations Unit must treat all disclosures in the strictest of confidence, including disclosures which do not qualify as an actual disclosure as defined in legislation. All concerns are taken seriously and privacy and confidentiality must be protected as far as possible throughout any investigation process.
- (b) Employees may share information with Council's Employee Assistance Program provider, their union representative or an appointed support person.

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- (c) Under section 36 of the *Act* a person is not liable civilly, criminally or under an administrative process for making a disclosure. An employee cannot be dismissed on the basis of making a disclosure or intending to make a disclosure in accordance with the *Act*.
- (d) Council is responsible under the *Act* for preventing any disclosures from reprisals and bullying, under section 40 of the *Act* it is also an offence for an employee to make a reprisal because of a belief that another person has made or intends to make a disclosure.
- (e) If a person feels as though they have been disadvantaged or subjected to a reprisal for making a disclosure they should raise the matter immediately with their senior management or the Investigations Unit.
- (f) Council will ensure all persons involved in a disclosure investigation, either as a discloser or subject, will be offered an appropriate level of support and case management. Action will be taken to ensure where possible that people's identities and the details of the disclosure remain confidential.
- (g) Subject officers are assumed to be innocent of any adverse allegations until there is evidence to the required standard of proof to show otherwise. The rules of natural justice apply to any subject officer under investigation in respect of an allegation made against them.
- (h) Council undertakes to keep the discloser who is not a public officer informed of the progress of their disclosure.
- (i) Any apparent conflict between disclosure and confidentiality is risk managed by Council through a clear focus on the prevention of fraud, wrongdoing and unethical behaviour.

5.4 Investigations Unit Responsibilities

- (a) Assessment to ensure that the matter meets the criteria under the *Act*.
- (b) Prepare recommendations for appropriate management consideration.
- (c) If a disclosure relates to an administrative action, environment or safety concerns the responsible officer will refer the disclosure to the relevant Council section or the appropriate State Government Department or agency.
- (d) If a disclosure requires an investigation, commence the processes outlined in the Investigation Procedure. In some instances investigations may be referred to external organisations for referral or completion.
- (e) Liaise directly with the relevant State Government Department or agency as required.
- (f) Provide feedback to the discloser about the progress and outcome of the disclosure.
- (g) The Public Interest Disclosure Standard No. 1 places an obligation on Council to possess a secure and confidential reporting system to receive and manage disclosure information; the Investigations Unit will oversee this process.
- (h) Where an investigation has identified a discipline breach, the responsible officer may make recommendations for action in accordance with the Discipline Procedure for the relevant management's consideration.
- (i) Update the appropriate senior management on the progress of disclosure investigations.

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- (j) Where applicable, ensure the disclosure regime facilitates continuous improvement of Council, its overall service delivery, systems, processes and employees.
- (k) Facilitate educational awareness programs relating to the Public Interest Disclosure Policy and this procedure.
- (l) The provision of relevant information to the oversight agency through completion of the Queensland Ombudsman's Public Interest Disclosure database.

6. Review Timelines:

This procedure is reviewed when any of the following occur:

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

7. Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Procedure Owner	Manager Workforce and Strategy
Procedure Quality Control	Corporate Improvement and Strategy

ROSS CHEESMAN
DEPUTY CHIEF EXECUTIVE OFFICER

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11.13 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No:	12660
Attachments:	1. Instrument of Delegation - Planning Act 2016 2. Instrument of Delegation - Waste Reduction & Recycling Act 2011
Authorising Officer:	Tracy Sweeney - Manager Workforce and Strategy
Author:	Allysa Brennan - Coordinator Corporate Improvement and Strategy

SUMMARY

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

OFFICER'S RECOMMENDATION

THAT:

1. 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 attached to the report:
 1. *Planning Act 2016*
 2. *Waste Reduction and Recycling Act 2011*
2. 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 powers under the Acts listed within the Officer's Recommendation. Subsequently, the Instruments of Delegation containing the new legislative updates for the Acts have been prepared for Council's consideration and are attached to this report.

