

BUSINESS PAPER

General Meeting

Wednesday 22 May 2019

Roma Administration Centre

NOTICE OF MEETING

Date: 17 May 2019

Mayor:

Councillor T D Golder

Deputy Mayor:

Councillor J L Chambers

Councillors:

Councillor N H Chandler

Councillor P J Flynn

Councillor G B McMullen

Councillor W M Newman

Councillor C J O'Neil

Councillor D J Schefe

Councillor J M Stanford

Chief Executive Officer:

Ms Julie Reitano

Senior Management:

Mr Rob Hayward (Deputy Chief Executive Officer/Director
Development, Facilities & Environmental Services)

Ms Sharon Frank (Director Corporate, Community & Commercial
Services)

Please find attached agenda for the **General Meeting** to be held at the Roma Administration Centre on **May 22, 2019 at 9.00AM.**



Julie Reitano
Chief Executive Officer

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Status Reports

Next General Meeting

- To be held at the Roma Administration Centre on 12 June 2019.

Confidential Items

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 that it's Councillors or members consider it necessary to close the meeting.

C Confidential Items

- C.1 Offer of Community Engagement Support - Empowering our Communities**
Classification: Closed Access
 Local Government Regulation 2012 Section 275(h) 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.
- C.2 Request for Assistance from Injune Race Club**

Classification: Closed Access

Local Government Regulation 2012 Section 275(h) 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.

C.3 Reallocation of budget between Community Safety Special Projects

Classification: Closed Access

Local Government Regulation 2012 Section 275(c) the local government budget.

C.4 Additional Animal Holding Facility

Classification: Closed Access

Local Government Regulation 2012 Section 275(c) the local government budget.

C.5 Tender 19020 - Purchase and Removal of Scrap Metal and Batteries

Classification: Closed Access

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

C.6 Tender 19016 - Purchase and Removal of Scrap Poly Pipe

Classification: Closed Access

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

C.7 Road Surfacing - Duke Street South Project, Roma

Classification: Closed Access

Local Government Regulation 2012 Section 275(e) contracts proposed to be made by it.

C.8 Delegate Authority for the Chief Executive Officer to sign the Transport Infrastructure Contract - Sole Invitee

Classification: Closed Access

Local Government Regulation 2012 Section 275(c) the local government budget.

C.9 Update on the Draft New Certified Agreement

Classification: Closed Access

Local Government Regulation 2012 Section 275(b) (c) industrial matters affecting employees; AND the local government budget.

C.10 Maranoa Regional Council's Water and Sewerage Infrastructure Needs

Classification: Closed Access

Local Government Regulation 2012 Section 275(c) (h) the local government budget; AND 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.

C.11 Update of Flood Mitigation Landholder Matters - Assessment No. 14019178

Classification: Closed Access

Local Government Regulation 2012 Section 275(h) 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.

C.12 Letter in relation to Land Sale for Arrears of Rates

Classification: Closed Access

Local Government Regulation 2012 Section 275(d) rating

Closure

MINUTES OF THE GENERAL MEETING OF MARANOA REGIONAL COUNCIL HELD AT ROMA ADMINISTRATION CENTRE ON 8 MAY 2019 COMMENCING AT 9.05AM

ATTENDANCE

Mayor Cr. T D Golder chaired the meeting with, Deputy Mayor Cr. J L Chambers, Cr. N H Chandler, Cr. P J Flynn, Cr. G B McMullen, Cr. W M Newman, Cr. C J O'Neil, Cr. D J Schefe, Cr. J M Stanford, Chief Executive Officer – Julie Reitano (until 11.15am), Acting Chief Executive Officer – Rob Hayward (from 11.15am to 11.27am) and Minutes Officer – Kelly Rogers in attendance.

AS REQUIRED

Deputy Chief Executive Officer / Director Development, Facilities & Environmental Services / Acting Director Infrastructure Services – Rob Hayward, Director Corporate, Community & Commercial Services – Sharon Frank, Deputy Director Infrastructure Services/Strategic Road Management – Cameron Hoffmann, Manager Facilities (Land, Buildings & Structures) – Tanya Mansfield, Manager Procurement & Plant – Ryan Gittins, Regional Grants & Council Events Development Coordinator – Susan Sands.

WELCOME

The Mayor welcomed all present and declared the meeting open at 9.05am.

