



ORDINARY MEETING

AGENDA

3 MARCH 2020

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 3 March 2020 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. Pe", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
26 February 2020

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

Opening prayer presented by Father Bryan Hanifin, Dean of St Joseph's Cathedral.

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor S J Schwarten
Councillor A P Williams
Councillor 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 Ordinary Meeting held 18 February 2020
Minutes of the Planning and Regulatory Committee Meeting held 11 February 2020
Minutes of the Airport, Water and Waste Committee Meeting held 11 February 2020
Minutes of the Infrastructure Committee Meeting held 11 February 2020
Minutes of the Community Services Committee Meeting held 12 February 2020
Minutes of the Parks, Recreation and Sport Committee Meeting held 12 February 2020

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

File No: 12660

- Attachments:**
1. **Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 Delegation Register**[↓](#)
 2. **Land Valuation Act 2010 Delegation Register**[↓](#)
 3. **Planning and Environment Court Act 2016 Delegation Register**[↓](#)
 4. **Queensland Reconstruction Authority Act 2011 Delegation Register**[↓](#)
 5. **Economic Development Act 2012 Delegation Register**[↓](#)
 6. **Human Rights Act 2019 Delegation Register**[↓](#)
 7. **Environmental Protection Regulation 2019 Delegation Register**[↓](#)

Authorising Officer: Tracy Sweeney - Manager Workforce and Governance

Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

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

OFFICER'S RECOMMENDATION

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of the registers attached to the report:
 1. *Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011;*
 2. *Land Valuation Act 2010;*
 3. *Planning and Environment Court Act 2016;*
 4. *Queensland Reconstruction Authority Act 2011;*
 5. *Economic Development Act 2012;*
 6. *Human Rights Act 2019; and*
 7. *Environmental Protection Regulation 2019.*
2. These powers must be exercised subject to any limitations contained in schedule 2 of the Delegation Registers.

COMMENTARY

LGAQ, with the assistance of King and Company Solicitors have identified powers under the following legislation:

1. *Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011;*
2. *Land Valuation Act 2010;*

3. *Planning and Environment Court Act 2016;*
4. *Queensland Reconstruction Authority Act 2011;*
5. *Economic Development Act 2012;*
6. *Human Rights Act 2019; and*
7. *Environmental Protection Regulation 2019.*

Subsequently, the Delegation Registers containing the legislative powers for this legislation have been prepared for Council's consideration and delegation to the Chief Executive Officer (CEO).

PREVIOUS DECISIONS

Attachments 1 to 6 are new additions to Council's Delegation Register and have not been previously considered by Council.

Attachment 7, the *Environmental Protection Regulation 2019* Delegation Register replaces the *Environmental Protection Regulation 2008* Delegation Register which was last considered by Council on 21 November 2017. The 2019 version of the Regulation is in substantially similar form to the repealed 2008 version with amendments made reflecting current drafting practice. It is proposed that Council delegates powers to the CEO in line with the powers previously in place in the repealed Regulation.

BUDGET IMPLICATIONS

Not applicable.

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 position 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.

STAFFING IMPLICATIONS

There will be no impact on staffing numbers or changes to positions.

RISK ASSESSMENT

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.

CORPORATE/OPERATIONAL PLAN

Not applicable.

CONCLUSION

This report includes Delegation Registers for legislation incorporating sections to be delegated from the Council to the CEO.

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

COUNCIL DELEGATIONS TO CHIEF EXECUTIVE OFFICER

Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 Delegation Register

Meeting Date: 3 March 2020

Attachment No: 1

Delegations Register – Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011

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

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section of BCSR	Entity Power Given To	Title	Description
Section 33(4)(b)	Entity Power Given To: Relevant Planning Body	Chapter 6 – Property Management Part 2 – Common Property	Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.

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

Land Valuation Act 2010 Delegation Register

Meeting Date: 3 March 2020

Attachment No: 2

Delegations Register – *Land Valuation Act 2010*

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 are repealed.

Schedule 1

Section of LAVA	Entity Power Given To	Title	Description
Section 74	Entity Power Given To: Local Government	Chapter 2 – Valuations Part 4 – Annual Valuations Division 1 – General Provisions	Power to consult with the valuer-general about a proposed decision not to make an annual valuation of land.
Section 244	Entity Power Given To: Local Government	Chapter 9 – Miscellaneous Provisions Part 1 – Access by Valuer-General to Information	Power to give the valuer-general valuation-related documents, information about a sale or proposed sale of land for unpaid rates and information about all land Council acquires or disposes of.

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

Planning and Environment Court Act 2016 - Delegation Register

Meeting Date: 3 March 2020

Attachment No: 3

Delegations Register – *Planning and Environment Court Act 2016*

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

These powers must be exercised subject to the limitations contained in Schedule 2. All prior resolutions delegating the same powers are repealed.

Schedule 1

Section of PECA	Entity Power Given To	Title	Description
Section 11(1)	Entity Power Given To: A Person	Part 2 – Establishment and Jurisdiction Division 3 – Declaratory Jurisdiction	Power to start a declaratory proceeding.
Section 12(2)	Entity Power Given To: Assessment Manager	Part 2 – Establishment and Jurisdiction Division 3 – Declaratory Jurisdiction	Power, as the assessment manager, to start a declaratory proceeding for a matter done, to be done or that should have been done in relation to the call in.
Section 16	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 1 – ADR Process	Power, as a party to a P&E Court proceeding, to participate in an ADR process.
Section 16(3)	Entity Power Given To: A Party	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 1 – ADR Process	Power, as a party, to confer with the ADR registrar about the way to conduct the P&E Court proceeding.
Section 18(1)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 1 – ADR Process	Power, as a party to a P&E Court proceeding, to agree to the resolution of all or part of the dispute in an ADR process.
Section 18(1)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 1 – ADR Process	Power, as a party to a P&E Court proceeding who has agreed on resolution of the dispute, to sign the resolution agreement.
Section 20(1)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 1 – ADR Process	Power, as a party to a P&E Court proceeding, to apply to the P&E Court for an order giving effect to an agreement reached as a result of an ADR process.
Section 21(2)(a)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 1 – ADR Process	Power, as a party to a P&E Court proceeding, to agree to the ADR registrar or mediator disclosing information acquired as part of the ADR process.
Section 26(2)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 2 – P&E Court Proceedings	Power, as a party to a P&E Court proceeding for which the ADR registrar is exercising, or has exercised, a power, to apply for a court review.
Section 27(1)(a)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 4 – Powers and Procedure (General) Division 1 – Alternative Dispute Resolution Subdivision 3 – ADR Registrar's Powers	Power, as a party to a P&E Court proceeding, to consent in writing to the ADR registrar making an order or direction in the proceeding.
Section 41(2)(a)	Entity Power Given To: Local Government	Part 4 – Powers and Procedure (General) Division 3 – Parties	Power to consent to a person starting a declaratory proceeding or a proceeding for an enforcement order under the Planning Act on behalf of Council.
Section 41(3)	Entity Power Given To: Charging Entity	Part 4 – Powers and Procedure (General) Division 3 – Parties	Power to pay the expenses, including legal costs, incurred by the representative in relation to the proceeding.
Section 63(1)	Entity Power Given To: A Party to a P&E Court Proceeding	Part 7 – Appeals to Court of Appeal	Power, as a party to a P&E Court proceeding, to appeal a decision in the proceeding.
Section 64(1)	Entity Power Given To: A Party	Part 7 – Appeals to Court of Appeal	Power to apply to the Court of Appeal for leave to appeal.