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

Changes to Existing Delegable Powers**Attachment 1 – Planning Act 2016 ('PLAA')**

The PLAA has been amended by the *Waste Reduction and Recycling Amendment Act 2017*. The amendment has resulted in minor changes to delegable powers. The numbering of some sections have been amended and sections 324B(5) and 324C(5) have been added to include transitional provisions affecting change applications. The Coordinator Development Assessment has reviewed the two additional sections and has advised that they do not require delegation to the CEO as the powers relate to change and extension applications that existed at the time of commencement of the *Planning Act 2016*. Council did not have any applications that fell into either category.

General Manager Community Services endorsed the Manager Planning and Regulatory Services' recommendation for the power under section 60(3)(c), *power to refuse the application* be delegated to the CEO for building or plumbing or drainage applications only. Council decision will be required for all other applications (operational work, reconfiguring a lot or material change of use applications).

General Manager Community Services endorsed the Manager Planning and Regulatory Services' recommendation for the power under section 56(2)(c), *power to decide to direct the assessment manager to refuse the variation request*, currently delegated to the CEO to now remain with Council.

Attachment 2 – Waste Reduction and Recycling Act 2011 ('WRRRA')

The WRRRA has been amended by the *Waste Reduction and Recycling Amendment Act 2017*. The amendment has resulted in changes to delegable powers that relate to end of waste codes and approvals and the addition of powers relating to the beverage container refund scheme. Sections 99ZA(3)(a), 99ZF(4)(a), 99ZY(2), 173B(3), 173L(1), 173M(1), 173O(1) and (2), 173ZB(3)(f), 173ZE, 173ZF(1) and 308(2) have been added and sections 170(2), 173J(2), 173Q(1), 173S(1), 173T(2), 173Y(3)(f) and 173ZA have been removed.

The Manager Rockhampton Regional Waste and Recycling (RRWR) has reviewed the additional sections and has advised that they do not require delegation to the CEO. The Manager RRWR has advised Chapter 4 relates to beverage container refund schemes which is facilitated by the Product Responsibility Organisation and the Materials Recovery Facility (MRF) set up by the State or a Collector Organisation and the CEO EHP. Manager RRWR has also advised that Chapter 8 and 8A relates to end of waste codes which are currently not relevant to Council. These recommendations have been endorsed by the General Manager Regional Services.

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 the legislation listed, Council's legal advisor, MacDonnells Law, provides a regular service of updates/amendments for relevant state legislation to Council.

The previous Instruments of Delegation for the Acts listed within this report was last considered and adopted by Council at the following meeting:

Legislation	Meeting Date
<i>Planning Act 2016</i>	26 September 2017
<i>Waste Reduction and Recycling Act 2011</i>	26 April 2017

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.

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 Instruments of Delegation for the relevant legislative Acts incorporating sections 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 – Planning Act 2016

Meeting Date: 12 December 2017

Attachment No: 1



INSTRUMENT OF DELEGATION

Planning Act 2016

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

*Planning Act 2016 ("PLAA")***CHAPTER 2 – PLANNING****Part 3 - Local Planning Instruments****Division 2 – Making or amending planning schemes**

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide— a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and c) the making of the TLPI would not adversely affect State interests.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.
Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.
Local Government	25(2)	Power to: a) give written reasons for the decision to the Chief Executive; b) publish a public notice in the approved form about the decision; and c) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.
Local Government	25(3)	Power to undertake an LGIP review.

Division 3 – State Powers for local planning instruments

Entity power given to	Section of PA	Description
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.

Part 4 - Superseded Planning Schemes**Division 1 – Applying superseded planning schemes**

Entity power given to	Section of PA	Description
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.
Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.

Division 2 - Compensation

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.
Local Government	32(1)(b)	Power to refuse a compensation claim.
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Chief Executive Officer	32(3)	Power to give the affected owner: <ul style="list-style-type: none"> a) notice of intention to resume; b) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.

