



PERFORMANCE & SERVICE COMMITTEE MEETING

AGENDA

24 FEBRUARY 2015

Your attendance is required at a meeting of the Performance & Service Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 24 February 2015 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. R.", is written over a horizontal line.

CHIEF EXECUTIVE OFFICER
23 February 2015

Next Meeting Date: 24.03.15

Please note:

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

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1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Minutes of the Performance & Service Committee held 25 November 2014

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PERFORMANCE AND SERVICE COMMITTEE

File No: 10097

Attachments: 1. Business Outstanding Table for Performance and Service Committee

Responsible Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

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

OFFICER'S RECOMMENDATION

THAT the Business Outstanding Table for the Performance and Service Committee be received.

BUSINESS OUTSTANDING TABLE FOR PERFORMANCE AND SERVICE COMMITTEE

Business Outstanding Table for Performance and Service Committee

Meeting Date: 24 February 2015

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Notes
25 March 2014	Fire Management Plan for Mt Archer	THAT Council approve that resources be deployed towards the development of a Fire Management Plan for Mt Archer and its surrounds and that the plan be presented to the table in July 2014.	Michael Rowe	01/04/2014	Strategy complete. Implementation plan under peer review.
29 July 2014	Renewable Energy Solutions	THAT a report on renewable energy solutions that may be able to be implemented across Council facilities be brought back to the table.	Sharon Sommerville	05/08/2014	Researching information for report to be presented late 2015.

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 ORGANISATIONAL STRUCTURE

File No: 289

Attachments: 1. **Rockhampton Regional Council
Organisational Structure as at 24 February
2015**

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Tracy Sweeney - Manager Workforce and Strategy

SUMMARY

Minor changes to the organisational structure for Rockhampton Regional Council is presented for adoption.

OFFICER'S RECOMMENDATION

THAT the organisational structure as presented be adopted.

COMMENTARY

The current organisational structure has been effective since 1 January 2014. Some minor changes have been implemented. These changes support operational requirements and will assist in the achievement of Council objectives.

The position of Manager Regional Promotions has been recruited and reports direct to the Chief Executive Officer, however is in essence a 3rd line management position.

The responsibilities of the Manager Local Laws and Manager Health and Environment have been combined into one role being Manager Community Standards and Compliance. This change allows the more efficient use of resources across both previous sections.

The proposed structure as attached shows changes to positions and the reporting relationships.

PREVIOUS DECISIONS

The current organisational structure effective since 1 January 2014 was adopted by Council on 11 June 2013.

LEGISLATIVE CONTEXT

In accordance with s196(1) of the Local Government Act 2009, a local government must, by resolution, adopt an organisational structure that is appropriate to the performance of the local government's responsibilities.

STAFFING IMPLICATIONS

One events staff member previously based at the Heritage Village within the Arts and Heritage Section in Community Services has been transferred to the Regional Promotions Section to provide support to the Manager.

Administration staff within Local Laws and Health and Environment will now be utilised in all aspects of Community Standards and Compliance. The Manager Local Laws position has been redesigned to allow the appointment of an additional administrative resource in this area. This has resulted in a significant budget saving.

CONCLUSION

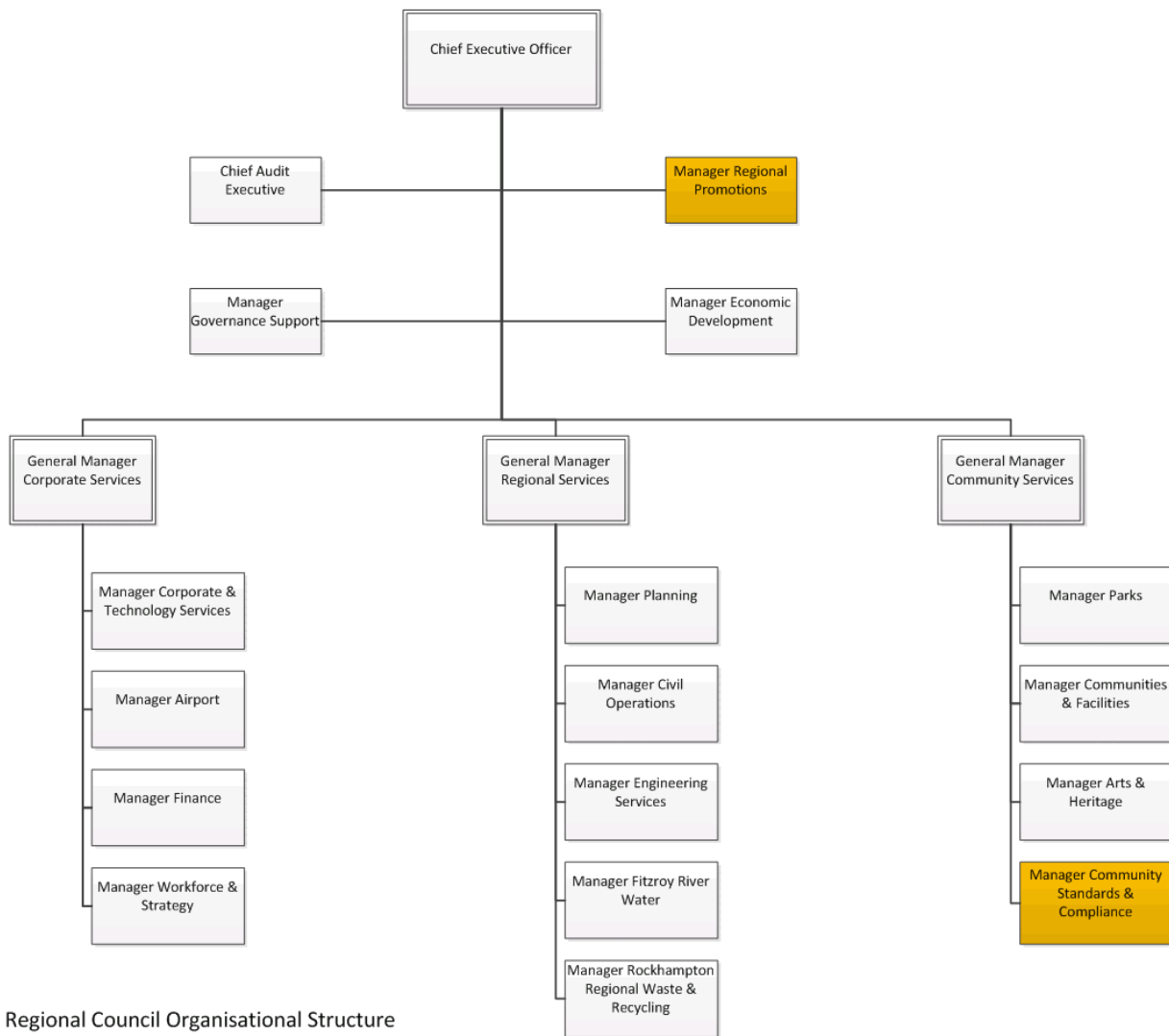
The proposed organisational structure has been updated to include the Manager Regional Promotions and Manager Community Standards and Compliance roles and the removal of the Manager Local Laws and Manager Health and Environment positions.

ORGANISATIONAL STRUCTURE

Rockhampton Regional Council Organisational Structure as at 24 February 2015

Meeting Date: 24 February 2015

Attachment No: 1



Rockhampton Regional Council Organisational Structure
as at 24 February 2015

8.2 REQUEST FROM ERGON ENERGY FOR ELECTRICAL EASEMENT - ROCKHAMPTON CBD

File No:	7218
Attachments:	<ol style="list-style-type: none">1. Ergon Energy Letter Requesting Electrical Easement2. Underground Construction Plan Drawing 659579_93. Aerial Map - Electrical Easement Options
Authorising Officer:	Drew Stevenson - Manager Corporate and Technology Ross Cheesman - General Manager Corporate Services
Author:	Kellie Anderson - Coordinator Property and Insurance

SUMMARY

Manager Corporate and Technology reporting on a request from Ergon Energy (Ergon) seeking a 6m x 3m electrical easement within the Rockhampton CBD to allow Ergon to tie in their feeder network for improved electrical supply reliability. Ergon has provided two proposed suitable locations for Council's consideration.

OFFICER'S RECOMMENDATION

THAT the Committee:

1. Approve Ergon Energy's request for an electrical easement over a portion of Lot 4 on RP892686, 151 East Lane Rockhampton City, (option 2) for nil consideration; and
2. The Chief Executive Officer (Coordinator Property & Insurance) be authorised to finalise discussions with Ergon Energy over the proposed area within Lot 4 on RP892686.

BACKGROUND

In correspondence to Council on 23 January 2015 (Attachment 1), Ergon requested consent to grant an easement for a project that will enable Ergon to tie in their feeder network for improved reliability of supply.

Following discussions with Ergon representatives, two locations were proposed for the site of the electrical easement (see Attachments 1 and 2):

1. Part of Lot 10 on RP607888 known as 37 William Street, Rockhampton City; or
2. Part of Lot 4 on RP892686 known as 151 East Lane, Rockhampton City.

Option 1 – part of Lot 10 on RP607888 (37 William Street)

Ergon's preference is to obtain an easement over Lot 10 on RP607888 known as 37 William Street, Rockhampton City.

Ergon has been advised that this land is currently used for public car parking and may also form part of future planning within the CBD Revitalisation Project. An easement in this area is expected to impact at least one parking space.

Option 2 – part of Lot 4 on RP892686 (151 East Lane)

151 East Lane is Council owned land located directly behind the Australia Post premises. This area is established as 12 car parking bays which are leased on an individual basis; generally to State Government Departments.

The proposed siting and area of land covering the electrical easement is expected to have little to no impact on car park users in this area.

BUDGET IMPLICATIONS

Ergon has confirmed that they will meet all costs incurred in effecting registration of the easement (including survey, document preparation and perusal by or on behalf of Ergon Energy, stamp duty, search and lodgement fees etc).

CONCLUSION

Given the minimal impact on car park users and Council future planning in this area, it is recommended that Council grant Ergon's request for an electrical easement over the portion of land indicated within Lot 4 on RP892686, 151 East Lane (Option 2).

REQUEST FROM ERGON ENERGY FOR ELECTRICAL EASEMENT - ROCKHAMPTON CBD

Ergon Energy Letter Requesting Electrical Easement

Meeting Date: 24 February 2015

Attachment No: 1

Ref.: 659579_9

Your Ref:

23rd January 2015

Kellie Anderson
Rockhampton Regional Council
PO-Box 1860
Rockhampton QLD 4701

Dear Kellie,

Request for Electrical Easement – 659579_9

In accordance with the conditions of the Offer for Network Connection Services to the abovementioned property we advise that Ergon Energy requires a registered easement as indicated on the attached drawing.

The easement will need to be surveyed by a registered Surveyor. The **legal owner** of the land (as shown on Title) must consent to and grant the easement to Ergon Energy. All costs incurred in effecting registration of such easement(s) (including survey, document preparation and perusal by or on behalf of Ergon Energy, stamp duty, search and lodgement fees, etc.) will be the responsibility of Ergon Energy.

Please forward a copy of the easement survey plan, at your earliest convenience, to:

Tenure & Conveyancing Officer
Ergon Energy
PO Box 1090
TOWNSVILLE QLD 4810

It should be noted that installation of the electrical works for this project will not commence until:

- a copy of the easement survey plan has been received and it is confirmed that the plan meets Ergon Energy's requirements; and
- if the property is non-freehold, approvals for the easement have been obtained from the State Government and Trustee if applicable.

For any inquiries regarding easement conditions and the preparation of the relevant easement documents, please contact Ergon Energy's Tenure & Conveyancing Officer on 4432 8250.

If additional information regarding the easement location and the dimensions of the easement are required, please contact Mark Sheen on (07)49311025.