Section of PECA	Entity Power Given To	Title	Description
Section 64(2)	Entity Power Given To: A Party	Part 7 – Appeals to Court of Appeal	Power to file and serve a Notice of Appeal following the granting of leave by the Court of Appeal.

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

Queensland Reconstruction Authority Act 2011 - Delegation Register

Meeting Date: 3 March 2020

Attachment No: 4

Delegations Register – *Queensland Reconstruction Authority Act 2011 {QRAA}*

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 are repealed.

Schedule 1

Section of QRAA	Entity Power Given To	Title	Description
Section 42(5)	Entity Power Given To: Local Government	Part 4 – Declarations About Declared Projects, Reconstruction Areas and Critical Infrastructure Projects Division 1 – Declarations	Power to request the Minister to declare a project for proposed development to be a declared project.
Section 43(7)	Entity Power Given To: Local Government	Part 4 – Declarations About Declared Projects, Reconstruction Areas and Critical Infrastructure Projects Division 1 – Declarations	Power to agree about the declaration of acquisition land.
Section 43(8)	Entity Power Given To: Local Government	Part 4 – Declarations About Declared Projects, Reconstruction Areas and Critical Infrastructure Projects Division 1 – Declarations	Power to request the Minister to declare a part of the State to be a reconstruction area and/or acquisition land.
Section 49	Entity Power Given To: Decision-Maker	Part 5 – Particular Powers for Declared Projects and Development in Reconstruction Areas Division 2 – Notices About Declared Projects and Development in Reconstruction Areas Sub-Division 1 – Progression Notice	Power, as a decision-maker for a prescribed decision, to comply with a progression notice given by the authority.
Section 50	Entity Power Given To: Decision-Maker	Part 5 – Particular Powers for Declared Projects and Development in Reconstruction Areas Division 2 – Notices About Declared Projects and Development in Reconstruction Areas Sub-Division 2 – Notice to Decide	Power, as a decision-maker for a prescribed decision, to comply with a notice to decide given by the authority.
Section 53(1)	Entity Power Given To: Decision-Maker	Part 5 – Particular Powers for Declared Projects and Development in Reconstruction Areas Division 2 – Notices About Declared Projects and Development in Reconstruction Areas Sub-Division 3 – Step-In Notice	Power, as a decision-maker for a prescribed decision, to give the authority all reasonable assistance or materials it requires.
Section 53(2)	Entity Power Given To: Decision-Maker	Part 5 – Particular Powers for Declared Projects and Development in Reconstruction Areas Division 2 – Notices About Declared Projects and Development in Reconstruction Sub-Division 3 – Step-in Notice	Power, as a decision-maker for a prescribed decision, to give the authority a written report containing the information prescribed in subsection 53(2).
Section 53(4)	Entity Power Given To: Local Government	Part 5 – Particular Powers for Declared Projects and Development in Reconstruction Areas Division 2 – Notices About Declared Projects and Development in Reconstruction Sub-Division 3 – Step-in Notice	Power to give the authority a written recommendation to impose a condition for infrastructure.
Section 80(2) & 80(6)	Entity Power Given To: Referral Agency	Part 6 – Development Schemes Division 4 – Relationship with Planning Act Sub-Division 2 – Assessing Relevant Applications	Power, as a referral agency for a relevant application, to assess the application having regard to the development scheme and give the weight considered appropriate to any amendment or replacement of the development scheme.

Section of QRAA	Entity Power Given To	Title	Description
Section 80(3) & 80(6)	Entity Power Given To: Assessment Manager	Part 6 – Development Schemes Division 4 – Relationship with Planning Act Sub-Division 2 – Assessing Relevant Applications	Power, as an assessment manager for a relevant application, to assess the application against the matters stated in the development scheme as assessment benchmarks for the Planning Act and give the weight considered appropriate to any amendment or replacement of the development scheme.
Section 81	Entity Power Given To: Responsible Entity	Part 6 – Development Schemes Division 4 – Relationship with Planning Act Sub-Division 2 – Assessing Relevant Applications	Power, as a responsible entity for a change application, to assess the application against the development scheme and give the weight considered appropriate to any amendment or replacement of the development scheme.
Section 92(3)	Entity Power Given To: Assessment Manager	Part 6 – Development Schemes Division 4 – Relationship with Planning Act Sub-Division 5 – Existing Uses	Power, as an assessment manager, to comply with the requirements under the Planning Act about giving public access to development approvals, as if the notice were a development approval.
Section 111(2)	Entity Power Given To: Local Government	Part 8 – Direction to Take Action About Local Planning Instruments	Power to request the Minister to direct the local government to take particular action about a local planning instrument.
Section 111(3)	Entity Power Given To: Local Government	Part 8 – Direction to Take Action About Local Planning Instruments	Power to make submissions to the Minister about a proposal to direct the local government to take particular action about a local planning instrument.
Section 112	Entity Power Given To: Local Government	Part 8 – Direction to Take Action About Local Planning Instruments	Power to comply with a direction of the Minister given under section 112.