Part 5 - Designation of premises for development of infrastructure

Entity power given to	Section of PA	Description
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.
Local Government	36(7)(c)	Power to make submission to a Designator in relation to making or amending a designation.
Designator	38(1)	Power to:- a) consider properly made submissions; b) decide to make or amend a designation; and c) publish a gazette notice.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the extension before the designation stops having effect.
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states— a) that the designation is repealed; and b) a description of the designated premises; and c) the type of infrastructure for which the premises were designated; and d) the reasons for the repeal.
Designator	41(4)	Power to: a) repeal the designation; b) decide to refuse the request; and c) decide to take other action that designator considers appropriate in the circumstances.
Designator	41(5)	Power to give a decision notice.
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.
Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.

CHAPTER 3 – DEVELOPMENT ASSESSMENT**Part 1 - Types of development and assessment**

Entity power given to	Section of PA	Description
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.
Local Government	45(7)	Power to consider amendment or replacement of a statutory instrument or other document before deciding a properly made application.

Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.

Part 2 - Development applications**Division 2 – Making or changing applications**

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent.
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).
Assessment Manager	51(5)	Power to accept a properly made application.
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not— (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(a)	Power to consider submissions about a development application.
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

Part 3 - Assessing and deciding development applications**Division 1 – Referral agency's assessment**

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.

Referral Agency	55(4)	Power to give weight, considered appropriate in the circumstances to any amendment or replacement of the instrument or other document that came into effect after the application was properly made.
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> i. to give any development approval subject to stated development conditions; ii. to give any development approval for only a stated part of the application; iii. to give any development approval only as a preliminary approval; iv. to improve a stated currency period for a development approval given.
Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> i. to approve only some of the variations sought; ii. subject to section 61(3) to approve different variations from those sought.
Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.

Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment Manager	60(3)(c)	Power to decide to refuse the application.
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.

Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

Division 3 – Development conditions

Entity power given to	Section of PA	Description
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.

Part 5 - Development Approvals

Division 2 – Changing development approvals

Subdivision 1 – Changes during appeal period

Entity power given to	Section of PA	Description
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

Subdivision 2 – Changes after appeal period

Entity power given to	Section of PA	Description
Referral Agency	78(3)(a)	Power to consider change application.
Assessment Manager	78(3)(c)	Power to consider change application.
Assessment Manager	78(5)	Power to consider change application referred from Minister.
Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).

Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).
Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Affected Entity	80(3)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and (b) the reasons for any objection.
Affected Entity	80(5)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.
Affected Entity	80(5)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.
Responsible Entity	81(3)(a)	Power to assess against, or have regard to, the matters that applied when the development application was made.
Responsible Entity	81(3)(b)	Power to assess against, or have regard to, the matters that applied when the change application was made.
Responsible Entity	81(4)(a)	Power to make the change, with or without imposing development conditions, or amending development conditions, relating to the change.
Responsible Entity	81(4)(b)	Power to refuse to make the change.
Responsible Entity	81(7)	Power to agree with applicant to an extension of time for deciding a minor change application.

Subdivision 3 – Notice of Decision

Entity power given to	Section of PA	Description
Responsible Entity	83(1)	Power to give a decision notice.
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.

Division 3 – Cancelling development approvals

Entity power given to	Section of PA	Description
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.

Division 4 – Lapsing of and extending development approvals

Entity power given to	Section of PA	Description
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).

Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.
Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.
Assessment Manager	87(3)	Power to agree to extend the 20 business day period.
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.

Division 5 – Noting development approvals on planning schemes

Entity power given to	Section of PA	Description
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.

Part 6 - Minister's powers

Division 3 – Minister's call in

Entity power given to	Section of PA	Description
Person	402(2)	Power to make representations about the proposed call in notice.
Decision-maker	105(3)	Power to provide Minister with reasonable help.

Part 7 - Miscellaneous

Entity power given to	Section of PA	Description
Assessment Manager or Referral Agency or Responsible Entity	109(a)	Power to refund all or part of a required fee.
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.