APOLOGIES

There were no apologies for the meeting.

CONFIRMATION OF MINUTES

Resolution No. GM/05.2019/01

Moved Cr Chambers

Seconded Cr Newman

That the minutes of the General Meeting held on 24 April 2019 be confirmed.

CARRIED

9/0

DECLARATION OF CONFLICTS OF INTEREST

Cr. Chandler declared a 'Conflict of Interest' with the following item:

- C.3 – Bassett Park Roma – Horse Stabling and Track Work Fees and Charges 2019/20
due to her holding the position of President for the Roma Show Society, an organisation that is a user of the facility.

Cr. Chandler foreshadowed that she would remove herself from discussions and decisions on the matter.

Cr. Flynn declared a 'Conflict of Interest' with the following items:

- C.2 – March 2019 - Monthly Business Unit Report - Airports
due to him being the owner of a business that has a contract with a major air service provider at the Roma Airport.

- C.3 – Bassett Park Roma – Horse Stabling and Track Work Fees and Charges 2019/20

due to him holding the position of Vice President for the Roma Turf Club, a user of the facility, and an organisation which is referred to in the body of the report and could be seen to gain from any decision made on the matter.

- C.7 – Tender 19019 – Lease of Paddock 9 Dargal Road Roma

due to him unwittingly having had a discussion with a prospective tenderer after tenders had closed and it could be seen to have an influence on the way he would vote.

Cr. Flynn foreshadowed that he would remove himself from discussions and decisions on all three (3) abovementioned items.

Cr. Scheffe declared a 'Material Personal Interest' with the following item:

- C.7– Tender 19019 – Lease of Paddock 9 Dargal Road Roma

due to his brother and sister in-law having submitted a tender for the paddock under Council's consideration in this matter.

Cr. Scheffe foreshadowed that he would remove himself from discussions and decisions on the matter.

BUSINESS

INFRASTRUCTURE SERVICES

Item Number:

12.1

File Number: D19/33739

SUBJECT HEADING:

COUNCIL ENERGY EFFICIENCY PROJECT - SOLAR ASSESSMENT RESULTS

Officer's Title:

**Project Officer - Program & Contract Management
Deputy Director Infrastructure Services/Strategic Road Management
Support Officer – Program & Contract Management / Maintenance & Construction**

Executive Summary:

A Solar Energy Design Assessment was conducted to examine the potential benefits of installing Photo Voltaic (PV) Solar Energy Systems across a range of Council sites located in the towns of Roma, Surat and Mitchell.

The report proposed proceeding to detailed design for the sites recommended within the report.

Resolution No. GM/05.2019/02
Moved Cr Newman
Seconded Cr Schefe
That Council:

1. Receive the Solar Energy Design Assessment Report.
2. Proceed to detailed design for installation of Photo Voltaic (PV) Solar Systems at 13 Council facilities:

Roma Airport	Roma Saleyards
Roma Sports Centre (PCYC)	Roma Swimming Pool
Roma Administration Building	Mitchell Hall
Roma Library	Mitchell Administration Building
Roma Depot	Mitchell Library / Gallery
Roma Big Rig	Surat Administration Building
Mitchell Depot – Option 1	

3. Proceed to the calling of tenders for works, subject to no issues being identified during the detailed design process that need to be brought back to Council for further consideration.

CARRIED

8/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

Responsible Officer
Project Officer – Program & Contract Management
DEVELOPMENT, FACILITIES & ENVIRONMENTAL SERVICES
Item Number:
13.1
File Number: D19/28751
SUBJECT HEADING:
REGIONAL POOL MANAGEMENT REPORT MARCH 2019
Officer's Title:
Administration Officer - Council Buildings & Structures
Executive Summary:

Across the region, Council maintains five swimming pool complexes and the Great Artesian Spa complex.

Contractors operate the pools under Management Agreements, and provide monthly reports to Council identifying attendance, pool temperatures, chemical levels, maintenance issues and consumables.

Reports were presented for the month of March 2019 for the Denise Spencer Pool Roma, Wallumbilla Pool, Surat Pool, Injune Pool, Mitchell Pool and The Great Artesian Spa.

Resolution No. GM/05.2019/03

Moved Cr McMullen

Seconded Cr O'Neil

That Council receive the Regional Swimming Pool reports for the Denise Spencer Pool Roma, Wallumbilla Pool, Surat Pool, Mitchell Pool, Injune Pool and the Great Artesian Spa for the month of March 2019.