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

Economic Development Act 2012 Delegation Register

Meeting Date: 3 March 2020

Attachment No: 5

Delegations Register – *Economic Development Act 2012*

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 are repealed.

Schedule 1

Section of ECDA	Entity Power Given To	Title	Description
Section 36B	Entity Power Given To: Any Person	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 1 – Declaration of Provisional Priority Development Areas, Draft Provisional Land use Plans and Provisional Land Use Plans Subdivision 1 – Making of Declaration Regulations, Draft Provisional Land Use Plans and Provisional Land Use Plans	Power to make a submission about a draft provisional land use plan.
Section 36C(3)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 1 – Declaration of Provisional Priority Development Areas, Draft Provisional Land use Plans and Provisional Land Use Plans Subdivision 1 – Making of Declaration Regulations, Draft Provisional Land Use Plans and Provisional Land Use Plans	Power to consult with MEDQ about a draft provisional land use plan.
Section 36I(3)	Entity Power Given To: Any Person	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 1 – Declaration of Provisional Priority Development Areas, Draft Provisional Land use Plans and Provisional Land Use Plans Subdivision 2 – Amending Provisional Land Use Plans	Power to make a submission about a proposed amendment of a provisional land use plan.
Section 36I(3)	Entity Power Given To: Any Person	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 1 – Declaration of Provisional Priority Development Areas, Draft Provisional Land use Plans and Provisional Land Use Plans Subdivision 2 – Amending Provisional Land Use Plans	Power to consult with MEDQ about a proposed amendment of a provisional land use plan.
Section 40B	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2A – Declaration of PDA–associated Development by MEDQ	Power to consult with MEDQ about a proposed declaration under section 40C(1).
Section 40H(1)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power to consult with MEDQ about a proposed PDA instrument change.
Section 40I	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power, if asked by MEDQ, to prepare the proposed instrument for the planning instrument change.
Section 40J(a)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power to consult with MEDQ about a proposed instrument for a planning scheme change.

Section of ECDA	Entity Power Given To	Title	Description
Section 40J(b)	Entity Power Given To: Proposer of the Planning Instrument Change	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power, as the proposer of the planning instrument change, to consult with any government entity, GOC or other entity it considers will be likely to be affected by the proposed planning instrument change.
Section 40K(2)	Entity Power Given To: Proposer of the Planning Instrument Change	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power, as the proposer of the planning instrument change, to give MEDQ the proposed instrument for its approval.
Section 40K(6)	Entity Power Given To: Proposer of the Planning Instrument Change	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power, as the proposer of the planning instrument change, to amend the proposed instrument for a planning instrument change in compliance with conditions imposed by MEDQ under section 40K(3)(b).
Section 40M(2)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 2B – Minor Boundary Changes of Priority Development Areas	Power to publish on its website the planning instrument change made or approved under section 40K.
Section 41(6)(b)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 3 – Cessation of Priority Development Areas Sub–Division 1 – Provisional Priority Development Areas	Power to make submissions to MEDQ about the proposed planning instrument change.
Section 42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J and 42L	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 3 – Cessation of Priority Development Areas Sub–Division 2 – Priority Development Areas	Power as the proposer to prepare a proposed planning instrument change. For the avoidance of doubt this power includes all actions and all matters required to be considered under sections 42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J and 42L of the Economic Development Act 2012.
Section 43(3)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 3 – Cessation of Priority Development Areas Sub–Division 2 – Priority Development Areas	Power to agree to the making of a regulation making an interim local law.
Section 51AJ	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 4 – Relationship with Planning Act Subdivision 3 Dealing with Converted PDA Development Approvals	Power, as the enforcement authority under the Planning Act for a Planning Act approval and where chapter 3, part 2, division 4, subdivision 3 applies, to commence proceedings in the court seeking a declaration mentioned in section 51AJ(3).
Section 51AQ(2)	Entity Power Given To: Enforcement Authority	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 4 – Relationship with Planning Act Subdivision 3 Dealing with Converted PDA Development Approvals	Power, as the enforcement authority under the Planning Act for a Planning Act approval and where chapter 3, part 2, division 4, subdivision 3 applies, to give an infrastructure charges notice if the circumstances in section 51AQ(2) apply.
Section 52(3)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 2 – Priority Development Areas Division 5 – Miscellaneous Provisions	Power to comply with a request by MEDQ to supply documents or information.
Section 58(2)(a)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 3 – Development Schemes Division 1 – Making Development Schemes	Power to consult with MEDQ about a proposed development scheme.