Yours sincerely



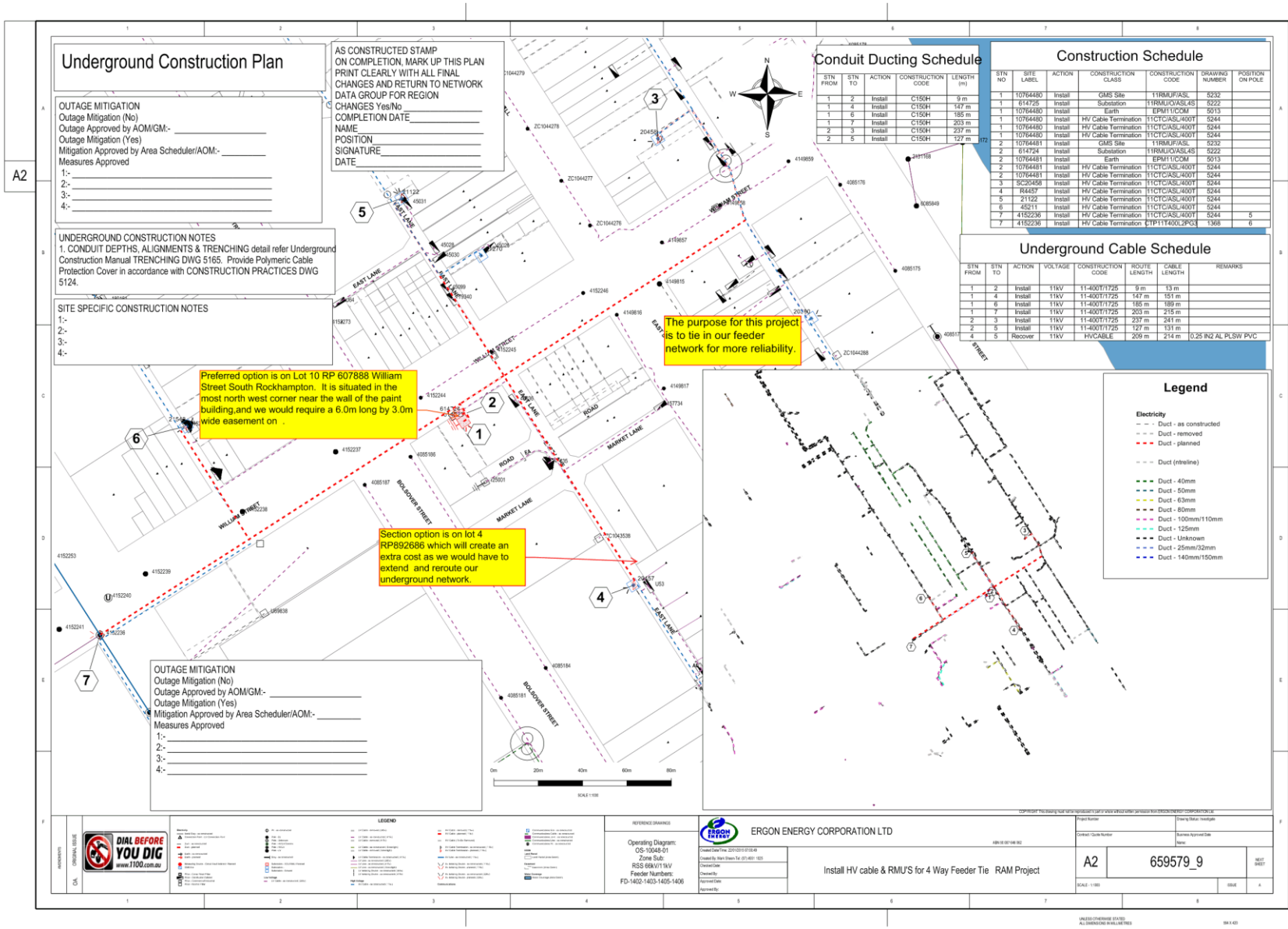
Mark Sheen
Electricity Designer

**REQUEST FROM ERGON ENERGY
FOR ELECTRICAL EASEMENT -
ROCKHAMPTON CBD**

**Underground Construction Plan
Drawing 659579_9**

Meeting Date: 24 February 2015

Attachment No: 2

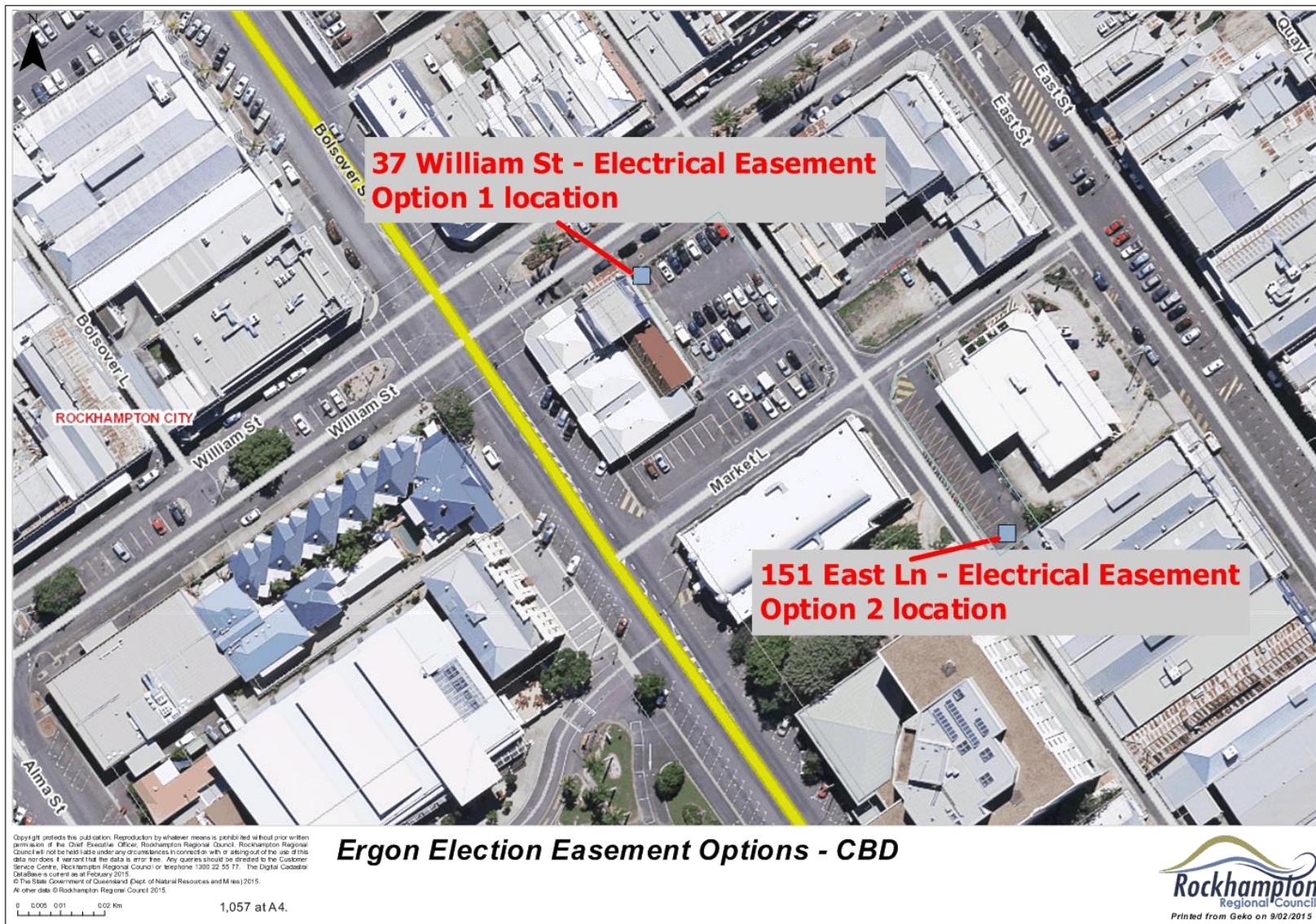


REQUEST FROM ERGON ENERGY FOR ELECTRICAL EASEMENT - ROCKHAMPTON CBD

Aerial Map - Electrical Easement Options

Meeting Date: 24 February 2015

Attachment No: 3



8.3 ELECTORAL ARRANGEMENTS**File No:** 5827

Attachments:

1. Request from Minister for Local Government, Community Recovery & Resilience, seeking information on Council's Electoral Arrangements
2. Letter from Acting Director General Department Of Local Government, Community Recovery and Resilience advising Electoral Divisions are Out of Quota

Authorising Officer: Evan Pardon - Chief Executive Officer**Author:** Shane Turner - Manager Governance Support

SUMMARY

Council has received correspondence from the Previous Minister and more recently the Acting Director General Department of Local Government, Community Recovery and Resilience seeking information on Council's Electoral Arrangements for the 2016 Quadrennial Local Government Elections.

OFFICER'S RECOMMENDATION

- 1) THAT Council write to the Minister for Infrastructure, Local Government and Planning and the Electoral Commissioner Queensland to advise that:
 - a. Rockhampton Regional Council is to remain divided;
 - b. A number of divisions are out of quota and Council are unable to conduct a review in accordance with section 16 of Local Government Act 2009 as the information on the number of electors for each division has not been supplied from the Electoral Commission of Queensland. Council requests the information on the number and distribution of electors as soon as possible, so that Council can undertake the review and provide the results of the review to the Minister for Infrastructure, Local Government and Planning and Electoral Commissioner Queensland;
 - c. Rockhampton Regional Council continues to comprise of seven (7) divisions represented by one Councillor per division;
 - d. Rockhampton Regional Council recommends that the Council Division number be renumbered;
- 2) THAT Council write to the Minister for Infrastructure, Local Government and Planning requesting minor boundary changes with Livingstone Shire Council to overcome servicing anomalies in the localities of Parkhurst, Limestone Creek and Lakes Creek (as per maps attached to the report).
- 3) THAT having regard to the Communities of Interest and identified utility provision services, Council request the Minister for Infrastructure, Local Government and Planning to conduct a review of the local government boundary with Livingstone Shire Council to include the localities of Rockyview, Glenlee and Glendale in its local government area.
- 4) Rockhampton Regional Council requests a quotation or indicative cost from the Electoral Commissioner Queensland to conduct the 2016 election for either a polling booth election or a postal vote election.

COMMENTARY

On 24 September 2014 the former Minister for Local Government, Community Recovery and Resilience wrote to Mayor about matters to be reported to the Department and the Electoral Commissioner regarding electoral arrangements in preparation for the 2016 Local Government elections. Council needs to respond to a number of aspects of this correspondence by 1 March 2015 and the remainder by 1 July 2015.

This report primarily deals with the information required by the Department and Electoral Commissioner by 1 March 2015. It has also been requested write to the Electoral Commissioner seeking to identify the difference in cost between two electoral processes potentially available to Council, being Polling Booth or Postal Ballot.

BUDGET IMPLICATIONS

There will be a budget allocation in the 2015-16 Council budget for the cost, expected to be incurred by Council, for the Local Government Election for Rockhampton Regional Council.

LEGISLATIVE CONTEXT

This report is provided to comply with the following section of the Local Government Act 2009, Part 3 Division 1 Section 17 and Part 3 Division 2 Sections 18, 19 and 20.

CONCLUSION

These requests from the Minister and Director General are a normal part of the lead up to the Local Government elections.

The Mayor, Councillors and the Council's Leadership Team have discussed the items in this report.

ELECTORAL ARRANGEMENTS

Request from Minister for Local Government, Community Recovery & Resilience, seeking information on Council's Electoral Arrangements

Meeting Date: 24 February 2015

Attachment No: 1



Hon David Crisafulli MP Minister for Local Government
Community, Recovery and Resilience

Our ref: MBN14/969

24 September 2014

Level 18 Mineral House
41 George Street Brisbane
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3719 7420
Facsimile +61 7 3012 8901
Email localgovt@ministerial.qld.gov.au
www.dlgcr.qld.gov.au

Councillor Margaret Strelow
Mayor
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Councillor Strelow

On 27 August 2014, Parliament passed the *Local Government Legislation Amendment Act 2014* which amended the *Local Government Electoral Act 2011* (the Act) to enable local governments to make local decisions about how their elections will be conducted.

As part of the preparations for the 2016 quadrennial local government elections, section 16 of the *Local Government Act 2009* requires Council to review whether each of its divisions has a reasonable proportion of electors and advise the Electoral Commission and me of the results of the review by 1 March 2015. A division is within quota if it is within plus or minus 10 per cent for local governments with more than 10,000 electors or within plus or minus 20 per cent for all other local governments.

The Electoral Commissioner has indicated he will provide Council with information on the number of electors per division at the end of January 2015 to enable Council to conduct its reviews.

Council is also invited to review its current electoral arrangements to ensure the community has the most appropriate electoral representation. Possible changes to Council's electoral arrangements include changes to the number of councillors and changing from being divided to being undivided for the 2016 elections.

In order to allow the Change Commission sufficient time to assess any proposed changes and the implementation of the Change Commissioner's recommendations by regulation before the elections, Council must submit any voluntary changes to its electoral arrangements to me by 1 March 2015.

Council's formal submission will need to set out the reasons for the proposed electoral changes and will need to have regard to the local government principles and be supported by evidence of meaningful community engagement on the proposal.

In addition, once the amendments to the Act are proclaimed into force the Chief Executive Officer (the CEO) will be the returning officer for Council elections, including the 2016 quadrennial local government elections, unless the CEO:

- is a member of a political party, or
- notifies the Electoral Commissioner that the CEO will not undertake the role.

If the CEO decides not to undertake the role of returning officer, notification must be given to the Electoral Commissioner within five business days of a councillor vacancy for a by-election or by 1 July 2015 for the quadrennial elections.

The Electoral Commissioner may also issue a removal notice on the CEO if satisfied the CEO is unable to discharge the functions of a returning officer because of illness, absence or otherwise or the CEO has failed to comply with a direction issued by the Electoral Commissioner for the proper conduct of the election.

The deadline for Council to apply for its 2016 election to be conducted by way of postal ballot either for the whole of part of its area is 1 July 2015. As part of any application for the election to be conducted by postal ballot, Council will need to demonstrate that it meets the criteria of a large rural sector, large remote areas or extensive island areas.

If your staff require any further information, they can contact Mr Max Barrie, Director, Program Implementation and Review Branch on (07) 3452 6704 or max.barrie@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely



David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

ELECTORAL ARRANGEMENTS

**Letter from Acting Director General
Department Of Local Government,
Community Recovery and Resilience
advising Electoral Divisions are Out of
Quota**

Meeting Date: 24 February 2015

Attachment No: 2



Department of
**Local Government,
Community Recovery
and Resilience**

Our ref: DGBN15/69

06 FEB 2015

Mr Evan Pardon
Chief Executive Officer
Rockhampton Regional Council
PO Box 1860
ROCKHAMPTON QLD 4700

Dear Mr ~~Pardon~~ ^{Evan}

I refer to the letter dated 24 September 2014 from the Minister for Local Government, Community Recovery and Resilience to the Mayor regarding preparations for the 2016 quadrennial local government elections.