CARRIED

9/0

Responsible Officer

Administration Officer - Council Buildings & Structures

Item Number:

13.2

File Number: D19/30371

SUBJECT HEADING:

MEMORANDUM OF UNDERSTANDING BETWEEN QUEENSLAND FIRE AND EMERGENCY SERVICES AND MARANOA REGIONAL COUNCIL

Officer's Title:

Associate to the Director / Directorate Budget & Emergency Management Coordination

Executive Summary:

Council was asked to consider entering into a Memorandum of Understanding (MOU) with Queensland Fire and Emergency Services (QFES). The MOU sets out the protocols, procedures, obligations and expectations of both parties regarding the supply, availability and use of machinery and personnel. The MOU will be for a period of 36 months (2019 – 2022).

Resolution No. GM/05.2019/04

Moved Cr Golder

Seconded Cr Schefe

That Council authorise the Chief Executive Officer or delegate to enter into a Memorandum of Understanding with Queensland Fire and Emergency Services for the purpose of supplying the use of Council machinery and personnel as requested during a fire event.

CARRIED

9/0

Responsible Officer

Associate to the Director / Directorate Budget & Emergency Management Coordination

Item Number: 13.3

File Number: D19/34204

SUBJECT HEADING: SURVEY COLLATION - EXCHANGE FOR THE LOCOMOTIVE IN MITCHELL MEMORIAL PARK

Officer's Title: Local Development Officer - Mitchell

Executive Summary:

A community meeting was held in Mitchell on 3 April to enable the community to hear from a representative of Queensland Pioneer Steam Railway (QPSR) regarding options in exchange for the Mitchell locomotive. Following the consultation, surveys were mailed out to enable all Mitchell residents to have their say on the options available.

The report provided the results of the survey, and the options for exchanging items.

Resolution No. GM/05.2019/05

Moved Cr Chambers

Seconded Cr Newman

That Council:

1. Receive and note the results of the surveys as presented.
2. Accept, on behalf of the community, both the miniature train, tracks and carriage and the MAS 1540 Sleeping Car from Queensland Pioneer Steam Railway (QPSR) in exchange for the locomotive currently located in Mitchell Memorial Park.
3. Facilitate QPSR donating the MAS 1540 Sleeping Car directly to Booringa Action Group (BAG), and assist in approaches to Queensland Rail to develop a railway precinct at the Mitchell Railway Station, on the proviso that BAG are responsible for costs involved with storing, moving and restoration of the sleeper.
4. Accept QPSR's latest proposal of the donation (rather than purchase) of the miniature railway components, and re-allocate the suggested purchase price of \$5,000 towards the cost of freighting the Sleeper from Ipswich to Mitchell.
5. Undertake the following actions as survey results were close for the preferred location of the Miniature Railway:
 - a) Work with Booringa Heritage Museum to look at location within their precinct, costs, installation and operators of the miniature railway and its components - noting this may not be the best location for community use;
 - b) Also undertake costings for locating the Miniature Train in the Park/Skate Precinct; and
 - c) Seek further input from the community during the master planning phase of the Mitchell Memorial Park in regards to placement and operators before a final decision on its preferred location is made.
5. Work with QPSR and the community to facilitate the collation of material, construction and installation of the interpretive signs and mini-cab in the Mitchell Park.
7. Organise for the crank shaft and fly wheel and steam traction engine, currently located in the Mitchell Park, to be relocated and installed at the Booringa Heritage Museum.

CARRIED

8/1

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Golder
Cr. Chandler	
Cr. Flynn	
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

Responsible Officer	Local Development Officer - Mitchell
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Item Number: 13.4

File Number: D19/34214

SUBJECT HEADING: REQUEST TO HOST 'WEATHER OR NOT' EVENT IN MARANOA

Officer's Title: Regional Grants & Council Events Development Coordinator

Executive Summary:

Council received a request to provide an Expression of Interest to participate in a show called 'Weather or Not' to tour Western Queensland in early 2020. The show would be hosted by ABC weather presenter, Jenny Woodward.