CHAPTER 4 – INFRASTRUCTURE**Part 2 - Provisions for Local Governments****Division 2 – Changes for trunk infrastructure*****Subdivision 2 – Charges resolutions***

Entity power given to	Section of PA	Description
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a <i>breakup agreement</i>) about the charges breakup.

Subdivision 3 – Levying charges

Entity power given to	Section of PA	Description
Local Government	119(2)	Power to give an infrastructure charges notices.
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.

Subdivision 4 – Payment

Entity power given to	Section of PA	Description
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of PA	Description
Local Government	125(2)	Power to consider representations.
Local Government	125(3)	Power to give a negotiated notice to the recipient.

Division 3 – Development approval conditions about truck infrastructure***Subdivision 2 – Conditions for extra trunk infrastructure costs***

Entity power given to	Section of PA	Description
Local Government	131(2)	Power to agree to an alternative payment time.
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.

Division 4 – Miscellaneous provisions about trunk infrastructure***Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts***

Entity power given to	Section of PA	Description
Local Government	140(1)	Power to consider and decide the conversion application.
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

Subdivision 2 – Other Provisions

Entity power given to	Section of PA	Description
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.

Part 3 - Provisions for State infrastructure providers

Entity power given to	Section of PA	Description
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.

Part 4 - Infrastructure agreements

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.

CHAPTER 5 – OFFENCES AND ENFORCEMENT**Part 3 - Enforcement notices**

Entity power given to	Section of PA	Description
Enforcement authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.
Enforcement Authority	167(2)	Power to give a show cause notice.
Enforcement	167(4)	Power to give an enforcement notice to a person if it still considers it

Authority		appropriate to do so.
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to— (a) the person; and (b) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.
Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.
Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.

Part 4 - Offence proceedings in Magistrates Court

Entity power given to	Section of PA	Description
Person	174(1)	Power to bring offence proceedings.
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.

Part 5 - Enforcement orders in P&E Court

Entity power given to	Section of PA	Description
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.
Person	180(11)	Power to apply to the P&E Court for a compliance order.
Enforcement Authority	180(13)(a)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.

CHAPTER 6 – DISPUTE RESOLUTION**Part 1 - Appeal rights**

Entity power given to	Section of PA	Description
Appellant	229(2)	Power to start an appeal within the appeal period.
Assessment Manager	229(5)	Power to apply to the tribunal or the P&E court to withdraw from the appeal if an appeal is only about a referral agencies response.

Part 2 - Development Tribunal**Division 2 – Applications for declaration**

Entity power given to	Section of PA	Description
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.

CHAPTER 7 – MISCELLANEOUS**Part 2 - Taking or purchasing land for planning purposes**

Entity power given to	Section of PA	Description
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.
Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.
Local Government	263(1)(b)(ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.
Local Government	263(1)(b)(iii)	Power to be satisfied that the action is necessary for the development.
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.

Part 3 - Public access to documents

Entity power given to	Section of PA	Description
Local Government	264(1)(a)	Power to keep or keep publically available documents including registers relating to local government functions as prescribed in the Reg.
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg
Local	264(6)	Power to decide if a document or information in a document prescribed

Government		under the Reg is not disclosable.
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.

CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL**Part 1 - Transitional provisions for the repeal of Sustainable Planning Act 2009****Division 3 – Planning**

Entity power given to	Section of PA	Description
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.

Division 5 – Infrastructure

Entity power given to	Section of PA	Description
Local Government	304(4)(a)	Power to adopt charges under section 113.
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.

Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.

Division 7 – Miscellaneous

Entity power given to	Section of PA	Description
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).

Part 1A - Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017

Entity power given to	Section of PA	Description
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.
Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.