As you are aware, section 16 of the *Local Government Act 2009* requires Council to review whether each of its divisions has a reasonable proportion of electors and advise the Electoral Commission and the Minister of the results of the review by 1 March 2015. A division is within quota if it is within plus or minus 10 per cent for local governments with more than 10,000 electors or within plus or minus 20 per cent for all other local governments.

The Electoral Commissioner has provided to the Department of Local Government, Community Recovery and Resilience information on the number of electors per division to enable Council to conduct its review.

From the information provided by the Electoral Commissioner, it appears that Council's divisions may be out of quota.

In advising the Minister and the Electoral Commissioner whether any divisions are out of quota, Council is welcome to make suggestions about how any future divisional boundaries may be established.

If you require any further information, please contact Mr Max Barrie, Director, Program Implementation and Review on (07) 3452 6705 or max.barrie@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Johnston".

Stephen Johnston
Acting Director-General
Department of Local Government,
Community Recovery and Resilience

Enc (1)

Level 18 Mineral House
41 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia

ABN 25 166 523 889

Local Government Internal Boundary Review

30-Jan-15

Council	Div No.	Voters	Reps	Ave Enr	Low	High	In/Out	QuotaVarP ercent	ToleranceVarP ercent
Rockhampton	4	9,269	1	7,434	6,691	8,178	out	24.68	14.68
Rockhampton	5	7,745	1	7,434	6,691	8,178	ok	4.18	ok
Rockhampton	6	6,896	1	7,434	6,691	8,178	ok	-7.24	ok
Rockhampton	7	6,962	1	7,434	6,691	8,178	ok	-6.35	ok
Rockhampton	8	6,783	1	7,434	6,691	8,178	ok	-8.76	ok
Rockhampton	9	7,720	1	7,434	6,691	8,178	ok	3.85	ok
Rockhampton	10	6,664	1	7,434	6,691	8,178	out	-10.36	-0.36
(10%)	Total	52,039	7	7,434	6,691	8,178	New Req	OUT	

8.4 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER**File No:** 4107

Attachments:

1. Instrument of Delegation - Plumbing and Drainage Act 2002
2. Instrument of Delegation - Disaster Management Act 2003
3. Instrument of Delegation - Disaster Management Regulation 2014
4. Instrument of Delegation - Liquor Act 1992
5. Instrument of Delegation - Animal Management (Cats and Dogs) Act 2008
6. Instrument of Delegation - Sustainable Planning Act 2009
7. Instrument of Delegation - Environmental Protection Act 1994
8. Instrument of Delegation - Environmental Protection Regulation 2008

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

Author: Kerrie Barrett - Coordinator Corporate Improvement & Strategy

SUMMARY

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

OFFICER'S RECOMMENDATION

THAT:

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 of Delegation attached to this report:
 1. *Plumbing and Drainage Act 2002*
 2. *Disaster Management Act 2003*
 3. *Disaster Management Regulation 2014*
 - Liquor Act 1992*
 - Animal Management (Cats and Dogs) Act 2008*
 - Sustainable Planning Act 2009*
 2. Council resolves as per section 518(1)(b) of the *Environmental Protection Act 1994* to delegate its powers as the 'administering authority' to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the Instruments of Delegation attached to this report:
 7. *Environmental Protection Act 1994*
 - Environmental Protection Regulation 2008*
 3. Council resolves as per section 518(2)(b) of the *Environmental Protection Act 1994* to permit the sub-delegation of the 'administering authority's' power to Council officers.
 4. All prior resolutions delegating the powers under these Acts listed to the Chief Executive Officer are repealed. These powers must be exercised subject to any limitations contained in schedule 2 of the attached Instruments of Delegation.
-

COMMENTARY

MacDonnells Law has identified new and/or amended delegable powers under the Acts listed within the Officer's Recommendation. Subsequently, each Instrument of Delegation containing new legislative updates/amendments for each Act has been prepared for Council's consideration and is attached to this report.

Once Council has resolved to delegate to the Chief Executive Officer (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, 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. Without such powers and delegations, officers would be unable to complete work activities related to their position under required Acts without reference to Council.

BACKGROUND

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

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

PREVIOUS DECISIONS

The previous Instruments of Delegation for the Acts listed within this report were last considered and approved by Council at the following meetings:

Legislation	Meeting Date
Plumbing and Drainage Act 2002	26 February 2013
Disaster Management Act 2003	25 November 2014
Disaster Management Regulation 2014	N/A - New Delegable Power
Liquor Act 1992	10 August 2010
Animal Management (Cats and Dogs) Act 2008	10 December 2013
Sustainable Planning Act 2009	23 September 2014
Environmental Protection Act 1994	23 September 2014
Environmental Protection Regulation 2008	11 June 2013

LEGISLATIVE CONTEXT

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

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

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

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

LEGAL IMPLICATIONS

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

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

CONCLUSION

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

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

It is recommended that Council resolve in accordance with section 257 of the *Local Government Act 2009* to delegate exercise of powers contained in schedule 1 of the attached Instruments of Delegation subject to limitations contained in schedule 2.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Plumbing and Drainage Act 2002

Meeting Date: 24 February 2015

Attachment No: 1



INSTRUMENT OF DELEGATION

Plumbing and Drainage Act 2002

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

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

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

Schedule 1

Plumbing and Drainage Act 2002 ("PLDA")**Part 4 - Compliance Assessment****Division 2 - Compliance assessment generally**

Entity power given to	Section of PLDA	Description
Local Government	84(3)	In specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

Division 3 - Assessing plans

Entity power given to	Section of PLDA	Description
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an information request), requesting further information needed to assess the plan.
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local Government	85(7) ¹	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	85(10)	Power to give the person who made the compliance request an information notice about the decision.
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.
Local Government	85C(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85C(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to allow grey water from the facility to be used on the land; or (b) a suitable alternative arrangement has been made for the use of the grey water.
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.

¹ Under section 87(7A), a local government can not give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work;
or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.

Division 4 - Assessing compliance assessable work

Entity power given to	Section of PLDA	Description
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.
Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.
Local Government	86(7)	Power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local Government	86(8)	Power to decide request for compliance assessment.
Local Government	86(9) ²	Power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86(10)	Power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	86(12)	Power to give the person who made the request an information notice about the decision.
Local Government	86(13)	Power to form an opinion that a person is competent to give a notice of compliance for on site sewerage work for the purpose of being an approved person under this section.
Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.

² Under section 89(9A), a local government can not give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86A(4)	Power to decide request for compliance assessment.
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes.
Local Government	86D(3)	Power to replace the certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.
Local Government	86G(1)	Power to, by complying with subsections (2) and (3), amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.

Part 6 - Investigation and enforcement by local governments

Division 1- Inspectors

Entity power given to	Section of PLDA	Description
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.

Division 2- Enforcement

Entity power given to	Section of PLDA	Description
Local Government	115(1)	In certain circumstances, power to give show cause notice.
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .
Local Government	117(1)	In specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises.
Local Government	117(2)	In specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation;

Instrument of Delegation
Plumbing and Drainage Act 2002

		(c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.
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Part 6A - General offences**Division 2 – Building and installation and related offences**

Entity power given to	Section of PLDA	Description
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.

Division 5 - Discharge and disposal offences

Entity power given to	Section of PLDA	Description
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).

Part 9 - Miscellaneous provisions

Entity power given to	Section of PLDA	Description
Local Government	143B	Power to monitor greywater use facilities in sewered areas to ensure certain things.
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewered areas to ensure certain things.

Schedule 2

Limitations to the Exercise of Power

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Disaster Management Act 2003

Meeting Date: 24 February 2015

Attachment No: 2



INSTRUMENT OF DELEGATION

Disaster Management Act 2003

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

Disaster Management Act 2003 ("DIMA")**Part 1 - Disaster Management Groups and Committees****Division 3 - Local Government Disaster Management Groups****Subdivision 1 – Establishment of functions**

Entity power given to	Section of DIMA	Description
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

Subdivision 2 - Application of sections 29 and 30 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	31	Power to agree to unite with other local governments, with the approval of the Minister and the district disaster coordinator, for the purpose of establishing a local group.

Subdivision 3 – Membership

Entity power given to	Section of DIMA	Description
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

Part 3 - Disaster Management Plans and Guidelines**Division 3 - Disaster Management Plans for Local Governments****Subdivision 1 - Disaster Management Plans**

Entity power given to	Section of DIMA	Description
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.

Subdivision 2 - Application of Subdivision 1 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

Schedule 2

Limitations to the Exercise of Power

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Disaster Management Regulation 2014

Meeting Date: 24 February 2015

Attachment No: 3



INSTRUMENT OF DELEGATION

Disaster Management Regulation 2014

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

Disaster Management Regulation 2014 ("DIMR")**Part 2 - Disaster Management Groups – Membership and Other Matters**

Entity power given to	Section of DIMR	Description
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.
Local Government	9(1)	Power to appoint a person as a member of a local group.
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.

Schedule 2

Limitations to the Exercise of Power

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Liquor Act 1992

Meeting Date: 24 February 2015

Attachment No: 4



INSTRUMENT OF DELEGATION

Liquor Act 1992

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

Liquor Act 1992 ("LIQA")**Part 5 - Grant, Variation and Transfer of Licences and Permits and Related Matters****Division 1 - Applications**

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to— (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the Chief Executive's advice about the application.

Part 6 - Obligatory Provisions and Offences**Division 4 - Provisions concerning consumption of liquor in certain public places**

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

Part 6AB - Safe Night Precincts**Division 3 - Provisions that apply when a safe night precinct has a local board**

Entity power given to	Section of LIQA	Description
Chief Executive Officer	173NH(2)(d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.

Limitations to the Exercise of Power

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Animal Management (Cats and Dogs) Act 2008

Meeting Date: 24 February 2015

Attachment No: 5



INSTRUMENT OF DELEGATION

Animal Management (Cats and Dogs) Act 2008

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 and conditions contained in Schedule 2.

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

Schedule 1

*Animal Management (Cats and Dogs) Act 2008 ("AMA")***CHAPTER 2 – IDENTIFICATION OF CATS AND DOGS****Part 1 – Prescribed Permanent Identification Devices****Division 6 – Giving identifying information and PID information**

Entity Power given to	Section of AMA	Description
Local government	39	In the specified circumstances, power to give a person identifying information for the cat or dog.

Part 2 – Desexing Tattoos

Entity Power given to	Section of AMA	Description
Local government	42(4)	Power to recognise an exhibition in which a cat or dog is participating

CHAPTER 3 – DOG REGISTRATION**Part 2 – How Dog is Registered**

Entity Power given to	Section of AMA	Description
CEO	48(2)	In the specified circumstances, power to, by notice, require an owner to give other information or documents reasonably required to register the cat or dog.
Local government	49(2)	In the specified circumstances, power to give an owner of or dog notice that or dog has been registered (a registration notice)..
Local government	51(a)	Power to keep the registration form and other information about a cat or dog given to the local government by the owner

Schedule 1

Part 3 – Amendment of Registration

Entity Power given to	Section of AMA	Description
CEO	55(2)	In the specified circumstances, power to ask the owner of the cat or dog for other information or documents in the way mentioned in section 48(2).
CEO	55(4)	In the specified circumstances, power to: <ul style="list-style-type: none"> a. ensure that the information is updated in the appropriate register in a way that reflects the change; and b. to ensure the owner is given a notice for the cat or dog that includes the changed information.

Part 4 – Renewal of Registration

Entity Power given to	Section of AMA	Description
CEO	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a renewal notice).
CEO	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.
CEO	58(4)	In the specified circumstances, power to: <ul style="list-style-type: none"> a. Ensure that the information is updated in the appropriate register in a way that reflects the change; and b. to give the owner of a cat or dog any registration device for the cat or dog.

CHAPTER 4 – REGULATED DOGS**Part 1 – Preliminary****Division 2 – Interpretation**

Entity Power given to	Section of AMA	Description
Local government	64(1)(b)	Power to recognise, for the purposes of this section, a body which supervises an exhibition or an obedience trial in which a dog is participating.

Schedule 1

Part 3 – Restricted Dog Permits**Division 1 – Obtaining permit for restricted dog****Subdivision 1 – Permit applications**

Entity Power given to	Section of AMA	Description
Local government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: <ul style="list-style-type: none"> a. give a stated document or information that is relevant to the application; b. or verify the correctness of the document.
Local government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.
Local government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.
Local government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.

Subdivision 2 – Action after decision on application

Entity Power given to	Section of AMA	Description
Local government	77(1)	Power to, as soon as practicable after deciding to grant a permit application, issue the applicant with a restricted dog permit for the restricted dog the subject of the application.
Local government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.