Resolution No. GM/05.2019/06

Moved Cr Chandler

Seconded Cr Schefe

That Council:

1. Provide an Expression of Interest to participate in the touring show 'Weather or Not' to be hosted by ABC presenter Jenny Woodward in early 2020 (dates to be confirmed).
2. If the show is confirmed, fund the costs (estimated between \$2,400 and \$3,000 plus GST), from the Arts & Culture Budget, subject to the upcoming budget deliberations in June 2019.

CARRIED

8/1

Mayor Golder called for a division of the vote. The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chambers	Cr. Newman
Cr. Chandler	
Cr. Flynn	
Cr. Golder	
Cr. McMullen	
Cr. O'Neil	
Cr. Schefe	
Cr. Stanford	

Responsible Officer	Regional Grants & Council Events Development Coordinator
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Item Number: 13.5 **File Number:** D19/34439

SUBJECT HEADING: REQUEST FROM THE CHRIS COOK BAND TO PERFORM IN ROMA

Officer's Title: Local Development Officer - Roma

Executive Summary:

Council received a proposal to host The Chris Cook Band performing The Big Country Show in July 2019.

The report was tabled for Council to consider the proposal to support the tour by providing the Cultural Centre facility as the venue and funding the tour fee.

Moved Cr McMullen

Seconded Cr Golder

That:

1. Council accept the proposal from The Chris Cook Band to perform in Roma on Friday, 26 July 2019 and provide the Cultural Centre as the venue.
2. If the performance is confirmed to proceed, Council fund the costs (estimated between \$2,000 and \$2,600 plus GST) from the Arts & Culture Budget, subject to the upcoming budget deliberations in June 2019.

NO VOTE TAKEN

No vote was taken on the draft motion at that time, with Cr. O'Neil proposing a procedural motion, which was recorded as follows:

Resolution No. GM/05.2019/07

Moved Cr O'Neil

Seconded Cr Scheffe

That Council suspend 'Standing Orders' to allow all Councillors to speak to the draft motion.

CARRIED

7/2

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chandler	Cr. Chambers
Cr. Golder	Cr. Flynn
Cr. McMullen	
Cr. Newman	
Cr. O'Neil	
Cr. Scheffe	
Cr. Stanford	

Resolution No. GM/05.2019/08

Moved Cr McMullen

Seconded Cr Golder

That:

1. Council accept the proposal from The Chris Cook Band to perform in Roma on Friday, 26 July 2019 and provide the Cultural Centre as the venue.

2. If the performance is confirmed to proceed, Council fund the costs (estimated between \$2,000 and \$2,600 plus GST) from the Arts & Culture Budget, subject to the upcoming budget deliberations in June 2019.

MOTION LOST

3/6

Mayor Golder called for a division of the vote.

The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Golder	Cr. Chambers
Cr. McMullen	Cr. Chandler
Cr. Stanford	Cr. Flynn
	Cr. Newman
	Cr. O'Neil
	Cr. Schefe

Responsible Officer

Local Development Officer - Roma

COUNCILLOR BUSINESS

Mayor Golder left the meeting at 10 am. Deputy Mayor, Cr. Chambers, took the role of 'Acting Chair' in his absence.

Cr. O'Neil left the Chamber at 10.01am, and returned at 10.02am.

Item Number:

14.1

File Number: D19/34212

SUBJECT HEADING:

PARKING IN THE ROMA CENTRAL BUSINESS DISTRICT (CBD) DESIGNATED AREA

Councillor's Title:

Cr. Geoff McMullen

Executive Summary:

The agenda item initially proposed that a report be prepared regarding the Roma CBD Parking arrangements in consideration of feedback received from business owners, for further discussion at an upcoming Policy Development Workshop. Following discussion an alternative motion was moved.

Resolution No. GM/05.2019/09

Moved Cr McMullen

Seconded Cr O'Neil

That Council:

1. Note the imminent results of the Roma CBD Parking Study which will be further discussed at an upcoming Policy Development Workshop.
2. Take no further action at this time, pending the outcome of the Policy Development Workshop discussions.

CARRIED

8/0

Responsible Officer

Deputy Director Infrastructure
Services/Strategic Road Management

CONFIDENTIAL ITEMS

Item Number: C.1 **File Number:** D19/5499

SUBJECT HEADING: **PROPOSED AMENDMENT TO MARANOA PLANNING SCHEME**

Officer's Title: **Manager - Planning & Building Development**

Executive Summary:

The purpose of this report was to seek a resolution to undertake a major amendment to the Maranoa Planning Scheme under the Planning Act 2016.