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.
7. Section 29(6) of the *Planning Act 2016* must not be exercised if:
 - (a) there is a conflict between proposed use and the superseded scheme zoning intent; or
 - (b) compensation issues would arise from the superseded development application,in which case the power must be undertaken by Council.
8. Section 60(2)(a), 60(2)(b), 60(2)(c), 60(2)(d), 60(3)(a), 60(3)(b) and 60(5) of the *Planning Act 2016* must not be exercised if:
 - (a) the application was impact assessable and there were submissions;
 - (b) the application is being recommended for refusal; or
 - (c) the proposed development is inconsistent with the intent of the zone,in which case the power must be undertaken by Council.
9. Section 60(3)(c) - operational work, reconfiguring a lot and material change of use applications must be decided by Council.
10. Sections 75(4)(b)(ii) and 75(4)(b)(iii) of the *Planning Act 2016* must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.
11. Section 76(1) of the *Planning Act 2016* must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.
12. Sections 87(2)(a) and 87(2)(b) of the *Planning Act 2016* must not be exercised if the decision is to refuse the extension sought in which case the power must be undertaken by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation – Waste Reduction & Recycling Act 2011

Meeting Date: 12 December 2017

Attachment No: 2



INSTRUMENT OF DELEGATION

Waste Reduction and Recycling 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

Waste Reduction and Recycling Act 2011 ("WRRRA")**CHAPTER 3 – WASTE LEVY****Part 1 - Weighbridges**

Entity power given to	Section of WRRRA	Description
Operator of waste disposal site	52(2)	Power to give the Chief Executive a return in the approved form for the period prescribed under a regulation.

CHAPTER 4 – MANAGEMENT OF PRIORITY PRODUCTS AND PRIORITY WASTE**Part 3B - Beverage container refund scheme****Division 3 – Refund amounts for empty containers and container refund points****Subdivision 3 – Container refund points**

Entity power given to	Section of WRRRA	Description
Person	99ZA(3)(a)	Power to ask the Organisation, in writing, to enter into a container collection agreement for the purpose of the person operating a container refund point.

Division 4 – Recovery amounts for empty containers recycled by material recovery facilities

Entity power given to	Section of WRRRA	Description
Operator	99ZF(4)(a)	Power to ask the Organisation, in writing, to enter into a material recovery agreement for the purpose of claiming recovery amounts for containers.

Division 6 - Miscellaneous

Entity power given to	Section of WRRRA	Description
Operator	99ZY(2)	Power to apply to the chief executive for an exemption (an extraordinary circumstances exemption).

CHAPTER 5 – OFFENCES RELATING TO LITTERING AND ILLEGAL DUMPING**Part 2 - Material that may become waste****Division 1- Roads**

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste	110(1) ¹	Power to hold a belief on reasonable grounds that documents have been distributed by being placed in or on motor vehicles, or attached to buildings or other fixed structures in contravention of s109.

1

The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	110(2) ²	Subject to s110(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: <ul style="list-style-type: none"> a) authorised or arranged for the distribution of the documents; or b) authorised or arranged for the printing of the documents; or c) placed or attached any of the documents.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	111(1) ³	Power to hold a belief on reasonable grounds that advertising material has been distributed in an area by being delivered to premises in contravention of the unlawful delivery provision or the secure delivery provision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	111(2) ⁴	Subject to s111(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: <ul style="list-style-type: none"> a) authorised or arranged for the distribution of the documents; or b) authorised or arranged for the printing of the documents; or c) placed or attached any of the documents.

² The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

³ The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

⁴ The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

Management) Delegation (No. 1) 2015		
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	112(3) ⁵	In the circumstances and subject to s112(4), power to direct a responsible entity to collect material from premises within a period of time.

CHAPTER 6 – STRATEGIC PLANNING FOR WASTE REDUCTION AND RECYCLING

Part 2 - Local government strategic planning for waste

Division 3 - Chief executive action to prepare waste reduction and recycling plan for local government

Entity power given to	Section of WRRRA	Description
Local Government	128(3)(c)	Power to make written submissions.

CHAPTER 8 – PROVISIONS FOR END OF WASTE

Part 2 - End of Waste Codes

Division 3 - Amendment, cancellation or suspension of end of waste codes

Entity power given to	Section of WRRRA	Description
Person	168	Power to apply to the Chief Executive to amend an end of waste code.