Division 3 - Renewal of permit

Entity Power given to	Section of AMA	Description
Local government	84(1)	In the specified circumstances, power to either grant or refuse a renewal application.
Local government	84(4)(b)	Power to seek further documents or information in the way mentioned in section 74.
Local government	84(5)(a)	In the specified circumstances, power to issue the applicant with a renewed restricted dog permit (a renewal permit).
Local government	84(5)(b)	In the specified circumstances, power to give the applicant an information notice about the decision.

Instrument of Delegation
Animal Management (Cats and Dogs) Act 2008

Schedule 1

Division 4 - Amendment of permits

Entity Power given to	Section of AMA	Description
Local government	87(1)	In the specified circumstances, power to amend a restricted dog permit at any time, by giving the permit holder notice of the amendment and recording particulars of the amendment in the restricted dog register.

Part 4 – Regulated Dog Declarations

Entity Power given to	Section of AMA	Description
Local government	89	Power to: <ul style="list-style-type: none"> a. declare a particular dog to be a declared dangerous dog; b. declare a particular dog to be a declared menacing dog; or c. declare a particular dog to be a restricted dog.
Local government	89(4)	Power to be satisfied a dog is of a breed mentioned in section 63(1).
Local government	90(1)	In the specified circumstances, the power to give any owner of a dog a proposed declaration notice .
Local government	92	Power to withdraw a proposed declaration notice by giving a notice of the withdrawal to any owner of the dog.
Local government	94(1)	Power to consider any written representations and evidence accompanying them within the period stated in the proposed declaration notice.
Local government	94(2)	Power to: <ul style="list-style-type: none"> a. be satisfied that the relevant ground under section 89 still exists; and b. make the regulated dog declaration for the dog.
Local government	95(1)	Power to give the owner of a dog the subject of the declaration notice a notice under subsection (3) or (4).
Local Government	95(4)	Power to give an information notice about the decision.

Schedule 1

Part 6 – Miscellaneous Provisions

Entity Power given to	Section of AMA	Description
Local government	100(3)	Power to destroy a surrendered regulated dog.
Local government	102	In the specified circumstances, power to recover costs from the dogs owner or former owner if the incurring of the cost was necessary and reasonable.

CHAPTER 5 - INVESTIGATION, MONITORING AND ENFORCEMENT**Part 2 – Entry to Places****Division 1 – Powers of entry**

Entity Power given to	Section of AMA	Description
Local government	114(1)	In the specified circumstances, the power to give notice of an approved inspection program.

CHAPTER 7 - REGISTERS**Part 1 – Registers Kept by Chief Executive**

Entity Power given to	Section of AMA	Description
CEO	173(1)(b)	Power to inspect information kept in the regulated dog register.
CEO	174(1)	Power to give the chief executive notice if: <ul style="list-style-type: none"> a. a restricted dog is registered in the local government's area; or b. the local government makes a regulated dog declaration for a dog in the local government's area.
CEO	175(2)	In the specified circumstances, the power to give the chief executive notice of the changed information or the holder's new residential address.
CEO	176(3)	In the specified circumstances, the power to give the chief executive a response within 28 days after receiving the request.

Schedule 1

Part 2 – Registers Kept by Local Government Places

Entity Power given to	Section of AMA	Description
CEO	177(1)	Power to keep the following registers about dogs usually kept or proposed to be kept in the local government's area (collectively the cat and dog registry of the local government): <ul style="list-style-type: none"> a. a general register; b. another register prescribed under a regulation.

CHAPTER 8 - REVIEWS

Part 1 – Internal Review of Decisions

Entity Power given to	Section of AMA	Description
CEO	183(2)	Power to, at any time, extend the time for making a general review application.
CEO	185A(2)	In specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.
CEO	186(1)	In the specified circumstances, power to: <ul style="list-style-type: none"> a. conduct an internal review of the original decision the subject of the application; and b. make a decision (the internal review decision) to: <ul style="list-style-type: none"> a. confirm the original decision; b. amend the original decision; or c. substitute another decision for the original decision.
CEO	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.

CHAPTER 9 - MISCELLANEOUS PROVISIONS

Part 5 – Miscellaneous

Entity Power given to	Section of AMA	Description
CEO	209(2)	Power to approve forms for use under this Act

Schedule 1

CHAPTER 10 - TRANSITIONAL PROVISIONS**Part 1 – Transitional Provisions for Act No. 74 of 2008**

Entity Power given to	Section of <i>AMA</i>	Description
Local government	212(3)	In the specified circumstances, the power to include other information in the restricted dog register which the local government considers appropriate.

Part 4 – Transitional Provisions for Agriculture and Forestry Legislation Amendment Act 2013**Division 3 – Continuation of cat registration for local governments**

Entity Power given to	Section of <i>AMA</i>	Description
Local government	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Sustainable Planning Act 2009

Meeting Date: 24 February 2015

Attachment No: 6



INSTRUMENT OF DELEGATION

Sustainable Planning Act 2009

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

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

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

Schedule 1

Sustainable Planning Act 2009 ("SUPA")**CHAPTER 3 – LOCAL PLANNING INSTRUMENTS****Part 2 - Planning Schemes****Division 5 – Application of superseded planning schemes**

Entity power given to	Section of SUPA	Description
Local Government	96(1)	Power to decide a request for application of a superseded planning scheme.
Local Government	96(2)	Power to, by written request, extend the period in which to make a decision on a request for application of a superseded planning scheme by no more than 10 business days.
Local Government	96(4)	Power to agree with the person making a request to further extend the period in which to make a decision on a request for application of a superseded planning scheme.
Local Government	97	Power to give written notice of a decision on a request for application of a superseded planning scheme.
Local Government	98(4)	Power to decide a request to extend the period for carrying out development the subject of a superseded planning scheme application.
Local Government	98(4)	Power to give written notice of a decision on a request to extend the period for carrying out development the subject of a superseded planning scheme application.

CHAPTER 5 – DESIGNATION OF LAND FOR COMMUNITY INFRASTRUCTURE**Part 6 - Acquiring Designated Land**

Entity power given to	Section of SUPA	Description
Designator of Land	223(1)	Having regard to the considerations in subsection (2), the power to decide a request by the owner of an interest in designated land to acquire the designated land under hardship.
Designator of Land	224	Power to give a notice to an owner who has made a request under section 223 of a proposal to buy the nominated interest.
Designator of Land	225	Power to give a notice to an owner who has made a request under section 223 of a refusal to acquire the nominated interest.
Designator of Land	226	Power to take one of the specified actions as an alternative to buying a nominated interest and to give notice to the owner stating the proposed action.
Designator of Land	227(2) ¹	In the specified circumstances, power to give the owner of land a notice of intention to resume the nominated interest.

¹ The notice is taken to be a notice of intention to resume under the Acquisition of Land Act 1967, section 7 (section 227(3) SPA).

CHAPTER 6 – INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM (IDAS)**Part 1 - Preliminary****Division 4 – Assessment managers and referral agencies*****Subdivision 3 – Additional third party advice or comment about applications***

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	256(1)	Power to ask any person for advice or comment about an IDAS application.

Part 2 - Application Stage**Division 1 – Application process*****Subdivision 1 – Applying for development approvals***

Entity power given to	Section of SUPA	Description
Assessment Manager	261(1)(a) (ii)(A)(B)	Power to: (a) be satisfied the application complies with section 260(1)(a), (b), (d) and (e) and (3); and (b) receive and after considering any non-compliance with section 261(1)(c), accept the application
Person required to take action under IDAS ie. as Assessment Manager or Referral Agency	262(5)(a) and (b)	Power to: (a) extend the period to take action under e-IDAS in the specified circumstances; and (b) give notice of an extension of time taken under e-IDAS.
Owner of Land	263	Power to give owner's consent for land the subject of an application.

Subdivision 2 – Notices about receipt of applications

Entity power given to	Section of SUPA	Description
Assessment Manager	266(1)	Power to give notice that an application is not a properly made application.
Assessment Manager	267(2)	In the specified circumstances, power to give an acknowledgement notice for a properly made application.

Part 3 - Information and Referral Stage**Division 2 – Giving material to referral agencies**

Entity power given to	Section of SUPA	Description
Assessment Manager	272(b)	Power to agree a further period for receipt of referral agency material with the applicant.
Assessment Manager	274(2)(b)	Power to agree to extend the time for compliance with section 272 after an application has been revived under section 274(1).

Division 3 – Information requests

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	276(1)	Power to ask the applicant, by written request (information request), to give further information needed to assess an application.
Assessment Manager Concurrence Agency	277(1)	Power to, by written notice to the applicant, extend the information request period.
Assessment Manager Concurrence Agency	277(3)	Power to decide to agree with the applicant to further extend the information request period.
Assessment Manager Concurrence Agency	279(1)(a)	Power to decide to agree with the applicant to extend the information response period for an application required by an enforcement notice or in response to a show cause notice.
Assessment Manager Concurrence Agency	279(1)(b)	Power to decide to agree with the applicant to extend the information response period on any other IDAS application.
Assessment Manager	280(2)	Power to agree to extend the time for compliance with section 278 after an application has been revived under section 280(1).

Division 4 – Referral agency assessment**Subdivision 1 – Assessment generally**

Entity power given to	Section of SUPA	Description
Referral Agency	282(1)	Power to assess the application against the specified matters.
Referral Agency	282(2)	Power to assess the application having regard to the specified matters.
Concurrence Agency	284(1)	Power to extend the assessment period.

Concurrence Agency / Referral Agency	284(3)	Power to request the applicant to agree to further extensions of the assessment period.
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Subdivision 2 – Concurrence agency responses

Entity power given to	Section of SUPA	Description
Concurrence Agency	285(2)	Power to give a concurrence agency response.
Concurrence Agency	287	Power to exercise the concurrence agency's response powers in subsections (1) – (6).
Concurrence Agency	290(1)(a)	Power to, in the specified circumstances, give a late concurrence agency response.
Concurrence Agency	290(1)(b)(i)	Power to, in the specified circumstances amend a concurrence agency response where: (a) the applicant agrees to the amended response; or (b) the Minister has given a direction under section 420.
Concurrence Agency	290(1)(b)(ii)	Power to amend a concurrence agency response to respond directly to: (a) a change made to a development application in response to an information request; or (b) a matter raised in a properly made submission for the application.
Concurrence Agency	290(2)	Power to give notice of a proposal to amend a concurrence agency response under section 290(1)(b)(ii).

Subdivision 3 – Advice agency responses

Entity power given to	Section of SUPA	Description
Advice Agency	291(2)	Power to give an advice agency response.
Advice Agency	292	Power to exercise the advice agency's response powers in subsections (1) – (3) of that section.

Part 4 - Notification Stage**Division 2 – Public notification**

Entity power given to	Section of SUPA	Description
Assessment Manager	297(1)	Power to, in the specified circumstances, give public notice of an application.
Assessment Manager	302(1)(a)	Power to agree to extend the period in which to carry out actions under section 297(1).
Assessment Manager	302(1)(b)	Power to agree to extend the time for compliance with section 301.
Assessment Manager	303(2)	Power to agree to extend the time to carry out the actions under section 297(1) after an application has been revived under section 303(1).
Assessment Manager	303(3)	Power to agree to extend the time for compliance with section 301 after an application is revived under section 303(1).

Assessment Manager	304(1)	Power to, in specified circumstances, assess an application despite non-compliance with public notification.
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Division 3 – Submissions about applications

Entity power given to	Section of SUPA	Description
Assessment Manager	305(3)	Power to decide to accept a written submission that is not a properly made submission.

Part 5 - Decision Stage**Division 2 – Assessment process**

Entity power given to	Section of SUPA	Description
Assessment Manager	313(2)	Power to, in the specified circumstances, assess the part of the application requiring code assessment against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	313(3)	Power to, in the specified circumstances, assess the part of the application requiring code assessment having regard to the specified matters.
Assessment Manager	314(2)	Power to, in the specified circumstances, assess the part of the application requiring impact assessment against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	314(3)	In the specified circumstances, assess the part of the application requiring impact assessment having regard to the specified matters.
Assessment Manager	315(1)	Power to, in the specified circumstances, assess a development application (superseded planning scheme).
Assessment Manager	316(4)	Power to assess the part of the application that states the way in which the applicant seeks to vary, the effect of any planning instrument for the land having regard to the specified matters.
Assessment Manager	317	In assessing an application, power to decide to give weight to later planning instrument, code, law or policy.

Division 3 – Decision**Subdivision 1 – Decision-making period**

Entity power given to	Section of SUPA	Description
	318(1)	Power to decide an application.
Assessment Manager	318(2)	Power to extend the decision making period.
Assessment Manager	318(4)	Power to request and agree with the applicant further extensions of the decision making period.

Subdivision 2 – Decision rules - generally

Entity power given to	Section of SUPA	Description
Assessment Manager	324(1) ²	Power to decide an application including any conditions other than an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Subdivision 3 – Decision rules-application under section 242

Entity power given to	Section of SUPA	Description
Assessment Manager	327(1)	Power to decide the part of an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Subdivision 4 – Deemed decision for particular applications

Entity power given to	Section of SUPA	Description
Assessment Manager	331(6)	Where a deemed approval has been given for an application, power to issue a decision notice.

Division 4 – Notice of decision

Entity power given to	Section of SUPA	Description
Assessment Manager	334(1)	Power to give a written notice (a decision notice) of a decision on an application.
Assessment Manager	337(1)	Power to give a copy of a decision to approve an application to the principal submitter.
Assessment Manager	337(2)	Power to give a copy of a decision to refuse an application to the principal submitter.