The proposed amendments were in response to submissions received during the public consultation period for the draft planning scheme (prior to its adoption), an internal review, and feedback received from internal and external stakeholders since the planning scheme commenced in September 2017.

Resolution No. GM/05.2019/10

Moved Cr Newman

Seconded Cr Stanford

That Council:

- 1. Prepare a major amendment to the Maranoa Planning Scheme in accordance with section 18 of the *Planning Act 2016* and the Minister's Guidelines and Rules.**
- 2. Give notice to the Chief Executive under section 18(2) of the *Planning Act 2016* about the proposed planning scheme amendment.**

CARRIED

8/0

Responsible Officer

Manager - Planning & Building Development

Cr. Flynn, having previously foreshadowed a 'Conflict of Interest' in the following two (2) items, for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 10.03am, taking no part in discussions and debate on the matters.

Item Number: C.2

File Number: D19/30603

SUBJECT HEADING: **MARCH 2019 - MONTHLY BUSINESS UNIT REPORT - AIRPORTS**

Officer's Title: **Manager - Airports (Roma, Injune, Surat, Mitchell)**

Executive Summary:

The monthly report was presented to Council to provide a summary of the performance of Council's Airports (Roma, Injune, Surat & Mitchell) over the past month and year to date. The information in the report aims to review the month's activities, give an overview of financial performance and bring to Council's attention any emerging issues.

Resolution No. GM/05.2019/11

Moved Cr Newman

Seconded Cr Stanford

That Council receive and note the Officer's report as presented.

CARRIED

7/0

Responsible Officer

Manager - Airports (Roma, Injune, Surat, Mitchell)

Cr. Chandler, having previously foreshadowed a 'Conflict of Interest' in the following item, for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 10.05am, taking no part in discussions and debate on the matter.

The Deputy Director Infrastructure Services/Strategic Road Management left the Chamber at 10.05am.

Item Number: C.3 **File Number:** D19/29568

SUBJECT HEADING: **BASSETT PARK ROMA - HORSE STABLING AND TRACK WORK FEES AND CHARGES - 2019/20**

Officer's Title: **Land Administration Officer**

Executive Summary:

This report was presented for Council to consider the proposed fees and charges for Bassett Park Horse Stabling and Track Work for the 2019/20 year.

Resolution No. GM/05.2019/12

Moved Cr Newman

Seconded Cr Schefe

That Council:

1. Adopt the fees and charges for Bassett Park for the 2019/20 financial year as follows:

- New Stalls per box, per week: \$22.00
- Old Stalls per box, per week: \$11.00
- Training Fee per box, per week: \$9.00
- Shifting Barriers for Jump outs – Collectively and mutually agreed by all parties, one (1) week day (i.e. Monday to Friday): No Charge
- Shifting Barriers for Jump outs – all other week days (i.e. Monday – Friday) : \$50
- Shifting Barriers for Jump Outs – Weekends (i.e. Saturday & Sunday): \$216

2. Communicate the fees and charges changes to current regular users of these facilities.

CARRIED

6/0

Responsible Officer

Land Administration Officer

At cessation of discussion and debate on the abovementioned item, both Councillors (Chandler and Flynn) returned to the Chamber at 10.14am.

Cr. O'Neil left the Chamber at 10.15am.

Item Number: C.4 **File Number:** D19/33989

SUBJECT HEADING: **PAYMENT TO DEPARTMENT OF AGRICULTURE & FISHERIES - ANNUAL BIOSECURITY PAYMENT**

Officer's Title: **Manager - Procurement & Plant**

Executive Summary:

Council received the annual precept invoice from the Department of Agriculture & Fisheries regarding Council's payment as required under the Biosecurity Act 2014.

Approval for payment was sought from Council.

Resolution No. GM/05.2019/13
Moved Cr Newman
Seconded Cr McMullen
That Council:

1. Authorise payment to the Department of Agriculture & Fisheries, totalling \$459,188 (GST free), pursuant to Section 235(f) of the *Local Government Regulation 2012*.
2. Authorise the Chief Executive Officer to raise a Purchase Order with expenditure assigned to the 2018/19 budget allocation for pest and weed control.