Section of ECDA	Entity Power Given To	Title	Description
Section 82(1)(b)	Entity Power Given To: Owner of Land	Chapter 3 – Planning and Development Part 4 – Development and Uses in or for Priority Development Areas Division 3 – PDA Development Applications Sub–Division 1 – Making Application	Power as an owner of land to consent to the making of a PDA development application.
Section 84(4)(d)	Entity Power Given To: Local Government	Chapter 3 – Planning and Development Part 4 – Development and Uses in or for Priority Development Areas Division 3 – PDA Development Applications Sub–Division 2 – Processing Application	Power to make submissions to MEDQ about a PDA development application.
Section 98(2)	Entity Power Given To: Owner of Land	Chapter 3 – Planning and Development Part 4 – Development and Uses in or for Priority Development Areas Division 4 – PDA Development Approvals	Power as an owner of land to consent to the cancellation of a PDA development approval.
Section 116E(3)(b)	Entity Power Given To: Superseding Public Sector Entity	Chapter 3 – Planning and Development Part 6 – Particular Charges Division 2 – Infrastructure Expenses Recoupment Charges	Power as a superseding public sector entity to continue to make and levy the infrastructure expenses recoupment charge.
Section 116G	Entity Power Given To: Charging Entity	Chapter 3 – Planning and Development Part 6 – Particular Charges Division 3 – Recovery of Relevant Charges	Power as a charging entity to give a charge notice.
Section 117	Entity Power Given To: Charging Entity	Chapter 3 – Planning and Development Part 6 – Particular Charges Division 3 – Recovery of Relevant Charges	Power to recover a charge that becomes owing under subsection (1).
Section 122(2)	Entity Power Given To: Superseding Public Sector Entity	Chapter 3 – Planning and Development Part 7 – Infrastructure Agreements Relating to Priority Development Areas	Power to consult with MEDQ about a proposed infrastructure agreement likely to continue to apply in relation to land after the land ceases to be in, or to be PDA–associated land for, a priority development area.
Section 127(4)	Entity Power Given To: Directed Entity	Chapter 3 – Planning and Development Part 8 – MEDQ's Powers Relating to Priority Development Areas and PDA–Associated Development	Power as a directed entity to do everything reasonably necessary to comply with a direction given by MEDQ.
Section 128(4)	Entity Power Given To: Directed Entity	Chapter 3 – Planning and Development Part 8 – MEDQ's Powers Relating to Priority Development Areas and PDA–Associated Development	Power as a directed entity to comply with a direction given by MEDQ to provide or maintain stated infrastructure in, or relating to, a stated priority development area.
Section 169(3)	Entity Power Given To: Local Government	Chapter 5 – General Part 3 – Provisions About Performance of Functions etc. Under This Act	Power to sub-delegate a function or power of MEDQ delegated to Council under subsection (1) to an appropriately qualified employee Council.
Section 171B	Entity Power Given To: Person	Chapter 5 – General Part 3A – Service of Documents	Power, where serving a document under the Economic Development Act 2012, to effect service by giving the receiver a communication stating that: (a) the relevant document can be viewed on a stated website or other electronic medium; and (b) the receiver may ask for a copy of the relevant document.
Section 171B(6)	Entity Power Given To: Person	Chapter 5 – General Part 3A – Service of Documents	Power, where serving a document under section 171B(1) or (2), and where the receiver has asked for a copy of the relevant document, to give the receiver a copy of the relevant document.
Section 213(2)	Entity Power Given To: Directed Entity	Chapter 6 – Transitional Provisions and Repeals for Act No. 43 or 2012 Part 7 – Other Transitional Provisions	Power as a directed entity, in the circumstances specified in subsection (1), to comply with the direction.
Section 214(2)	Entity Power Given To: Directed Entity	Chapter 6 – Transitional Provisions and Repeals for Act No. 43 or 2012 Part 7 – Other Transitional Provisions	Power as a directed entity, in the circumstances specified in subsection (1), to comply with the direction.

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

Human Rights Act 2019 Delegation Register

Meeting Date: 3 March 2020

Attachment No: 6

Delegations Register – Human Rights Act 2019 {HURA}

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 are repealed.

Schedule 1

Section of HURA	Entity Power Given To	Title	Description
Section 49(2)	Entity Power Given To: Party to a Proceeding	Part 3 – Application of Human Rights in Queensland Division 3 – Interpretation of Laws	Power, as a party to a proceeding before a court, in the circumstances in subsection 49(1), to make an application to have the proceeding referred to the Supreme Court.
Section 52(1)(a)	Entity Power Given To: Party to a Proceeding	Part 3 – Application of Human Rights in Queensland Division 3 – Interpretation of Laws	Power, as a party to a proceeding in the Supreme Court or District Court, to give notice in the approved form to the Attorney-General and the commission if: (a) a question of law arises that relates to the application of the Act; or (b) a question arises in relation to the interpretation of a statutory provision in the Act.
Section 52(1)(b)	Entity Power Given To: Party to a Proceeding	Part 3 – Application of Human Rights in Queensland Division 3 – Interpretation of Laws	Power, as a party to a proceeding, to give notice in the approved form to the Attorney-General and the commission if a question is referred to the Supreme Court under section 49.
Section 77(1)	Entity Power Given To: Respondent	Part 4 - Queensland Human Rights Commission Division 2 - Human Rights Complaints Subdivision 3 - Dealing with Human Rights Complaints	Power, where the commissioner decides to accept a human rights complaint, to comply with the actions taken by the commissioner including:- (a) making submissions to the commission in writing in response to the complaint; (b) complying with a direction to give the commission information relevant to the complaint; (c) participating in a conciliation of the complaint under part 4, division 2, subdivision 4.
Section 78(5)	Entity Power Given To: Relevant Entity	Part 4 - Queensland Human Rights Commission Division 2 - Human Rights Complaints Subdivision 3 - Dealing with Human Rights Complaints	Power, as a relevant entity for a complaint, to comply with a direction given by the commissioner under subsection 78(2).
Section 83(1)	Entity Power Given To: Party to a Complaint	Part 4 - Queensland Human Rights Commission Division 2 - Human Rights Complaints Subdivision 4 - Conciliation of Human Rights Complaints	Power, as a party to a complaint, to seek the consent of the commissioner to be represented by another person.
Section 93(2)	Entity Power Given To: Public Entity	Part 4 - Queensland Human Rights Commission Division 3 - Reporting Requirements	Power to make submissions to the commissioner about a proposed adverse comment in a report prepared under section 88 or part 4, division 3.
Section 98(3)	Entity Power Given To: Public Entity	Part 5 - General	Power to comply with a notice, issued by the commissioner pursuant to subsection 98(1), to provide information.

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

Environmental Protection Regulation 2019 Delegation Register

Meeting Date: 3 March 2020

Attachment No: 7

Delegations Register – Environmental Protection Regulation 2019 (ENPR)

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 are repealed.