Division 6 – Conditions

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	348	Power to enter into an agreement with an applicant to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 - Changing or Withdrawing Development Applications**Division 1 – Preliminary**

Entity power given to	Section of SUPA	Description
Assessment Manager	350(1)(b)	Power to be satisfied that a change of applicant is a minor change.
Assessment Manager	350(2)	Power to decide that a change to an application is a minor change under section 350(1)(d).

² Any conditions included as a consequence of a decision to approve a development application must be lawful having regard to Chapter 6, Part 5, Division 6 of SPA.

Division 3 – Changed applications – effect on IDAS

Entity power given to	Section of SUPA	Description
Assessment Manager	354(4)	In the specified circumstances, power to decide that the notification stage does not have to restart or be repeated.
Assessment Manager	355(4)	In the specified circumstances, power to decide that the notification stage does not have to be repeated.

Part 7 - Missed Referral Agencies

Entity power given to	Section of SUPA	Description
Assessment Manager Referral agency	357(2)	Power to give notice to another party of a missed referral agency

Part 8 - Dealing with Decision Notices and Approvals**Division 1 – Changing decision notices and approvals during applicant's appeal period**

Entity power given to	Section of SUPA	Description
Assessment Manager	363(1)	Power to issue a negotiated decision notice.
Assessment Manager	363(5)	Power to give notice that the assessment manager does not agree with the applicant's representations.
Local Government	364(2)	Power to give an applicant a new infrastructure charges to replace the original notice.

Division 2 – Changing approvals-request for change after applicant's appeal period ends**Subdivision 1 – Preliminary**

Entity power given to	Section of SUPA	Description
Relevant Entity	368(3)	Power to issue a pre-request response notice.

Subdivision 2 – Procedure for changing approvals

Entity power given to	Section of SUPA	Description
Relevant Entity	369	Power to, by written notice, ask a responsible entity to make a change to an approval.

Subdivision 3 – Assessing and deciding request for change

Entity power given to	Section of SUPA	Description
Owner	371	Power to give owner's consent to the request.

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Relevant Entity	373(1)(a)	Power to give the responsible entity notice that (a) it has no objection to a proposed change; or (b) it objects.
Responsible Entity	374(1) and (2)	Power to assess an application having regard to the specified matters.
Responsible Entity	375(1)(a) and (b)	Power to decide to approve or refuse (with or without conditions) a request to change a development approval.
Responsible Entity	376(1)	Power to give notice of a decision on an application to change a development approval.

Division 3 – Changing or cancelling particular conditions-other than on request

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	378(7)	Power to give notice of intention to change or cancel a development condition to the owner and occupier of land.
Assessment Manager Concurrence Agency	378(9)	Power to decide whether to change or cancel a development condition.
Assessment Manager Concurrence Agency	378(9)(a)	Power to give notice that a development condition will not be changed or cancelled.
Assessment Manager Concurrence Agency	378(9)(b)	Power to give notice of a change to or cancellation of a development condition.

Division 4 – Cancelling approvals

Entity power given to	Section of SUPA	Description
Assessment manager	381(a) and (b)	Power to: (a) cancel an approval at the request of an owner or person with owner's consent under section 379; and (b) give notice of the cancellation.

Division 5 – Extending period of approvals

Entity power given to	Section of SUPA	Description
Assessment Manager	383(4)	Power to decide the owner's consent is not required.
Concurrence Agency	385(a) and (b)	Power to give the assessment manager notice: (a) stating no objection to the extension being approved; or (b) objecting to the extension being approved.

Assessment Manager	387(1)	Power to approve or refuse a request to extend the relevant period for an approval.
Assessment Manager	387(3)	Power to agree with the person making a request to extend the decision making period for a request to extend the relevant period.
Assessment Manager	389	Power to give notice of the decision on a request to extend the relevant period.

Part 10 - Compliance Stage**Division 2 – Compliance assessment****Subdivision 2 – Referring request to local government**

Entity power given to	Section of SUPA	Description
Local Government	402(4) and 402(5)(a) and (b)	Power to: (a) assess an aspect of development referred by a compliance assessor to the local government; and (b) give notice of the local government's response to a matter referred to it by a compliance assessor.

Subdivision 3 – Compliance assessor to assess and decide request

Entity power given to	Section of SUPA	Description
Compliance Assessor	405(2) and (3)	Power to decide a compliance assessment request.
Compliance Assessor	405(5)	Power to issue an action notice for a non-compliant development, document or work.
Compliance Assessor	407(1)(a) and (b)	Power to issue: (a) a compliance permit for development; and (b) a compliance certificate for a document or work.
Compliance Assessor	408(3)(b)(i)	Where a compliance assessment request for development is deemed approved, power to issue a compliance permit.
Compliance Assessor	408(3)(b)(ii)	Where a compliance assessment request for a document or work is deemed approved, power to issue a compliance certificate.

Division 3 – Changing Notices, Compliance Permits and Certificates

Entity power given to	Section of SUPA	Description
Compliance Assessor	412(3)	Power to withdraw an action notice after considering representations made under section 412(2).
Compliance Assessor	412(4)	Power to issue a new action notice after considering representations about a matter mentioned in section 405(5)(b).
Compliance Assessor	412(5)	Power to issue a new action notice after considering representations about a matter mentioned in section 405(5)(c) or (d).
Local Government	412(6)	Power to agree to allow a compliance assessor (as a nominated entity of the Local Government) to withdraw an action notice or give a new action notice where a response under section 402 has been given.

Compliance Assessor	412(9)	Power to, where the compliance assessor does not agree with representations about a matter mentioned in section 405(b), (c) or (d), give notice of the decision about the representations.
Compliance Assessor	413(2)(a)	Power to: (a) decide an application to change a compliance permit or compliance certificate; and (b) Issue a new compliance permit or compliance certificate showing the change.
Compliance Assessor	413(2)(c)	Power to give notice of refusal to change a compliance permit or compliance certificate.
Local Government	413(3)	Power to agree for a compliance assessor to change a condition of a compliance permit imposed by the Local Government.

CHAPTER 7 – APPEALS, OFFENCES AND ENFORCEMENT**Part 1 - Planning and Environment Court****Division 7 – Other court matters**

Entity power given to	Section of SUPA	Description
Local Government	456(1)	Power to bring a proceeding in the Court for a declaration.
Assessment Manager	456(2)	Power to bring a proceeding about a matter done, to be done or that should have been done for chapter 6, Part 11, Division 2 for a development application called in the specified circumstances.

Division 8 – Appeals to court relating to development applications and approvals

Entity power given to	Section of SUPA	Description
Applicant	461(1)	Power to appeal to the Court about a development application.
Submitter	462(1)	Power to appeal to the Court about a development application.
Submitter	463(2)	Power to appeal to the Court about a referral agency's response made by a prescribed concurrence agency for the development application for particular aquaculture development.
Advice Agency	464(2)	Power to appeal to the Court about a development application where the advice agency response is treated as a properly made submission.
Concurrence Agency	465(1)	Power to appeal to the Court about a decision relating to an extension for an approval.
Responsible Entity	466(1)	Power to appeal to the Court about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given.
Person to whom notice is given under s378(9)(b)	467(1)	Power to appeal to the Court about a change or cancellation of a condition.

Division 10 – Appeals to Courts about other matters

Entity power given to	Section of SUPA	Description
Party to a proceeding before Building and Development Committee	479(1)	Power to appeal to the Court against a decision by a Building and Development Committee.

Division 11 – Making an appeal to Court

Entity power given to	Section of SUPA	Description
Submitter	485(4)	Power to elect to co-respond to an appeal.
Person given notice about an appeal under s 465	485(9)(c)	Power to elect to co-respond to an appeal where not otherwise a party.
Person given notice about an appeal under s 466	485(10)(b)(ii)	Power to elect to co-respond to an appeal where not otherwise a party.
Person given notice of an appeal under Division 10	487(4)	Power to elect to co-respond to an appeal where not otherwise a party.
Entity entitled to elect	488	Power to elect to be a co-respondent to an appeal.

Division 14 – Appeals to Court of Appeal

Entity power given to	Section of SUPA	Description
Party to a proceeding	498(1)	Power to appeal a decision of the Court to the Court of Appeal

Part 2 - Building and Development Dispute Resolution Committees**Division 3 – Committee declarations****Subdivision 1 – Declarations**

Entity power given to	Section of SUPA	Description
Assessment Manager	510(3)	Power to bring an application for a declaration about whether an application is a properly made application.
Compliance Assessor	512	Power to bring an application for a declaration about whether an application for compliance assessment has lapsed.
Responsible Entity	513(3)	Power to bring an application for a declaration about whether a proposed change to an approval is a permissible change.

Subdivision 2 – Proceedings for declarations

Entity power given to	Section of SUPA	Description
Person entitled to bring proceeding	515(1)	Power to request the chief executive to appoint a building and development committee to start hearing the proceeding.
Party to the Proceeding	515(4)	Power to agree to a request.

Division 4 – Appeals to committees about development applications and approvals**Subdivision 1 – Appeals about particular material changes of use**

Entity power given to	Section of SUPA	Description
Concurrence Agency	520(2)	Power to appeal to the building and development committee about a decision to extend an approval.
Relevant Entity	521(2)(a)(ii)	Power to appeal to the building and development committee about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given.

Division 6 – Appeals to committees about building, plumbing and drainage and other matters**Subdivision 2 – Appeals about development applications and approvals**

Entity power given to	Section of SUPA	Description
Advice agency	528	Power to appeal to the building and development committee about giving a development approval for building work to be assessed against the Building Act.
Concurrence Agency	529(1)	Power to appeal to the building and development committee about a decision to extend a development approval.
Concurrence Agency	530(1)(a)(ii)	Power to appeal to the building and development committee about a decision to make a permissible change to an application where a notice under section 373 or a pre-request notice has been given.
Person to whom notice is given under s378(9)(b)	531(1)	Power to appeal to the building and development committee about change or cancellation of a development condition.

Division 8 – Making appeals to building and development committees

Entity power given to	Section of SUPA	Description
Advice agency	537(i)	Power to request the chief executive to appoint a building and development committee to start hearing an appeal.
Assessment Manager	543(4)	Power to apply to the building and development committee to withdraw from the appeal.

Person to whom notice of appeal is given under subsection 539 or 541	543(5)	Power to elect to co-respond to an appeal under sections 519, 522 or 527 where not otherwise a party.
Person to whom notice of appeal is given under subsection 539 or 541	544(c)	Power to elect to co-respond to an appeal under section 520 or section 529 where not otherwise a party.
Person to whom notice of appeal is given	545(b)(ii)	Power to elect to co-respond to an appeal under section 521 where not otherwise a party.
Person to whom notice of appeal is given under section 541	546(c)	Power to elect to co-respond to an appeal under section 528 where not otherwise a party.
Local government	547(3)(b)	Power to elect to co-respond to an appeal under sections 532, 533 or 535 where not otherwise a party.

Division 9 – Process for appeals or proceedings for declarations in building and development committees

Entity power given to	Section of SUPA	Description
Party to an Appeal	560(1)	Power to appear as a representative of the local government as a party to an appeal at a building development committee hearing.
Party to an Appeal	562(1) and (2)	Power to make written submissions if requested by the building and development committee.
Party to an Appeal	568	Power to give the registrar written notice.

Part 3 - Provisions about Offences, Notices and Orders

Division 2 – Show cause notices

Entity power given to	Section of SUPA	Description
Assessment Manager	588(1)	Power to form a reasonable belief that a person has or is committing a development offence.
Assessment Manager	588(2)	Power to issue a show cause notice for a development offence.
Assessment Manager	588(3)	Power to reasonably consider it is not appropriate to give a show cause notice.

Division 3 – Enforcement notices

Entity power given to	Section of SUPA	Description
Assessing Authority	590(1) ³	Power to form a reasonable belief that a person has or is committing a development offence and to issue an enforcement notice for a development offence.
Assessing Authority	590(9)	In relation to a development offence involving premises, power to issue an enforcement notice to the owner where the person who committed the offence is not the owner of the premises.

Division 4 – Offence proceedings in Magistrates Court

Entity power given to	Section of SUPA	Description
Local Government Assessing Authority for building assessment provisions Assessing Authority	597(1)	Power to bring a proceeding in a Magistrates Court for an offence against Chapter 7, Part 3.

Division 5 – Enforcement orders of Court

Entity power given to	Section of SUPA	Description
Local Government Assessing Authority for building assessment provisions	601(1)(a)	Power to bring a proceeding in the Court for an enforcement order to remedy or restrain the commission of a development offence.
Local Government Assessing Authority	601(1)(b)	Power to bring a proceeding in the Court for an interim enforcement order.
Local Government Assessing Authority	601(1)(c)	Power to bring a proceeding in the Court to cancel or change an enforcement order or interim enforcement order.

³ 590(7) The local government may not delegate this power to give an enforcement notice ordering the demolition of a building.

CHAPTER 8 – INFRASTRUCTURE**Part 1 - Preliminary**

Entity power given to	Section of SUPA	Description
Local Government	626(3)(a)	Power to amend an infrastructure charges notice for the relevant development approval.