CARRIED

7/0

Responsible Officer
Manager - Procurement & Plant
Resolution No. GM/05.2019/14
Moved Cr Newman
Seconded Cr Schefe

That Council, under section 257 of the *Local Government Act 2009*, delegate the authority to the Chief Executive Officer to form large-sized contractual arrangements (>\$200,000 exclusive of GST) with government entities for the purpose of processing statutory and regulatory payments.

CARRIED

7/0

Responsible Officer
Director – Corporate, Community & Commercial Services
Acting Executive Services Officer
Item Number:
C.5
File Number: D19/34755
SUBJECT HEADING:
TENDER 19008 - REGISTER OF PRE-QUALIFIED SUPPLIERS FOR WATER CARTAGE (DUST SUPPRESSION)
Officer's Title:
Manager - Procurement & Plant
Executive Summary:

This report sought Council's approval to form a Register of Pre-Qualified Suppliers for Water Cartage (Tender 19008).

The tender period opened on 26 October 2018 with a closing date of 30 November 2018.

The evaluation panel assessed the submissions and the report was tabled for Council's consideration.

Resolution No. GM/05.2019/15
Moved Cr Schefe
Seconded Cr Chandler
That:

1. Council approve the formation of the Register of Pre-Qualified Suppliers for Water Cartage, being established in accordance with s 232 of the *Local Government Regulation 2012*.

2. Pre-qualification (for the nominated businesses, listed alphabetically) remain current until the end of March 2021.
3. Council authorise the Chief Executive Officer (or delegate) to enter into a Deed of Agreement with the selected Tenderers formalising the terms and conditions detailed in the draft agreement.

Body Water Truck:

B & S Lucht Truck Hire	5 Star Local
Goodland Field Services	1 Star Local
Hotshot Transport Queensland Pty Ltd	0 Star Local
Joe Wagner Group	0 Star Local
Shamar Earthworks	5 Star Local
Swans Earthmoving Qld Pty Ltd	5 Star Local
T&W Earthmoving	3 Star Local
Tolbra Earthmovers & Haulage	0 Star Local
WAH Construction	5 Star Local

Semi Water Tanker:

ARC Transport	5 Star Local
Corbet Timber Haulage (Corbet Group)	2 Star Local
D & R Water Haulage	5 Star Local
DND Services	5 Star Local
Goodland Field Services	1 Star Local
Joe Wagner Group	0 Star Local
King Hire & Trailers	0 Star Local
KL & R Morvell Transport Pty Ltd	5 Star Local
Matt Lister Earthmoving	5 Star Local
Shamar Earthworks	5 Star Local
SKS Contractors	5 Star Local
Swans Earthmoving Qld Pty Ltd	5 Star Local
T&W Earthmoving	3 Star Local
Texas Earthmoving Contractors Pty Ltd	5 Star Local
Tolbra Earthmovers & Haulage	0 Star Local

CARRIED

7/0

Responsible Officer	Manager - Procurement & Plant
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Cr. O'Neil returned to the Chamber at 10.20am.

Item Number: C.6 **File Number:** D19/34287

SUBJECT HEADING: TENDER 19015 - MOBILE CAMP MT MOFFATT ROAD PROJECT

Officer's Title: Manager - Procurement & Plant

Executive Summary:

At the General Meeting held 10 April 2019, Council resolved to enter final negotiations with the recommended supplier for Tender 19015 – Mobile Camp – Mt Moffatt Road Project.

The results of the negotiation process were tabled for Council's consideration.

Resolution No. GM/05.2019/16
Moved Cr Chandler
Seconded Cr Schefe

That Council note and approve the revised contract value for Tender 19015 – Mobile Camp – Mt Moffatt Road Project as \$269,000 inclusive of GST.

CARRIED

8/0

Responsible Officer
Manager - Procurement & Plant

Cr. Flynn, having previously foreshadowed a 'Conflict of Interest' in the following item, for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 10.22am, taking no part in discussions and debate on the matter.

Cr. Schefe, having previously foreshadowed a 'Material Personal Interest' in the following item, for reasons stated under Section 'COUNCILLOR DECLARATIONS OF CONFLICTS OF INTEREST,' left the Chamber at 10.22am, taking no part in discussions and debate on the matter.

Item Number:
C.7
File Number: D19/34220
SUBJECT HEADING:
TENDER 19019 - LEASE OF PADDOCK 9, DARGAL ROAD ROMA
Officer's Title:
Manager - Procurement & Plant
Executive Summary:

Council invited tenders for the lease of a parcel of land located on Dargal Road, Roma, for a period of two years.