Schedule 1

Section of ENPR	Entity Power Given To	Title	Description
Section 35(1)	Entity Power Given To: Administering Authority	Chapter 4 - Regulatory Requirements Part 2 - Regulatory Requirements for all Environmental Management Decisions	Power, as an administering authority making an environmental management decision relating to an environmentally relevant activity, other than a prescribed ERA to do those things required in subsections 35(1)(a) to 35(1)(e).
Section 35(3)	Entity Power Given To: Administering Authority	Chapter 4 - Regulatory Requirements Part 2 - Regulatory Requirements for all Environmental Management Decisions	Power, as an administering authority making an environmental management decision relating to a prescribed ERA to do those things required in subsections 35(3)(a) and 35(3)(b).
Section 36(1)	Entity Power Given To: Administering Authority	Chapter 4 - Regulatory Requirements Part 2 - Regulatory Requirements for all Environmental Management Decisions	Power, as an administering authority making an environmental management decision relating to an activity, to consider whether to impose conditions about each of the matters listed in subsections 36(1)(a) to 36(1)(m).
Section 37	Entity Power Given To: Administering Authority	Chapter 4 - Regulatory Requirements Part 2 - Regulatory Requirements for all Environmental Management Decisions	Power, as an administering authority making an environmental management decision relating to an activity, to consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
Section 40	Entity Power Given To: Administering Authority	Chapter 4 - Regulatory Requirements Part 3 - Additional Regulatory Requirements for Particular Environmental Management Decisions	Power, as an administering authority making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste to a wetland for treatment, to refuse to grant the application for a reason listed in subsection 40(2).
Section 41	Entity Power Given To: Administering Authority	Chapter 4 - Regulatory Requirements Part 3 - Additional Regulatory Requirements for Particular Environmental Management Decisions	Power, as an administering authority making an environmental management decision relating to an activity that involves, or may involve, the release of water or waste directly to groundwater, to refuse to grant the application for a reason listed in subsection 40(2).
Section 47	Entity Power Given To: A Person	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 1 - Categorisation of Commercial Waste and Industrial Waste Division 2 - Testing Waste	Power, as a person who generates waste, if required by an authorised person, to retest the waste under chapter 5, part 1, division 2.
Section 51(2)	Entity Power Given To: A Generator of Waste	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 1 - Categorisation of Commercial Waste and Industrial Waste Division 3 - Notification, Reporting and Record Keeping	Power, as a generator of waste in the circumstances prescribed in subsection 51(1), to notify the administering authority of the change within 24 hours after receiving the test results for the retesting.
Section 51(3)	Entity Power Given To: A Generator of Waste	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 1 - Categorisation of Commercial Waste and Industrial Waste Division 3 - Notification, Reporting and Record Keeping	Power, as a generator of waste in the circumstances prescribed in subsection 51(1), to give a written report to the administering authority containing those things prescribed in subsection 51(3).
Section 52	Entity Power Given To: A Generator of Tested Waste	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 1 - Categorisation of Commercial Waste and Industrial Waste Division 3 - Notification, Reporting and Record Keeping	Power, as a generator of tested waste in the State, to:- (a) for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form; (b) give the prescribed information for the load to the receiver; and (c) keep the record mentioned in subsection 52(1) for at least 5 years.
Section 53	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 1 - Categorisation of Commercial Waste and Industrial Waste Division 3 - Notification, Reporting and Record Keeping	Power, as a receiver in the State who is given a load of tested waste, to:- (a) record the prescribed information for the load in the approved form; (b) within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority; and (c) keep the record mentioned in subsection 53(2) for at least 5 years.

Section of ENPR	Entity Power Given To	Title	Description
Section 73	Entity Power Given To: A Waste Handler	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 1 - Preliminary	Power, as a waste handler to pay the fee to the chief executive when giving prescribed information about the transportation of trackable waste to the administering authority.
Section 78(1)	Entity Power Given To: A Generator	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a generator, to give the transporter the prescribed information about the waste in the prescribed form and to record the prescribed information about the waste.
Section 78(2)	Entity Power Given To: A Generator	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a generator, to give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period after giving the waste to the transporter.
Section 79(2)	Entity Power Given To: A Transporter	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a transporter, to give the receiver the prescribed information about the waste and to record the prescribed information about the waste.
Section 79(3)	Entity Power Given To: A Transporter	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.
Section 79(4)	Entity Power Given To: A Transporter	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a transporter, to keep the record mentioned in subsection 79(2)(b) for at least 5 years.
Section 80(1)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a receiver, to record the prescribed information about the waste.
Section 80(2)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a receiver, to give a copy of the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period.
Section 80(3)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a receiver, to give the administering authority written notice of a discrepancy in information received from the transporter.

Section of ENPR	Entity Power Given To	Title	Description
Section 80(4)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 1 - Transport within Queensland	Power, as a transporter, to keep the record mentioned in subsection 80(1) for at least 5 years.
Section 84(1)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 2 - Transport into Queensland	Power, as a receiver, to record the prescribed information about the waste.
Section 84(2)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 2 - Transport into Queensland	Power, as a receiver, to give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period.
Section 84(3)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 2 - Transport into Queensland	Power, as a receiver, to give the administering authority written notice of a discrepancy in information received from the transporter.
Section 84(4)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 2 - Transport into Queensland	Power, as a receiver, to keep the record mentioned in subsection 84(1) for at least 5 years.
Section 87(1)	Entity Power Given To: A Generator	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 3 - Transport out of Queensland	Power, as a generator, to give the transporter the prescribed information about the waste and to record the prescribed information about the waste.
Section 87(2)	Entity Power Given To: A Generator	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 3 - Transport out of Queensland	Power, as a generator, to give the prescribed information about the waste to the administering authority in the prescribed way and within the prescribed period.
Section 87(4)	Entity Power Given To: A Receiver	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 3 - Transport out of Queensland	Power, as a receiver, to keep the record mentioned in subsection 87(1)(b) for at least 5 years.
Section 88(2)	Entity Power Given To: A Transporter	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 3 - Obligations of Waste Handlers Subdivision 3 - Transport out of Queensland	Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.
Section 92	Entity Power Given To: A Person	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 4 - Miscellaneous	Power to apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3 and to take all steps necessary to advance the application.