Part 2 - Provisions for Local Governments**Division 1 – Charges for trunk infrastructure****Subdivision 2 – Charges resolutions**

Entity power given to	Section of SUPA	Description
Participating Local Government for a distributor-retailer	632(2)	Power to agree about the charges break up (a <i>breakup agreement</i>).

Subdivision 3 – Levying charges

Entity power given to	Section of SUPA	Description
Local Government	635(2) ⁴	Power to give an infrastructure charges notice.

Subdivision 4 – Payment

Entity power given to	Section of SUPA	Description
Local Government	639(1)(a) and (b)	Power to agree with a recipient of an infrastructure charges notice about the matters in (a) and (b).

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of SUPA	Description
Local Government	642	Power to consider the submissions.
Local Government	643(1)	Power to decide it agrees with a submission and to give the recipient a new infrastructure charges notice (a negotiated notice).
Local Government	643(4)	Power to decide it does not agree with any of the submissions and to give the recipient a notice stating the decision.

⁴ As per section 626(3).

Division 2 – Development approval conditions about trunk infrastructure***Subdivision 1 – Conditions for necessary trunk infrastructure***

Entity power given to	Section of SUPA	Description
Local Government	646(2)	Power to impose a condition requiring either or both of the following to be provided at the stated time (a) the identified infrastructure; (b) the different trunk infrastructure delivering same desired standard service.
Local Government	647(2)	Power to impose a condition on a development approval that requires development infrastructure necessary to service the premises to be provided at a stated time.

Subdivision 2 – Conditions for additional trunk infrastructure costs

Entity power given to	Section of SUPA	Description
Local Government	650	Power to impose a condition (an additional payment condition).
Local Government	651(2)	Power to agree the payment time with the applicant.
Local Government	655(3)	Power to agree to on terms of the timing of the refund with the payer.

Subdivision 3 – Working out cost for required offset or refunds

Entity power given to	Section of SUPA	Description
Local Government	657(3)	Power to give notice to the applicant about and to amend the existing infrastructure charges notice.

Division 3 – Miscellaneous provisions about trunk infrastructure***Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts***

Entity power given to	Section of SUPA	Description
Local Government	660(1)	Power to consider and decide the conversion application within the required period.
Local Government	660(3)	Power to give notice to the applicant requiring the applicant to give information the local government reasonably needs to make the decision.
Local Government	660(5)(b)	Power to agree with the applicant about any later period for compliance with the notice.
Local Government	661(1)	Power to give the applicant notice of the decision on a conversion application.
Local Government	662(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.
Local Government	662(4)	In certain circumstances, power to give an infrastructure charges notice, or amend by notice to the applicant, any existing infrastructure charges notice for the development approval.

Subdivision 2 – Other provisions

Entity power given to	Section of SUPA	Description
Local Government	664(2)	Power to agree with the applicant about a levied charge.

Part 3 - Provisions for State Infrastructure Providers

Entity power given to	Section of SUPA	Description
Local Government	669(2)(b)	Power to agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.

Part 4 - Infrastructure Agreements

Entity power given to	Section of SUPA	Description
Participating Local Government	673A(2)	Power to give the distributor-retailer a copy of the agreement.
Owner of land	674(1)	Power to enter an infrastructure agreement and to consent to obligations under it being attached to the land.
Owner of land	674(4)	Power to give the copy of the infrastructure agreement under 674(1) evidencing the owner's consent to the local government for the land to which the consent applies.

Part 5 - Miscellaneous

Entity power given to	Section of SUPA	Description
Public Sector Entity	677(1)(a) and (b)	Power to enter into an agreement about the matters provided in (a) and (b).
Local Government	678(3)	Power to set a reasonable period within which submissions about a proposed sale of land may be made to the local government.
Local Government	678(4)	Power to consider all submissions made to the local government within the stated period.
Local Government	679(2)	Power to impose a condition on a development approval for the supply of development infrastructure.

CHAPTER 9 – MISCELLANEOUS**Part 2 - Environmental Impact Statements****Division 2 – EIS process**

Entity power given to	Section of SUPA	Description
Local Government Assessment Manager	691(8)	Power to comment on draft terms of reference for an EIS.
Local Government Assessment Manager	695(1)	Power to make a submission on a draft EIS.
Local Government Assessment Manager	695(3)(a)	Power to amend a submission on a draft EIS.
Local Government Assessment Manager	695(3)(b)	Power to withdraw a submission on a draft EIS.

Part 3 - Compensation

Entity power given to	Section of SUPA	Description
Local Government	709(1)	Power to decide a claim for compensation.
CEO	709(2)	To: (a) give a claimant a written notice of decision; (b) notify the amount of any compensation to be paid; (c) advise the claimant of appeal rights.
Local Government	710(2)(a)	For an entitlement to claim the compensation under section 705, give notice of intention to resume the interest in the land under the Acquisition of Land Act, section 7.
CEO	713	Power to give the registrar of titles written notice of payment of compensation under Section 704.

Part 4 - Power to Purchase, Take or Enter Land for Planning Purposes

Entity power given to	Section of SUPA	Description
Local Government	714	Decide to take or purchase land for planning purposes under the Acquisition of Land Act.
Assessment Manager / Relevant Entity	715(1)	Power to enter land at all reasonable times to undertake works if the assessment manager / relevant entity is satisfied: (a) implementing a development approval or compliance permit would require the undertaking of works on land other than the land the subject of the approval or permit; and

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		(b) the applicant or person who requested compliance assessment has taken reasonable steps to obtain the agreement of the owner of the land to enable the works to proceed, but has not been able to obtain the agreement; and (c) the action is necessary to implement the development approval or compliance permit.
Assessment Manager	716(3)	Power to decide a claim for compensation for loss or damage because of an entry onto land under section 715.
Assessment Manager Relevant Entity	716(5)	Power to recover from the applicant or person who requested compliance assessment the amount of any compensation or loss or damage paid under this part that is not attributable to the assessment manager's negligence.

Part 6 - Public Access to Planning and Development Information**Division 4 – Planning and development certificates**

Entity power given to	Section of SUPA	Description
Local Government	741	Power to give a planning and development certificate.

Part 7 - Notification stage for particular aquaculture development**Division 2 – Public notification**

Entity power given to	Section of SUPA	Description
Assessment Manager	746(1)	Power to agree with the applicant to and Carry out public notification of proposed development.
Assessment Manager	749(2)	Power to give each prescribed concurrence agency for the application, written notice that the assessment manager has complied with this division.
Assessment Manager	750	In the specified circumstances, power to assess an application despite non-compliance with public notification.
Concurrence Agency	750(b)	Power to consent to an assessment and decision being made in the way proposed by the assessment manager.

CHAPTER 10 – REPEAL, TRANSITIONAL AND VALIDATION PROVISIONS**Part 12 - Savings and Transitional Provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014****Division 3 – Provisions for Repeal of Wild Rivers Act 2005**

Entity power given to	Section of SUPA	Description
Assessment Manager	994B(4)	Power to, despite Chapter 6, Part 8, amend an existing development approval for a development application to replace a condition that relates to a former term if the new condition imposes requirements that are equivalent to the replaced conditions.
Assessment Manager	994B(5)	Power to give a written notice of the amendment to the holder of the approval. ⁵

⁵ This division expires one year after the commencement (section 995A of the *Sustainable Planning Act 2009*).

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, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Environmental Protection Act 1994

Meeting Date: 24 February 2015

Attachment No: 7



INSTRUMENT OF DELEGATION

Environmental Protection Act 1994

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

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

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

Schedule 1

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

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

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

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

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

Subdivision 3 – Changed applications – effect on assessment process

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

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

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

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

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

Division 2 – Public notice

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

Division 3 – Submissions about applications

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

Part 5 - Decision Stage**Division 2 – Deciding an application****Subdivision 1 – Decision period**

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

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering Authority	173(3)	Power to refuse an application for an environmental authority.

Division 4 – Steps after deciding application

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

Division 6 – Conditions

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

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

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

Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

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

Division 3 – Steps for amendments

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

Part 7 - Amendment of Environmental Authorities by Application**Division 2A – Provision for particular amendment applications**

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

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Division 4 – Process if proposed amendment is a major amendment

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

Division 5 – Process if proposed amendment is minor amendment

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

Division 6 – Steps after deciding amendment application

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

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

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

Division 3 – Miscellaneous provisions

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

Division 4 – De-amalgamating environmental authorities

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

Part 9 - Transferring Environmental Authorities for Prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.

Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the transferred environmental authority) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

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

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

Division 3 – Final rehabilitation reports

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

Division 4 – Requests for Information

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

Division 5 – Deciding surrender applications

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

Division 8 – Miscellaneous provisions

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

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

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

Division 2 – Procedure for cancellation or suspension by administering authority

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

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

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

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

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

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

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

Subdivision 2 – Amount and form of financial assurance

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

Subdivision 3 – Claiming or realising financial assurance

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

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns**Subdivision 1 – Annual notices**

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

Division 4 – Non-compliance with eligibility criteria

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

Administering Authority	314(5)	Power to consider any representations made by the holder within the stated period.
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Division 5 – Miscellaneous provisions

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

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT**Part 1 - Environmental Duties****Division 2 – Duty to Notify of Environmental Harm****Subdivision 3B – Duty of local government**

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

Part 2 - Environmental Evaluations**Division 2 – Environmental audits****Subdivision 1 – Audit requirements**

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

Administering Authority	323(2)	Power to, by written notice (also an audit notice), require the person to: <ul style="list-style-type: none"> (a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit.
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Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: <ul style="list-style-type: none"> (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to: <ul style="list-style-type: none"> (a) conduct or commission an investigation (an environmental investigation) about the event or activity; and (b) submit an environmental report about the investigation to the authority.
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to <ul style="list-style-type: none"> (a) conduct or commission an investigation; and (b) give the administering authority an investigation report.

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: <ul style="list-style-type: none"> (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.

Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

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

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

Instrument of Delegation
Environmental Protection Act 1994

Current as at 1 January 2015

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

Division 3A – Financial assurances

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

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

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.

Instrument of Delegation
Environmental Protection Act 1994

Current as at 1 January 2015

Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.
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Part 4A - Temporary emissions licences

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

Part 5 - Environmental Protection Orders

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

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

Part 1 - Administration Generally

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

¹ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*.

² The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994* and s.68 of the *Environmental Protection (Waste Management) Regulation 2000*.

Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: <ul style="list-style-type: none"> (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

CHAPTER 10 – LEGAL PROCEEDINGS**Part 3 - Legal Proceedings**

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

CHAPTER 11 – ADMINISTRATION**Part 2 - Delegations**

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

Part 3 - Review of Decisions and Appeals**Division 2 – Internal Review of Decisions**

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: <ul style="list-style-type: none"> (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

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

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

Part 4 - General

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

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

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

Instrument of Delegation
Environmental Protection Act 1994

Current as at 1 January 2015

		and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.
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CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS**Part 5 - Transitional provisions for Environmental Protection Legislation Amendment Act 2003**

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of a environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

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

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

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

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

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

Division 5 – Transitional authorities for environmentally relevant activities

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

Division 5A – Suspended Activities

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

Division 6 – Financial assurance

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

Division 8 – Provisions about environmental management plans

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

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

Entity power given to	Section of ENPA	Description
Administering Authority	715B(4)	Power to amend an existing environment authority to replace a condition that relates to a former item if the new condition imposes requirements that are equivalent to the replaced condition.
Administering Authority	715B(5)	Power to give written notice of the amendment to the environmental authority holder. ³

³ Section 715B expires one year after commencement.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 affect, 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 power which cannot lawfully be the subject of delegation by Council.

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Instrument of Delegation - Environmental Protection Regulation 2008

Meeting Date: 24 February 2015

Attachment No: 8



INSTRUMENT OF DELEGATION

Environmental Protection Regulation 2008

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

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

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

Schedule 1

Environmental Protection Regulation 2008 ("ENPR")**CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 1 - Environmentally Relevant Activities – General Matters****Division 3A – Development Application relating to concurrence ERAs**

Entity power given to	Section of ENPR	Description
Local Government	19C	<p>In assessing the application, power to consider the following matters as a code for IDAS under the Planning Act:</p> <ul style="list-style-type: none"> a) an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objectives and performance outcomes mentioned in schedule 5, part 3, table 2; b) the standard criteria; c) if the activity is to be carried out in a strategic environmental area – the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>.

CHAPTER 4 - REGULATORY REQUIREMENTS**Part 2 - Regulatory Requirements for all Environmental Management Decisions**

Entity power given to	Section of ENPR	Description
Administering Authority	51(1)	<p>When making an environmental management decision relating to an activity, other than a prescribed ERA, power to:</p> <ul style="list-style-type: none"> a) carry out an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objective and performance outcomes mentioned in schedule 5, part 3, tables 1 and 2; b) consider the environmental values declared under this regulation; ba) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>; c) consider each of the following under any relevant environmental protection policies: <ul style="list-style-type: none"> (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent; and d) consider the matters of national environmental significance.
Administering Authority	51(2)	<p>For an environmental management decision relating to a prescribed ERA, power to:</p> <ul style="list-style-type: none"> a) carry out an environmental objective assessment (to be carried out in accordance with Schedule 5, Part2) against the environmental objective and performance outcomes mentioned in schedule 5, part 3, table 1; and b) consider the matters mentioned in subsection (1)(b), (ba) and (c).