Division 4 - Registration of end of waste resource producers

Entity power given to	Section of WRRRA	Description
Person	173B(1)	Power to give the Chief Executive a notice that Council intends to become a registered resource producer for the code.
Person	173B(3)	Power to give the Chief Executive notice, in the approved form, that it is no longer a registered resource producer for an end of waste code.
Person	173D(1)(e)	Power to make a written submission to the Chief Executive about why the proposed action should not be taken.

⁵

The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

Part 3 - End of Waste Approvals

Entity power given to	Section of WRRRA	Description
Person	173L(1)	Power to apply to the Chief Executive for an end of waste approval for 1 kind of waste to be used as a resource.
Holder	173L(1)	Power to apply to the Chief Executive, on 1 occasion, to extend the approval.
Holder	173M(1)	Power to apply to the Chief Executive to amend the approval.
Holder	173O(1)	Power to apply to the Chief Executive to transfer the approval to another person.
Proposed Transferee	173O(2)	Power to consent to a proposed transfer.

CHAPTER 8A – GENERAL PROVISIONS FOR APPROVALS**Part 3 - Amendment, suspension or cancellations**

Entity power given to	Section of WRRRA	Description
Holder	173ZB(3)(f)	Power to, within a stated period (the show cause period), make a written submission to the Chief Executive about why the proposed action should not be taken.

Part 4 - Miscellaneous

Entity power given to	Section of WRRRA	Description
Holder	173ZE	Power to surrender the approval by giving the Chief Executive a notice about the surrender.
Holder	173ZF(1)	Power to provide Chief Executive with information about an approval.

CHAPTER 9 – REVIEWS**Part 1 - Internal Reviews**

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	175 ⁶	Subject to conditions, power to consider an application for an internal review of a decision.

⁶ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	176(2) ⁷	Power to extend the time for making an internal review application.
Applicant of an internal review application	177(2)	Power to apply for a stay of an original decision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(a) ⁸	Power to conduct an internal review of the decision the subject of the application.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(b) ⁹	Power to make a decision to: i) confirm the original decision; or ii) amend the original decision; or substitute another decision for the original decision.

⁷ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

⁸ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

⁹ The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

CHAPTER 10 AUTHORISED PERSONS**Part 2 - General matters about authorised persons****Division 2 - Appointment**

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	183(1) ¹⁰	Power to appoint an authorised person.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	187 ¹¹	To issue an identify card to an authorised person.

CHAPTER 11 – SHOW CAUSE NOTICES AND COMPLIANCE NOTICES**Part 2 - Show cause notices**

Entity power given to	Section of WRRRA	Description
Powers delegated to	246(1) ¹²	Power to reasonably believe a person has contravened a prescribed provision.

¹⁰ The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

¹¹ The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

¹² The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(2) ¹³	Power to give a person a show cause notice, subject to subsection (3).
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(3) ¹⁴	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.

Part 3 - Compliance notices

Entity power given to	Section of WRRRA	Description
Powers	248(1) ¹⁵	Subject to s246 (2) and subject to holding a reasonable belief that a person

¹³ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

¹⁴ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		has contravened, or is contravening, a prescribed provision, power to give a compliance notice to a person requiring the person to do either or both of the following – a) to refrain from contravening the prescribed provision; b) to remedy the contravention in the way stated in the notice.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	249(2) ¹⁶	Power to give a compliance notice if the Chief Executive: a) has considered all submissions made by the person about the show cause notice within the period state in that notice; and b) still believes it is appropriate to give a compliance notice.

CHAPTER 12 – WASTE AUDITS

Part 2 - Chief executive may require conduct of waste audits

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation	253(1) ¹⁷	Subject to holding a reasonable suspicion that a person is contravening or has contravened a prescribed provision, power to give a notice requiring a person to commission a waste audit of the matter and to provide a waste report on the audit.

¹⁵ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

¹⁶ The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

¹⁷ The power can only be exercised as it relates to section 104 of WRRRA.

(No. 1) 2015		
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Part 3 - Other provisions

Entity power given to	Section of WRRRA	Description
A recipient as defined in s253(1).	256(1)	Power to make and provide a statutory declaration.