Section of ENPR	Entity Power Given To	Title	Description
Section 93	Entity Power Given To: A Person	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 4 - Miscellaneous	Power to apply to the administering executive for a consignment number for a load of trackable waste to be transported into Queensland and to take all steps necessary to advance the application.
Section 94	Entity Power Given To: A Person	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 4 - Miscellaneous	Power to apply to the administering executive for an exemption for the transportation of trackable waste to which Chapter 5, Part 9 applies and to take all steps necessary to advance the application.
Section 97	Entity Power Given To: A Person	Chapter 5 - Matters Relating to Environmental Management and Environmental Offences Part 9 - Waste Tracking Division 4 - Miscellaneous	Power to apply to the administering executive for a generator identification number.
Section 117(2)	Entity Power Given To: Occupier of a Reporting Facility	Chapter 7 - National Pollutant Inventory Part 2 - Reporting Requirements	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to give the chief executive the information identified in subsection 117(2).
Section 117(7)	Entity Power Given To: Occupier of a Reporting Facility	Chapter 7 - National Pollutant Inventory Part 2 - Reporting Requirements	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to comply with a notice issued by the chief executive pursuant to subsection 117(6).
Section 119	Entity Power Given To: Occupier of a Reporting Facility	Chapter 7 - National Pollutant Inventory Part 2 - Reporting Requirements	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to keep the information listed in section 119.
Section 120	Entity Power Given To: Occupier of a Reporting Facility	Chapter 7 - National Pollutant Inventory Part 2 - Reporting Requirements	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to make written representations to the Minister in response to a notice issued pursuant to subsection 120(4).
Section 123	Entity Power Given To: Occupier of a Reporting Facility	Chapter 7 - National Pollutant Inventory Part 3 - Estimation Techniques for Emission and Transfer Data	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to apply to the chief executive for an estimation technique approval and to respond to any request for further information.
Section 127	Entity Power Given To: Occupier of a Reporting Facility	Chapter 7 - National Pollutant Inventory Part 4 - Exceptions to Reporting Requirements	Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to give the chief executive a written notice claiming that the information required to be given under section 117(2) or (7) should be treated as confidential and to respond to any requests for further information.
Sections 130, 131, 132, 133, 134, 135 and 136	Entity Power Given To: Local Government	Chapter 8 - Administration Part 1 - Devolution of Powers Division 1 - Matters Devolved to Local Government	Power to administer and enforce those provisions of the Act devolved to Council under Chapter 8, Part 1.
Section 155	Entity Power Given To: Administering Authority	Chapter 9 - Fees Part 1 - Fees Generally	Power, as an administering authority, to recover as a debt an unpaid fee under the Act.
Section 166(1)	Entity Power Given To: Holder of Environmental Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 2 - Reduced Annual Fees in Particular Circumstances Subdivision 2 - Reduced Annual Fee	Power, as a holder, to give the chief executive the documents listed in subsection 166(1).
Section 170	Entity Power Given To: Holder of Environmental Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 2 - Reduced Annual Fees in Particular Circumstances Subdivision 3 - Offences and Record Keeping	Power, as a holder, to keep the records listed in in subsections 170(a) to (d).
Section 171(3)	Entity Power Given To: Holder of Environmental Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 2 - Reduced Annual Fees in Particular Circumstances Subdivision 3 - Offences and Record Keeping	Power, as a holder, to comply with a notice issued by an authorised person pursuant to subsection 171(2).

Section of ENPR	Entity Power Given To	Title	Description
Section 172	Entity Power Given To: Holder of Environmental Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 2 - Reduced Annual Fees in Particular Circumstances Subdivision 3 - Offences and Record Keeping	Power, as a holder, to give the administering authority written notice that eligibility for the reduced annual fee under subsections 165(1)(c)(i) or (ii) has stopped.
Section 173(2)	Entity Power Given To: Administering Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 2 - Reduced Annual Fees in Particular Circumstances Subdivision 3 - Offences and Record Keeping	Power, as an administering authority, to require by written notice the holder to pay the difference between the annual fee and the reduced annual fee.
Section 174(3)	Entity Power Given To: Administering Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 3 - Amendment Applications for Environmental Authorities	Power, as an administering authority, to recover as a debt from the holder of an environmental authority an unpaid supplementary annual fee for an amended environmental authority.
Section 175	Entity Power Given To: Administering Authority	Chapter 9 - Fees Part 3 - Annuals Fees Division 4 - Supplementary Annual Fee for Regulated Waste Transport	Power, as an administering authority, to, by written notice, require the holder of an environmental authority for regulated waste transport to pay a supplementary annual fee and if unpaid, to recover the supplementary annual fee as a debt.
Section 177(2)	Entity Power Given To: Administering Authority	Chapter 9 - Fees Part 4 - Other Particular Fees	Power, as an administering authority, to, by written notice, require the holder to pay:- (a) the annual fee or the outstanding amount of the fee; and (b) the late payment fee stated in schedule 15 of the Regulation.
Section 177(3)	Entity Power Given To: Holder of Environmental Authority	Chapter 9 - Fees Part 4 - Other Particular Fees	Power, as a holder, to comply with a notice issued pursuant to subsection 177(2).
Section 178(2)	Entity Power Given To: Holder of Environmental Authority	Chapter 9 - Fees Part 4 - Other Particular Fees	Power, as a holder, to pay the administering authority a fee for its assessment of the holder's annual returns and monitoring compliance with the transitional environmental program.

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.

11.2 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP - CHALLENGE THE MOUNTAIN

File No: 12535
Attachments: Nil
Authorising Officer: Alicia Cutler - Acting General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from Challenge The Mountain for Major Sponsorship assistance towards Challenge The Mountain 2020 is presented for Council consideration.

OFFICER'S RECOMMENDATION

THAT Council considers the Major Sponsorship application from Challenge The Mountain for funding to assist with the staging of the 2020 Challenge The Mountain to be held from 4 – 6 September 2020 and approves the amount of \$20,000 cash and up to \$5,000 marketing and infrastructure in-kind sponsorship.

COMMENTARY

Challenge The Mountain have lodged an application under the Major Sponsorship scheme seeking \$30,000 in funding to assist with Challenge The Mountain 2020 which will be held in various locations across Rockhampton Region and include events such as:

- Ambassador Dinner – Australian Olympian
- Challenge The Mountain – Run, Walk or Cycle in a natural setting of Mt Archer
- Road to Rocky – Cycle around Rockhampton and/ or cycle to Mount Morgan
- Running of the Bulls – Run/ Walk around the Beef Capitals bull Statues
- Challenge Rockhampton – Elite athletes sharing their knowledge and encouraging locals.

The local event is designed so that all ages and abilities can come together in a fun but serious, challenging and rewarding environment. The Mountain provides a unique experience for cyclists and runners to compete side by side on Mount Archer.

Expected number of participants (including spectators & visitors) is 2000 which is made up of 30 interstate, 470 Intrastate and 1500 Locals with 500 registered to enter an event.