The tender evaluation report was tabled for Council's consideration.

Resolution No. GM/05.2019/17
Moved Cr McMullen
That:

1. **Council select Roma State College as the recommended Tenderer for Tender 19019 – Lease of Paddock 9, Dargal Road, Roma.**
2. **Council delegate authority to the Chief Executive Officer to enter into final negotiations with Roma State College and execute the lease (2 years) if the terms are acceptable.**
3. **Income be assigned to the 2018/19 budget allocation for agistment income.**

MOTION LAPSED (due to the absence of a 'Seconder' for the motion)

CONFIDENTIAL ITEM (Discussed in closed session)

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss item C.7, which it has deemed to be of a confidential nature and specifically pertaining to the following section:

- (e) contracts proposed to be made by it;

Resolution No. GM/05.2019/18

Moved Cr O'Neil

Seconded Cr Chandler

That Council close the meeting to the public at 10.24am.

CARRIED

6/0

Resolution No. GM/05.2019/19

Moved Cr O'Neil

Seconded Cr McMullen

That Council open the meeting to the public at 10.36am.

CARRIED

6/0

Item Number:

C.7

File Number: D19/34220

SUBJECT HEADING:

TENDER 19019 - LEASE OF PADDOCK 9, DARGAL ROAD

Officer's Title:

Manager - Procurement & Plant

Executive Summary:

Council invited tenders for the lease of a parcel of land located on Dargal Road, Roma, for a period of two years.

The tender evaluation report was tabled for Council's consideration.

Resolution No. GM/05.2019/20

Moved Cr Newman

Seconded Cr Chandler

That Council:

- 1. Select Glen Arden Cattle Co (John Frith) as the recommended Tenderer for Tender 19019 – Lease of Paddock 9, Dargal Road, Roma.
Reason Awarded: This tenderer submitted the highest lease price.**
- 2. Delegate authority to the Chief Executive Officer to enter into final negotiations with Glen Arden Cattle Co (John Frith) and execute the lease (2 years) if the terms are acceptable.**
- 3. Assign the income to the 2018/19 budget allocation for agistment income.**
- 4. Provide specific feedback to Tenderer Number 7 about their submission.**

CARRIED

4/2

Cr. McMullen called for a division of the vote. The outcomes were recorded as follows:

Those in Favour of the Motion	Those Against the Motion
Cr. Chandler	Cr. Chambers
Cr. Newman	Cr. McMullen
Cr. O'Neil	
Cr. Stanford	

Responsible Officer

Manager - Procurement & Plant

Councillors Flynn and Scheffe did not return to the Chamber following discussion and debate on the abovementioned item, with Council adjourning the meeting for Morning Tea.

COUNCIL ADJOURNED THE MEETING
FOR MORNING TEA AT 10.38AM

SUBJECT HEADING: RESUMPTION OF STANDING ORDERS
COUNCIL RESUMED THE MEETING AT 11.15AM

The Mayor and Chief Executive Officer did not return at the resumption of 'Standing Orders.' In their absence, Deputy Mayor, Cr. Chambers, took the role of 'Acting Chair' and the Deputy Chief Executive Officer took the role of 'Acting Chief Executive Officer'.

Item Number: C.8 **File Number:** D19/34596

SUBJECT HEADING: ROAD INFRASTRUCTURE AGREEMENT - ATLAS
LATERAL PIPELINE PROJECT

Officer's Title: Deputy Director Infrastructure Services/Strategic Road
Management

Executive Summary:

Council received notice of public road use associated with the construction of the Atlas Lateral Pipeline Project. This report sought delegation to the Chief Executive Officer to enter into a Road Infrastructure Agreement with the Atlas Lateral Pipeline Project proponent.

Resolution No. GM/05.2019/21

Moved Cr Newman

Seconded Cr Scheffe

That Council, pursuant to section 236 of *Local Government Act 2009*, authorise the Chief Executive Officer to enter into a Road Infrastructure Agreement with Jemena Darling Downs Pipeline (3) Pty Ltd for the construction of the Atlas Lateral Pipeline Project.