CHAPTER 15 – TRANSITIONAL PROVISIONS**Part 2 - Discounted levy for residue waste disposal until 30 June 2014**

Entity power given to	Section of WRRRA	Description
Entity who conducts a recycling activity	278(1)	Power to make a residue waste discounting application.
Applicant of a residue waste discounting application	279(3)	Power to agree to a later date for the provision of further information.
Applicant of a residue waste discounting application	281(3)	Power to agree to or ask for a condition to a grant of application.

Part 3 - Exempt from waste levy for residue waste until 30 June 2014

Entity power given to	Section of WRRRA	Description
Entity who conducts a recycling activity	287(1)	Power to make a transition period exempt residue waste application.
Applicant of a transition period exempt residue waste application	290(3)	Power to agree to or ask for a condition to a grant of application.
Holder of a transition period exempt residue waste application	293(3)(e)	Power to make written submissions.

CHAPTER 16 – OTHER TRANSITIONAL PROVISIONS**Part 2 - Transitional provisions for Waste Reduction and Recycling Amendment Act 2017**

Entity power given to	Section of WRRRA	Description
Person	308(2)	Power to, before the collection transition day, deal with or do the specified things in relation to a container that does not display the refund marking.

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.

11.14 ROCKHAMPTON AERO CLUB REQUEST FOR REDUCTION IN LEASE RENTAL PAYMENT

File No: 3719
Attachments: 1. Letter from Rockhampton Aero Club (in Closed Session)
Authorising Officer: Scott Waters - General Manager Aviation
Author: Tracey Baxter - Manager Airport

SUMMARY

The Rockhampton Aero Club are seeking a reduction in rent payments for Lease Site AN at Rockhampton Airport. The reduction requested is 50% for an initial 12 month period and 25% for the following 12 months.

OFFICER'S RECOMMENDATION

THAT Council decline the request from the Rockhampton Aero Club for a reduction in rent payments.

COMMENTARY

The Rockhampton Aero Club has a part lease of the general aviation terminal building consisting of offices, training rooms, kitchen and bar. The lease expires on 31 January 2019 and has a further two (2) x five (5) year options.

The general aviation terminal building is located in the General Aviation of the Airport off Aviation Drive.

Rockhampton Airport Management has received a letter from the President, Mr Trevor McMaster of the Aero Club and subsequently met with Mr McMaster to discuss ways and ideas on how to generate more income.

PREVIOUS DECISIONS

Council has approved two previous decisions for a waiver of rental payments for the Club due to financial difficulties.

BUDGET IMPLICATIONS

The Club's current rent is \$912.55 per month or \$10,950.60 per annum and do not have any outstanding rental fees. A reduction of 50% for the first year would amount to a loss of \$5,475.30 and a reduction of 25% for the second year would amount to a loss of \$2,737.65. This would total an income loss for Council over two years of \$8,212.95.

CONCLUSION

Airport Management have supported reductions in rent on two previous occasions. Airport Management believes the Club should be proactively seeking other streams of income or business ideas.

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR DREW WICKERSON - EXPRESSION OF INTEREST TO BECOME A MEMBER ON COMMUNITY SERVICES COMMITTEE

File No: 8246

Attachments: 1. Expression of Interest to join Community Services Committee

Responsible Officer: Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Drew Wickerson has indicated his intention to move a Notice of Motion at the next Council Meeting being held on Tuesday 12 December 2017 regarding membership of Community Services Committee.

COUNCILLOR'S RECOMMENDATION

THAT Council approve Councillor Drew Wickerson's expression of interest to become a member of the Community Services Committee commencing in January 2018.

BACKGROUND

Councillor Wickerson believes his previous positions held within the former Rockhampton City Council and subsequent experience gained through civic, cultural and design projects with the private sector will greatly assist him to positively contribute to the deliberations of the Community Services Committee for Rockhampton Regional Council.