BUDGET

The organisation has requested a cash sponsorship of \$30,000 for which the event has projected a total cost of \$75,284.00. The budget submitted with the application details major expenses being for:

- Merchandise for sale - \$5,386
- Entertainment - \$2,000
- Equipment hire - \$13,000
- Marketing and Promotion - \$16,259
- Prize Money - \$11,000
- Race Timing - \$5,000
- Insurance - \$4,730

BACKGROUND

Challenge The Mountain has been running for 6 years and at present attracts close to 500 participants who travel from Mackay, Emerald, Gladstone and Bundaberg.

Explore Rockhampton booklets are handed out to out of town visitors after they register.

As per previous years, Rockhampton Regional Council will be acknowledged in all marketing (flyers, website, social media, speeches, banners etc.).

PREVIOUS DECISIONS

Council has previously provided funding to Challenge the Mountain since 2015.

- 2014/2015 - \$17,290.00
- 2015/2016 - \$17,290.00
- 2016/2017 - \$20,000.00
- 2017/2018 - \$20,000.00
- 2018/2019 - \$20,000.00

BUDGET IMPLICATIONS

Upon independent assessment by a panel of 4 it is recommended that Council provide as in previous years \$20,000 towards the event, which is within Council's Community Assistance Program Operational Budget.

Further, in-kind assistance is available from Rockhampton Advance towards marketing and infrastructure support to the value of \$5,000 for the event.

It should also be noted that Round 3 of the Community Assistance Program closes 16 March 2020 and the remaining limited budget for this program will be disbursed to successful applications.

LEGISLATIVE CONTEXT

Administered under the Major Sponsorship Policy and Procedure.

LEGAL IMPLICATIONS

No legal implications for this non-Council event.

STAFFING IMPLICATIONS

No staffing implications for this non- Council event.

RISK ASSESSMENT

Non-Council event therefore risk assessment will be conducted by organising body.

CORPORATE/OPERATIONAL PLAN

1.4.1.1 – Provide community sponsorship for activities for various sectors

CONCLUSION

Upon assessment of the information provided in the application against the rating tool it is recommended that \$20,000.00 cash and up to \$5,000 in-kind (marketing and infrastructure) sponsorship be provided to assist with the staging of the event. A copy of the application has been supplied separately to Councillors for consideration, along with the rating tool as adopted by Council.

11.3 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP - ROCKHAMPTON DANCE FESTIVAL

File No: 12535
Attachments: Nil
Authorising Officer: Alicia Cutler - Acting General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from the Rockhampton Dance Festival for Major Sponsorship assistance towards the 2020 Rockhampton Dance Festival Inc. event is presented to Council for consideration.

OFFICER'S RECOMMENDATION

THAT Council considers the Major Sponsorship application from the Rockhampton Dance Festival Inc. Committee for funding to assist with the production of the 2020 Rockhampton Dance Festival which will be held in the month of September 2020 (exact date to be confirmed) and approves the amount of \$15,000 sponsorship.

COMMENTARY

The application has been assessed in accordance with the Community Grants Procedure and the recommendation provided on the assessment criteria, and the grant matrix applied to indicate the recommended funding.

The application received from Rockhampton Dance Festival Inc. seeks \$15,000 cash sponsorship for the dance festival held annually in Rockhampton. The aim of the festival is to develop dance and performance skills for the whole dance community in a friendly atmosphere, and learn from a professional adjudicator engaged for the competition.

The Festival attracts an audience over 7000 during 10 days of competition. The festival regularly attracts dance schools from Gladstone, Emerald, Mackay and Bundaberg.

BUDGET

The organisation has requested a cash sponsorship of \$15,000, for which the event has projected a total cost of \$51,150. The budget submitted with the application details major expenses being for:

- Venue hire \$17,500 (Pilbeam Theatre)
- Travel and accommodation \$2,700
- Interstate adjudicator fee \$4,500
- Marketing and promotion \$3,500
- Website, Pay Pal, dance comp genie online fees \$6,500
- Trophies & bursaries \$4,500
- Rent \$5,000
- Merchandise for sale \$1,900

BACKGROUND

The application states that the Rockhampton Dance Festival has been running since 2003. Is open to all ages and abilities with participant ages ranging from 2-75 years.

In 2019 over 1400 entries were received from the Rockhampton, Capricorn Coast, Gladstone, Glenfields, Mackay, Whitsunday, Bundaberg and Hervey Bay regions.

Council sponsorship will be acknowledged verbally throughout the running of the Festival, in the Festival program, Facebook, website and in house on the TV screen.

PREVIOUS DECISIONS

Council's previous decisions pertaining to this event have provided the following sponsorships in past years:

- 2010 to 2015 – Cash Sponsorship totaling \$42,000
- 2016 to 2019 – Cash Sponsorship totaling \$60,000

BUDGET IMPLICATIONS

Upon an independent assessment by a panel of 4 it is recommended a sponsorship amount of \$15,000.00 be provided, which is within Council's Community Assistance Program Operational Budget.

It should also be noted that Round 3 of the Community Assistance Program closes 16 March 2020 and the remaining limited budget for this program will be disbursed to successful applications.

LEGISLATIVE CONTEXT

Administered under the Major Sponsorship Policy and Procedure.

LEGAL IMPLICATIONS

No legal implications for this non-Council event.

STAFFING IMPLICATIONS

No staffing implications for this non-Council event.

RISK ASSESSMENT

Non-Council event therefore risk assessment will be conducted by organising body.

CORPORATE/OPERATIONAL PLAN

1.4.1.1 – Provide community sponsorship for activities for various sectors

CONCLUSION

Upon assessment of the information provided in the application against the rating tool it is recommended that a cash sponsorship of \$15,000 be provided to assist with the staging of the event. A copy of the application has been supplied separately to Councillors for consideration, along with the rating tool as adopted by Council.

11.4 DONATION OF TWO DAY SPECTATOR TICKETS TO ROCKYNATS CAR FESTIVAL

File No: 6097
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Annette Pearce - Manager Tourism, Events and Marketing

SUMMARY

Advance Rockhampton seeks approval to use 100 x complimentary two day tickets to the 2020 RareSpares Rockynats Car Festival to promote the event.

OFFICER'S RECOMMENDATION

THAT Council approve 100 x complimentary 2 day tickets to the 2020 RareSpares Rockynats Car Festival for local charity fundraising, approved individual donation requests and competition giveaways through the media partners.