Instrument of Delegation
Environmental Protection Regulation 2008

Administering Authority	52(1)	When making an environmental management decision relating to an activity, power to consider imposing conditions about the specified matters.
Administering Authority	53(1)	When making an environmental management decision relating to an activity, power to consider whether to impose conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	53(2)	Power to consider the specified matters when considering whether to impose a monitoring condition.

Part 3 - Additional Regulatory Requirements for Particular Environmental Management Decisions

Entity power given to	Section of ENPR	Description
Administering Authority	58(2)	When making an environmental management decision relating to an activity that involves, or may involve the release of water or waste to a referable wetland or a significant coastal wetland for treatment, power to refuse to grant the application after considering the specified matters.
Administering Authority	63(2)	When making an environmental management decision relating to an activity that involves, or may involve, the release of waste directly to groundwater, power to refuse to grant the application after consideration of the specified matters.

CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

Part 9 - Waste Tracking

Division 4 – Miscellaneous

Entity power given to	Section of ENPR	Description
Waste Handler	81U(1)(b)	Power to enter a written agreement with another person (the agent) to do the thing for the waster handler.
Person	81W(1)	Power to apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3.
Person	81X(1)	Power to apply to the administering executive for a consignment number for a number of matters.
Person	81Y(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste to this part applies.

CHAPTER 5A – WASTE MANAGEMENT BY LOCAL GOVERNMENTS¹**Part 2 - Waste Management in Local Government Areas****Division 1 – Storage of general waste**

Entity power given to	Section of ENPR	Description
Local Government	81ZF(1)(b)	Power to require the owner or occupier of relevant premises in the local government area, to supply at the relevant premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the relevant premises.
Local Government	81ZF(2)	Power to consider reasonable, the number of standard general waste containers required at the relevant premises.
Local Government	81ZG(1)(a)	Power to require the occupier of the relevant premises to store general waste at the relevant premises in another type of waste container other than a standard general waste container.
Local Government	81ZH(1)(a)	Power to require a waste container supplied for the premises to be kept at a particular place at the premises.
Local Government	81ZH(2)(a)	Power to arrange to collect waste from the container at the place.
Local Government	81ZI(2)	Power to require the prescribed person to ensure certain things are supplied at the premises.
Local Government	81ZI(2)(a)(i)	Power to require the level of an elevated stand for the holding of all waste containers.
Local Government	81ZI(2)(a)(ii)	Power to require drainage of an imperviously paved area where all waste containers can be placed.

Division 2 – Removal of General Waste

Entity power given to	Section of ENPR	Description
Local Government	81ZJ(2)	Power to give a written notice to the occupier of the relevant premises stating a number of matters listed in s81ZJ(2)(a) – (c).
Local Government	81ZK(2)(a)	Power to approve and give written approval to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	81ZK(2)(b)	Power to impose conditions on the approval.

Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description
Local Government	81ZL(1)	Power to require the occupier of the relevant premises where there is industrial waste to do a number of things as set out in section 81ZL(1)(a) – (c).
Local	81ZL(1)(a)	Power to require the number of industrial waste containers to be supplied at

¹ Section 81ZS – Devolution – Waste Management in Local Government Areas – Act, 514, the administration and enforcement of Part 2 is devolved to each local government for its local government area.
 Section 81ZT – Devolution – Receiving and Disposing of Waste – Act, 514, the administration and enforcement of Part 3, to the extent it relates to a waste facility owned, operated or otherwise controlled by a local government, is devolved to the local government.
 Section 81ZU, Chapter 5A expires on 1 September 2016.

Government		the premises for storing the waste at the premises safely, efficiently and without causing a nuisance.
Local Government	81ZL(1)(b)	Power to require the occupier of the relevant premises to keep the waste containers at a place at the premises.
Local Government	81ZL(4)	Power to approve a type of container as an industrial waste container for the storing of industrial waste at the premises within the local government area.
Local Government	81ZM	Power to require the occupier of the relevant premises where there is industrial waste to treat the waste to a standard.
Local Government	81ZM	Power to approve the standard to treat waste for the occupier of the relevant premises where there is industrial waste.

Part 3 - Receiving and Disposing of Waste

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	81ZQ(1)	Power to consent to the matters set out in section 81ZQ(1)(a) – (c).
Waste Facility Owner or Operator	81ZR(2)(b)	Power to give reasonable instructions to a person to deal with waste.

CHAPTER 8 - FEES

Part 3 - Annual Fees

Division 2 - Reduced Annual Fees in Particular circumstances

Subdivision 3 - Offences and Record Keeping

Entity power given to	Section of ENPR	Description
Administering Authority	133	Power to require the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

CHAPTER 9 - REPEAL, TRANSITIONAL AND SAVINGS PROVISIONS

Part 2 - Transitional and Savings Provisions

Division 2 - Transitional Provisions about Environmentally Relevant Activities

Subdivision 1 – General

Entity power given to	Section of ENPR	Description
Administering Authority	150(3)	In the specified circumstances, as soon as practicable after commencement, power to: <ul style="list-style-type: none"> (a) give the holder of the registration certificate a notice stating that, under this regulation, the activity is no longer an environmentally relevant activity; and (b) from the anniversary day of the registration certificate, the holder no longer needs a registration certificate to carry out the activity.

Administering Authority	151(2)	In the specified circumstances, as soon as practicable after commencement, power to give the holder of a relevant authority a notice stating that: (a) under this regulation, the activity is still an environmentally relevant activity; (b) the provision of schedule 2 applicable to the holder's activity; (c) from the anniversary day of the relevant authority, the holder is taken to have a relevant authority to carry out the activity mentioned in the provision of schedule 2 applicable to the holder's activity.
Administering Authority	153(2)	In the specified circumstances, as soon as practicable after commencement, power to give the holder of an environmental authority a notice stating that: (a) under this regulation, the activity is still an environmentally relevant activity; (b) the provision of schedule 5 or 6 applicable to the holder's activity; (c) from the anniversary day of the former environmental authority, the holder is taken to have an environmental authority to carry out the activity mentioned in the provision of schedule 5 or 6 applicable to the holder's activity.

Schedule 2

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, the delegate in exercising delegated power in relation to that matter, will only commit the 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, the Council's relations with the public at large.
3.	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the 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 power which can not lawfully be the subject of delegation by Council.

8.5 EXTENSION OF RATES DISCOUNT DATE DUE TO NATURAL DISASTER**File No:** 1392**Attachments:** Nil**Authorising Officer:** Evan Pardon - Chief Executive Officer**Author:** Ross Cheesman - General Manager Corporate Services

SUMMARY

This report is seeking Council's consideration of extending the rates discount date by two (2) weeks due to the impact of Cyclone Marcia.

OFFICER'S RECOMMENDATION

THAT Council extend the rates payment discount period for the January to June 2015 rate levy by two (2) weeks. The discount date to be set at 25 March 2015.

COMMENTARY

Due to the impact on the community of Cyclone Marcia it is recommended that Council extends its rates payment discount period for the January to June 2015 rate period by two (2) weeks. The discount date is recommended to be set at 25 March 2015.

With regards to water accounts, as there is no prompt payment discount and the fact that interest does not accrue until 30 days after the due date there is no need to formally adopt a position on this.

9 STRATEGIC REPORTS

9.1 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2015

File No: 8148

Attachments:

1. Income Statement - January 2015
2. Key Indicator Graphs - January 2015

Authorising Officer: Ross Cheesman - General Manager Corporate Services

Author: Alicia Cutler - Manager Finance

SUMMARY

The Manager Finance presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 January 2015.

OFFICER'S RECOMMENDATION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 January 2015 be 'received'.

COMMENTARY

The attached financial report and graphs have been compiled from information within Council's Finance One system. The reports presented are as follows:

1. Income Statement (Actuals and Budget for the period 1st July 2014 to 31 January 2015), Attachment 1.
2. Key Indicators Graphs, Attachment 2.

Council should note in reading this report that normally after the completion of the first six months of the financial year, operational results should be approximately 58.3% of budget. All percentages for operational revenue and operational expenditure are measured against the adopted budget.

The percentages reported for capital revenue and capital expenditure are measured against the adopted budget with carryovers i.e. including carry-over capital budgets from 2013/14.

The following commentary is provided in relation to the Income Statement:

Total Operating Revenue is reported at 82%. Key components of this result are:

- Net rates and utility charges are at 94% of budget. This positive variance is due to the second levy of general rates and utility charges for 2014/2015 being processed during January 2015.
 - Fees and charges are slightly behind budget at 51%. This result is partly due to Council's Planning section being behind budget due to a number of factors. The decreased revenue for the Planning section is offset by a comparative decrease in operating expenditure.
 - Private and recoverable works are ahead of budget at 70% due to a large portion of works being completed for Main Roads on the Yeppoon Road reseal program.
 - Interest revenue is well ahead of budget at 76%. Traditionally interest revenue remains ahead of budget for the first portion of the financial year and then moves closer to budget during the second half of the financial year. There is scope to increase the interest revenue budget during the December budget revision.
 - Other Income is at 65%. This positive variance is mostly due to the income of the Arts & Heritage Unit being ahead of budget, which is counterbalanced by a comparative increase in expenditure.
-

- The results for other line items are in proximity of the benchmark percentage.

Total Operating Expenditure is reported at 55%. Due to the substantial committals this percentage decreases to 51% when committals are excluded. Key components of this result are:

- Employee cost is below budget at 53%. This is partly due to the circumstance that transactions for employee benefit accruals are only done comprehensively at financial year-end.
- Contractors and consultants expenditure is ahead of budget at 61%. This is due to committed expenditure, as actual expenditure is only 41% of budget.
- Materials and plant expenditure is below budget at 41%. This result is largely attributable to the Civil Works Maintenance area, where the majority of expenditure is budgeted against materials and plant, however actual expenditure is incurred not only against materials and plant, but also against other expenditure groups.
- Asset operational expenditure is ahead of budget at 66%. This is due to Council having already paid annual insurance premiums including, amongst others, Public Liability and Motor Vehicle premiums.
- Administrative expenses are ahead of budget at 67%. This account group is significantly impacted by committed expenditure, as actual expenditure is at 51%. Annual IT licences have been fully paid under this account group and the retainers for the operation of the pools in the summer months are now having an impact on the budget as committals for the remainder of the year have been raised.
- Finance costs are behind budget at 45%. The second loan repayment was made to Queensland Treasury Corporation at the end of December. There appears to be scope to reduce the interest expense budget during the December budget revision.

The following commentary is provided in relation to capital income and expenditure, as well as investments and loans:

Total Capital Income is at 24% of budget. Receipt of capital income is anticipated to increase in coming months with Natural Disaster, GIA and Southside Pool funding as well as proceeds from asset sales.

Total Capital Expenditure is at 61% of budget with committals, or approximately 34% of budget without committals.

Total Investments are approximately \$77.9M as at 31 January 2015 recording a relatively small decrease from the \$78.3M reported for the month ended 31 December 2014. January is historically the low point for investment balances during the financial year.

Total Loans are \$150.8M as at 31 January 2015 after the second quarterly loan repayment was made during December.

CONCLUSION

Total operational revenue being ahead of budget at 82% is mostly due to the second levy of general rates and utility charges for the year. Operational expenditure at 55% is in proximity to budget when committed expenditure is considered.

Capital revenue is behind budget at 24% and capital expenditure excluding committed expenditure is currently at 34% of budget. This is partly attributable to the carry-over capital addition to the adopted budget.

SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2015

Income Statement - January 2015

Meeting Date: 24 February 2015

Attachment No: 1



Income Statement
For Period July 2014 to January 2014
58.3% of Year Gone

	Adopted Budget	YTD Actual	Commitments	YTD Actuals (inc commitments)	% of Adopted Budget
	\$	\$	\$	\$	
OPERATING					01 07
Revenues					
Net rates and utility charges	(124,312,081)	(117,457,119)	0	(117,457,119)	94%
Fees and Charges	(28,728,960)	(14,770,034)	0	(14,770,034)	51%
Private and recoverable works	(7,977,114)	(5,562,103)	0	(5,562,103)	70%
Rent/Lease Revenue	(2,973,053)	(1,669,944)	0	(1,669,944)	56%
Grants Subsidies & Contributions	(14,798,353)	(8,479,748)	0	(8,479,748)	57%
Interest revenue	(2,588,470)	(1,966,498)	0	(1,966,498)	76%
Other Income	(3,960,139)	(2,571,870)	0	(2,571,870)	65%
Total Revenues	(185,338,169)	(152,477,317)	0	(152,477,317)	82%
Expenses					
Employee Costs	70,866,820	37,062,113	300,570	37,362,683	53%
Contractors & Consultants	15,759,452	6,446,154	3,134,613	9,580,767	61%
Materials & Plant	18,730,644	6,746,209	922,672	7,668,881	41%
Asset Operational	19,139,029	10,940,334	1,691,504	12,631,838	66%
Administrative Expenses	10,568,893	5,360,284	1,685,802	7,046,086	67%
Depreciation	44,437,366	25,921,797	0	25,921,797	58%
Finance costs	10,063,252	4,536,930	0	4,536,930	45%
Other Expenses	1,480,408	743,888	86,343	830,230	56%
Total Expenses	191,045,863	97,757,708	7,821,504	105,579,212	55%
Transfer / Overhead Allocation					
Transfer/Overhead Allocation	(10,352,252)	(4,279,553)	44,555	(4,234,998)	41%
Total Transfer / Overhead Allocation	(10,352,252)	(4,279,553)	44,555	(4,234,998)	41%
TOTAL OPERATING POSITION (SURPLUS)/DEFICIT	(4,644,557)	(58,999,162)	7,866,059	(51,133,103)	1101%

	Adopted Budget	August Revised (inc Carry Forward)	YTD Actual	Commitments	YTD Actuals (inc commitments)	% of Revised Budget
CAPITAL						
Total Developers Contributions Received	(3,600,000)	(3,600,000)	(1,637,166)	0	(1,637,166)	45%
Total Capital Grants and Subsidies Received	(6,344,000)	(10,897,134)	(2,554,521)	0	(2,554,521)	23%
Total Proceeds from Sale of Assets	(6,575,000)	(6,581,455)	(925,000)	0	(925,000)	14%
Total Capital Income	(16,519,000)	(21,078,589)	(5,116,687)	0	(5,116,687)	24%
Total Capital Expenditure	80,462,491	99,636,904	33,721,269	27,377,452	61,098,721	61%
Net Capital Position	63,943,491	78,558,315	28,604,581	27,377,452	55,982,034	71%
TOTAL INVESTMENTS			77,903,684			
TOTAL BORROWINGS			150,815,888			

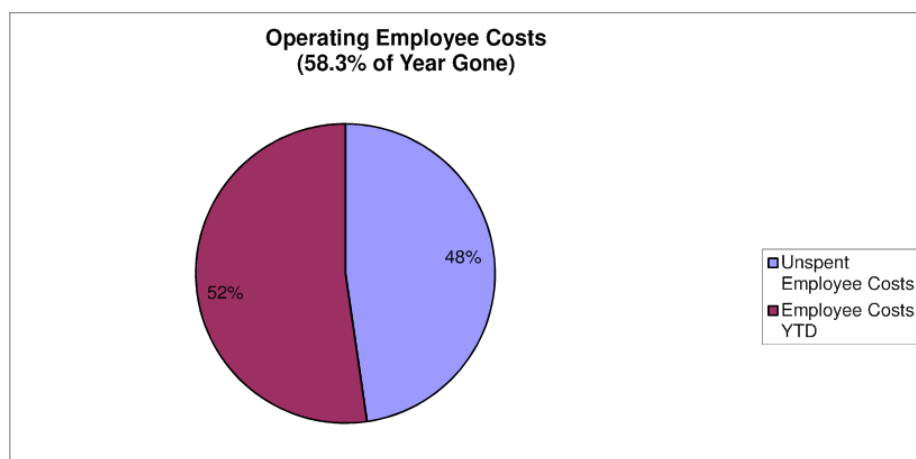
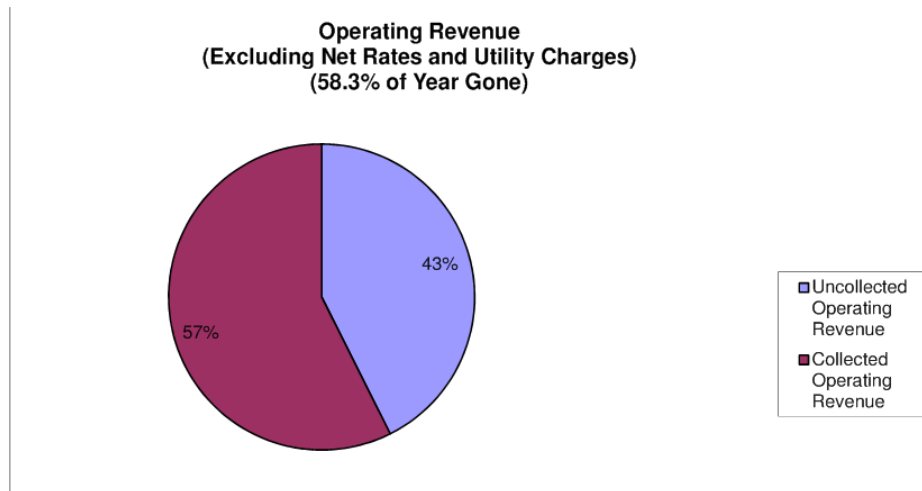
SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JANUARY 2015

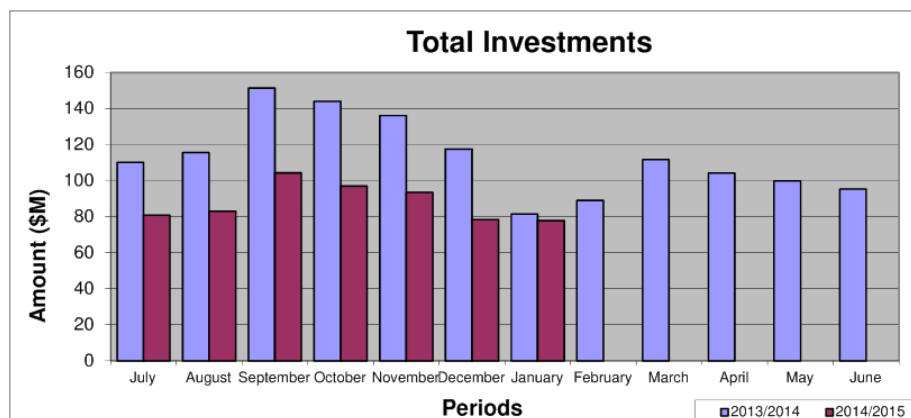
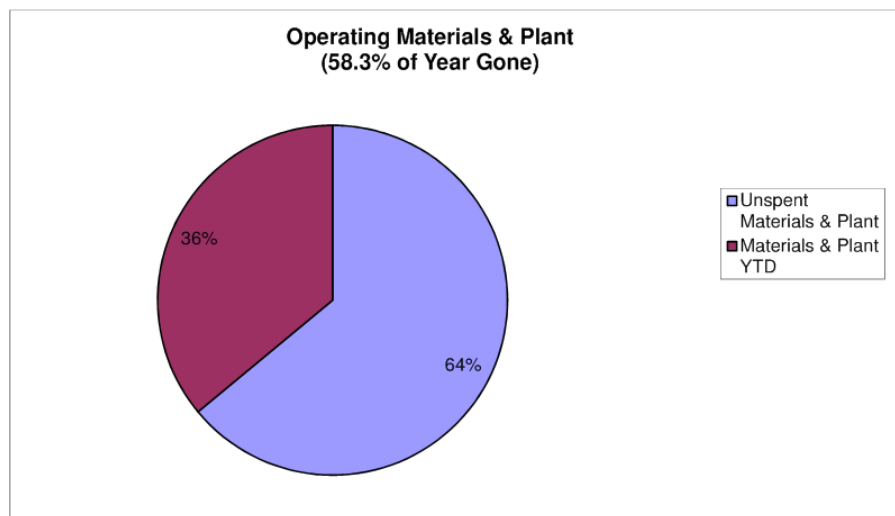
Key Indicator Graphs - January 2015

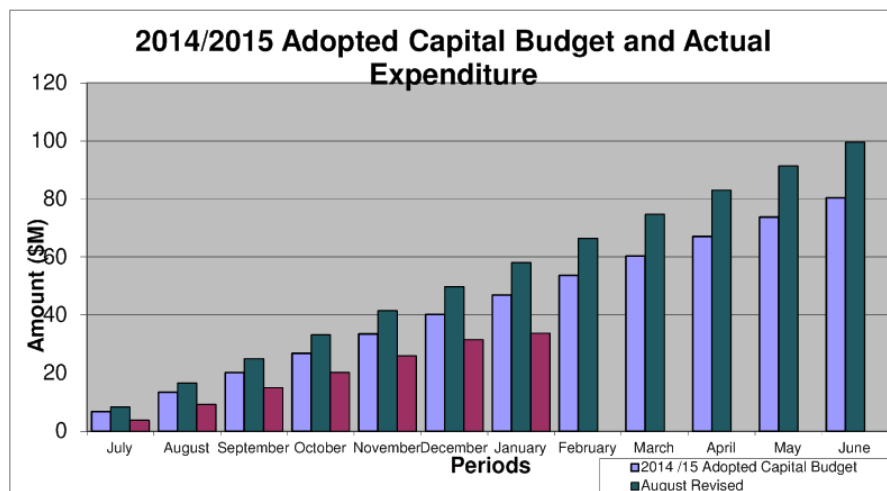
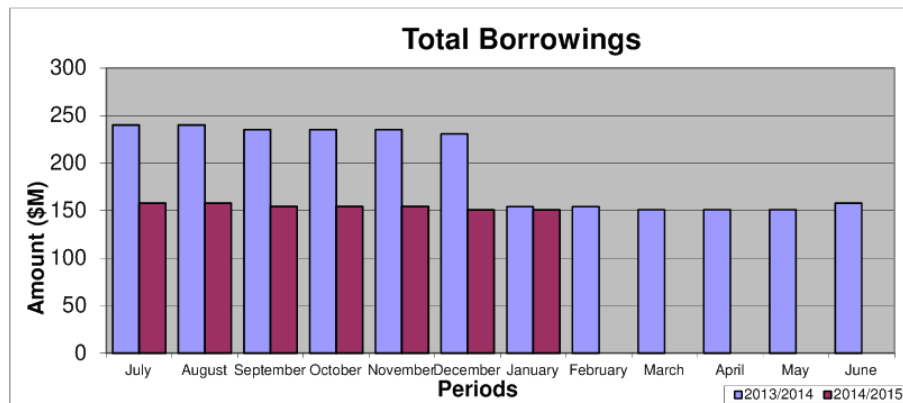
Meeting Date: 24 February 2015

Attachment No: 2

KEY INDICATOR GRAPHS – JANUARY 2015







10 NOTICES OF MOTION

Nil

11 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.

12 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.

13.1 Legal Matters as at 31 January 2015

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

13.2 Disposal of part of Lot 1 on CP848928 known as 131 Richardson Road, Park Avenue to the adjoining owner

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

13.3 Disposal of Part of Lot 4 on SP197254, known as 788 Norman Road Norman Gardens, to Croakybill Ltd relating to development applications D/583-2013 & D/252-2011

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

13.4 Compensation Agreement - Capricorn Stone Products Pty Ltd, Lot 1 on LIV40877 (Mining Lease 100010)

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.

13 CONFIDENTIAL REPORTS

13.1 LEGAL MATTERS AS AT 31 JANUARY 2015

File No: 1392

Attachments: 1. Legal Matters - November 2014 to January 2015

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

Author: Kerrie Barrett - Coordinator Corporate Improvement & Strategy

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

SUMMARY

Coordinator Corporate Improvement & Strategy presenting an update of current legal matters that Council is involved in as at 31 January 2015.

13.2 DISPOSAL OF PART OF LOT 1 ON CP848928 KNOWN AS 131 RICHARDSON ROAD, PARK AVENUE TO THE ADJOINING OWNER**File No:** 8601**Attachments:**

1. Correspondence from Schlencker Surveying
2. Correspondence from Capricorn Country Club
3. Map showing area to be disposed to adjoining owner
4. Valuation Report

Authorising Officer: Drew Stevenson - Manager Corporate and Technology
Ross Cheesman - General Manager Corporate Services**Author:** Kellie Anderson - Coordinator Property and Insurance

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

SUMMARY

Reporting on a request from the adjoining owners of Lot 1 on CP848928 (131 Richardson Road) wishing to acquire approximately 187m² of Council freehold land to amalgamate with their property being Lot 18 on SP190913, 10 Sandy's Place Kawana.

13.3 DISPOSAL OF PART OF LOT 4 ON SP197254, KNOWN AS 788 NORMAN ROAD NORMAN GARDENS, TO CROAKYBILL LTD RELATING TO DEVELOPMENT APPLICATIONS D/583-2013 & D/252-2011**File No:** 1680**Attachments:**

1. Letter of offer
2. Drawing showing proposed new road area
3. Aerial Map
4. D-252-2011 - Approved Plans
5. D252-2011 - Proposed Amended Plans

Authorising Officer: Drew Stevenson - Manager Corporate and Technology
Ross Cheesman - General Manager Corporate Services**Author:** Kellie Anderson - Coordinator Property and Insurance

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

SUMMARY

Croakybill Limited has approached Council with a request to acquire a portion of Council Freehold Land (230m²) at Lot 4 on SP197254 to dedicate as road in association with the requirements of their development application for the adjoining Lot 102 on SP252937.

**13.4 COMPENSATION AGREEMENT - CAPRICORN STONE PRODUCTS PTY LTD,
LOT 1 ON LIV40877 (MINING LEASE 100010)****File No: 8444****Attachments:**
1. Draft Compensation Agreement
2. Aerial Map**Authorising Officer: Drew Stevenson - Manager Corporate and Technology**
Ross Cheesman - General Manager Corporate Services**Author: Kellie Anderson - Coordinator Property and Insurance**

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

Reporting on a request received from Capricorn Stone Products Pty Ltd for Council to enter into a Compensation Agreement for a new mining lease over Quarry Reserve 430 (Lot 1 on LIV 40877) as detailed in this report.

14 CLOSURE OF MEETING