**NOTICE OF MOTION - COUNCILLOR
DREW WICKERSON - EXPRESSION OF
INTEREST TO BECOME A MEMBER ON
COMMUNITY SERVICES COMMITTEE**

**Expression of Interest to join
Community Services Committee**

Meeting Date: 12 December 2017

Attachment No: 1



Rockhampton Office
232 Bolsover St, Rockhampton
Gracemere Office
1 Ranger St, Gracemere
Mount Morgan Office
32 Hall St, Mount Morgan

28 November 2017

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Evan

Notice of Motion

I hereby give notice of my intention to move the following motion at the meeting of Council on Tuesday 12 December, 2017.

"That Council approve Cr Drew Wickerson's expression of interest to become a member of the Community Services Committee commencing in January 2018."

I believe, my previous positions held with the former Rockhampton City Council and subsequent experience gained through civic, cultural and design projects with the private sector will greatly assist me to positively contribute to the deliberations of the Community Services Committee for Rockhampton Regional Council.

Yours faithfully

A handwritten signature in black ink, appearing to read "Drew Wickerson", is written over a faint circular stamp.

Councillor Drew Wickerson
Division 6
Rockhampton Regional Council



Rockhampton Regional
Council proudly supports
the **CQ NRL BID**

Rockhampton Regional Council PO Box 1860, Rockhampton Q 4700
Phone 07 4932 9000 or 1300 22 55 77 | Fax 07 4936 8862 or 1300 22 55 79
Email enquiries@rrc.qld.gov.au | Web www.rrc.qld.gov.au

12.2 NOTICE OF MOTION - COUNCILLOR DREW WICKERSON - ACKNOWLEDGING TRADITIONAL CUSTODIANS

File No: 8246
Attachments: 1. Traditional Owners Acknowledgement
Responsible Officer: Evan Pardon - Chief Executive Officer

SUMMARY

Councillor Drew Wickerson has indicated his intention to move a Notice of Motion at the next Council meeting being held on 12 December 2017 regarding acknowledgement of traditional custodians at all Council and Committee meetings.

COUNCILLOR'S RECOMMENDATION

THAT at each Ordinary Meeting, Committee Meeting and Special Meeting of Council, the Chairperson is afforded the opportunity to acknowledge the traditional custodians of the land upon which the meeting is being held.

BACKGROUND

Councillor Wickerson believes that it is appropriate and fitting as a Council to pay respect and also observe the practice of formally recognising indigenous owners and further that this be included in agendas.

**NOTICE OF MOTION –
COUNCILLOR DREW WICKERSON -
ACKNOWLEDGING TRADITIONAL
CUSTODIANS**

Traditional Owners Acknowledgement

Meeting Date: 12 December 2017

Attachment No: 1



Rockhampton Office
232 Bolsover St, Rockhampton
Gracemere Office
1 Ranger St, Gracemere
Mount Morgan Office
32 Hall St, Mount Morgan

28 November 2017

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Evan

Notice of Motion

I hereby give notice of my intention to move the following motion at the meeting of Council on Tuesday 12 December, 2017.

"That at each Ordinary Meeting, Committee Meeting and Special Meeting of Council, the Chairperson is afforded the opportunity to acknowledge the traditional custodians of the land upon which the meeting is being held."

I believe that it is appropriate and fitting as a Council, to pay respect and also observe the practice of formally recognising indigenous owners and further that this be included in agendas.

Yours faithfully

A handwritten signature in black ink, appearing to read "Drew Wickerson", is written over the typed name and title.

Councillor Drew Wickerson
Division 6
Rockhampton Regional Council



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13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

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

15 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.

16.1 Preparation of Property for Sale

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.

16 CONFIDENTIAL REPORTS

16.1 PREPARATION OF PROPERTY FOR SALE

File No: 1680

Attachments: 1. Concept Earthworks Plan

Authorising Officer: Peter Kofod - General Manager Regional Services

Author: Angus Russell - Senior Executive Strategic Projects

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

The report provides discussion and recommendations for preparation of the subject land for future disposal.

17 CLOSURE OF MEETING