COMMENTARY

Advance Rockhampton seeks Council approval to use 100 x complimentary two day tickets to the 2020 RareSpares Rockynats Car Festival.

Forty of these tickets will be provided to local charities for fundraising purposes and to cover individual donation requests. The remaining 60 tickets will also be utilised to promote the inaugural event by running competitions and giveaways through our official media partners (Triple M, The Morning Bulletin and Paradise Outdoor Advertising), through our official social media pages (Facebook and Instagram) and through other Advance Rockhampton events in the lead-up to Rockynats (e.g. Rockhampton Agricultural Show). Once the allocation is exhausted, further requests for complimentary tickets will be declined.

Charitable organisations are defined in line with ACNC guidelines as follows:

To be a charity, your organisation must:

- be a not-for-profit;
- have only charitable purposes that are for the public benefit;
- not have a disqualifying purpose; and
- not be an individual, a political party or a government agency.

PREVIOUS DECISIONS

On 2 April 2019 Council resolved to proceed with a 5 year agreement to host the Rockynats event within Rockhampton.

BUDGET IMPLICATIONS

Total cost for 100 complimentary 2 day tickets is \$5,000. This cost would be covered by the Rockynats operating budget.

LEGISLATIVE CONTEXT

There is no legislative context.

LEGAL IMPLICATIONS

No legal implications.

STAFFING IMPLICATIONS

No staffing implications.

RISK ASSESSMENT

Donated and promotional tickets will be on sold for personal financial gain.

CORPORATE/OPERATIONAL PLAN

1.6.4.3 - Deliver and support major regional events.

CONCLUSION

By donating tickets for the purpose of fund raising, running competitions and giveaways through our official media partners this will capture a broader audience in and out of region to promote the event to locals and also draw visitors to the region.

11.5 PROPOSED INTERNATIONAL TRAVEL TO USA - SMARTHUB TURBO-TRACTION LAB STARTUPS

File No: 8308
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Drew Stevenson - Acting General Manager Corporate Services

SUMMARY

This report seeks Council approval for the SmartHub Business Manager and SmartHub Administrator to accompany a select group of Turbo-Traction Lab (TTL) startups on a visit to a series of North American technology startup accelerators.

OFFICER'S RECOMMENDATION

THAT Council approves the international travel for the SmartHub Business Manager and SmartHub Administrator, with accompanying select group of TTL startups, to visit a series of North American technology accelerators.

COMMENTARY

The Turbo-Traction Lab (TTL) – *Build a Modern Business in 80 Days* is a structured 'hands-on' program designed to:

- Build entrepreneurial capacity and skills in our region; - Help founders to gain traction; and
- Deliver to the entrepreneurs in the Rockhampton region first-hand experience in the global marketplace.

As part of the program, the plan is for a select TTL cohort to travel to the USA for a week to experience first-hand what the startup scene is like in other countries and make valuable connections with mentors, investors and customers.

BACKGROUND

The Turbo-Traction Lab program has been running as a three-lab program since early 2019. The first of the three Labs commenced in April 2019 and the final Lab got underway in mid-February 2020. Over the course of the three Labs, there has been a total of 35 participants with several showing early success and achieving international sales.

The itinerary for the proposed international travel to North America (14 to 24 May 2020) is being developed to match the needs of the individual startups and to maximise the opportunities to connect with the U.S. startup eco-system.

The itinerary allows for six days in-country to visit startup accelerators and attend events in Austin and Colorado as follows:

- Austin, Texas – 15 to 18 May inclusive. Visiting Capital Factory talking to founder and investor Joshua Baer, Techstars Austin for a sales workshop with Amos Schwartzfarb, and Mailchimp - personal branding workshop; and
- Denver, Colorado – 19 to 21 May inclusive. Events include *Women Who Startup Denver* (19 May), 4BR – Building Better Business by Referral (19 May), *Denver Women Invest – Long Distance Investing* (21 May).

Given Austin and Denver are rated 1 and 4 respectively in the top 20 best U.S. cities for startups, the SmartHub Team has selected the two cities to visit to gain maximum benefit for the SmartHub Team and startups.

This also follows on from the SmartHub Business Manager's Startup Catalyst Mission to the U.S. for Community Leaders in March 2018, which inspired the development of the Turbo-Traction Lab program. The trip, partly funded by Advance Queensland, included time visiting and participating in events at startup accelerators in Denver.

PREVIOUS DECISIONS

Ordinary Council Meeting – 5 March 2019

Smart Turbo-Traction Lab Grant Funding and Tender Consideration Plan.

Council received the report and approved the tender consideration plan. The report included the TTL project plan and budget, which provided details of the program and a planned trip to North America at the completion of the third Lab.

BUDGET IMPLICATIONS

The overall budget breakdown including Federal Government grant funding, third party sponsorship and Council funding is as follows:

Federal Government:	\$500,000
Bevan Slattery (capitalb):	\$76,923
RRC Op Budget (2018/19 & 2019/20):	\$116,177
RRC In-kind:	\$76,923
Total:	<u>\$770,023</u>

The TTL budget as presented in the grant application included an allocation for a cohort of TTL participants to visit some North American tech accelerators. The international travel budget of \$90K is expected to allow for twelve participants (including two Council officers), catering for travel, accommodation, transfers and two evening meals.

LEGISLATIVE CONTEXT

There is no legislative context.

LEGAL IMPLICATIONS

No legal implications.

STAFFING IMPLICATIONS

No staffing implications.

RISK ASSESSMENT

International travel is facilitated through Council's Travel team. Council officer's travel insurance is arranged by the Property & Insurance Unit. Selection of TTL participants for the U.S. tour will be done via an expression of interest process with a formal series of questions and selection criteria.

CORPORATE/OPERATIONAL PLAN

2.2.5 - Develop and support programs that encourage small business and startup growth providing employment opportunities.

2.5.4 - Support and encourage entrepreneurial and innovative business in our Region.

CONCLUSION

The proposed visit to Austin (Texas) and Denver (Colorado) is an excellent opportunity to showcase the Rockhampton Region's SmartHub, startup ecosystem and introduce our startups to the American technology startup ecosystem. It is requested Council approves the international travel to North America for two Council officers and potentially ten TTL participants.

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS/QUESTIONS

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

15 CLOSURE OF MEETING