CARRIED

8/0

Responsible Officer

**Deputy Director Infrastructure
Services/Strategic Road Management**

Item Number: C.9 **File Number:** D19/34278

SUBJECT HEADING: APPLICATIONS FOR RATE PAYMENT ARRANGEMENTS

Officer's Title: Rates and Utilities Billing Officer

Executive Summary:

Applications for rate payment arrangements were received from various ratepayers. The timeframes the applicants have proposed to have their rates paid in full extend beyond the current financial year timeframes that are in Council's adopted Revenue Statement.

Resolution No. GM/05.2019/22

Moved Cr Chandler

Seconded Cr McMullen

That Council accept the applicant's payment arrangements as set out in Table A and as follows, subject to all rates, charges and arrears accumulated being paid in full by 30 June 2020:

Assessment Number	Agreed Payment Plan
14031660	\$150/fortnight
14029169	\$210/fortnight
14028542	\$188/fortnight
14023139	\$128/week

CARRIED 8/0

Responsible Officer	Rates and Utilities Billing Officer
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Item Number: C.10 File Number: D19/33555

SUBJECT HEADING: REQUEST FOR INFORMATION REGARDING COUNCIL'S PROCESSES FOR THE MANAGEMENT OF AGGRESSIVE DOGS

Officer's Title: Acting Executive Services Officer
Manager - Community Services

Executive Summary:

Council received written correspondence for tabling at a Council meeting, requesting information on Council's processes for the management of aggressive dogs.

Resolution No. GM/05.2019/23
Moved Cr Chandler
Seconded Cr Stanford
That Council authorise the Chief Executive Officer or delegate to write to the applicant providing a response to each of the questions included in the correspondence, outlining Council's processes for the management of aggressive dogs.
CARRIED 8/0

Responsible Officer	Manager - Community Services
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Item Number: C.11 File Number: D19/31946

SUBJECT HEADING: SURAT BASIN NEWS MONTHLY COLUMN

Officer's Title: Director - Corporate, Community & Commercial Services

Executive Summary:

This report sought Council's consideration of completing a monthly column for the Surat Basin News.

Resolution No. GM/05.2019/24
Moved Cr Chambers
Seconded Cr O'Neil
That Council contribute a monthly column for the Surat Basin News, with each Councillor contributing, highlighting factual attributes and content relevant to Maranoa Regional Council decisions and activities.
CARRIED 8/0

Responsible Officer	Director - Corporate, Community & Commercial Services
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Item Number: C.12 **File Number:** D19/35051
SUBJECT HEADING: CERTIFIED AGREEMENT UPDATE
Officer's Title: Chief Executive Officer

Executive Summary:

The agenda item was included to provide an opportunity for Council to review the current draft of the agreement, and the draft communication / overview document.

Resolution No. GM/05.2019/25

Moved Cr O'Neil

That the matter lay on the table for further consideration at a Special Meeting, or the next General Meeting on 22 May 2019.

CARRIED

8/0

Responsible Officer

Chief Executive Officer

LATE CONFIDENTIAL ITEM (Discussed in closed session)

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, Council resolved to close the meeting to discuss item LC.1, which it deemed to be of a confidential nature and specifically pertaining to the following sections:

- (b) industrial matters affecting employees;
- (c) the local government budget;

Resolution No. GM/05.2019/26

Moved Cr O'Neil

Seconded Cr Schefe

That Council close the meeting to the public at 11.21am.

CARRIED

8/0

Mayor Golder returned to the Chamber at 11.23am, and assumed the Chair at 11.25am.

Resolution No. GM/05.2019/27

Moved Cr O'Neil

Seconded Cr McMullen

That Council open the meeting to the public at 11.26am.

CARRIED

9/0

Item Number: LC.1 File Number: D19/35420

SUBJECT HEADING: REMUNERATION BENCHMARKING

Officer's Title: Manager - Organisational Development & Human Resources

Executive Summary:

The report proposed an independent benchmarking process that will inform the next stage of the recruitment process for the vacant Director position.

Resolution No. GM/05.2019/28

Moved Cr O'Neil

Seconded Cr Newman

That:

1. Council resolve, pursuant to section 235 (b) of the *Local Government Regulation 2012*, to authorise Organisational Insights Pty Ltd to undertake the project.
2. Council authorise the Chief Executive Officer to negotiate and implement the final elements of the proposal.
3. Funding be made available (transferred) from the salary budget for the vacant Director position (Employee costs to Materials and Services) with a maximum total budget for the project of \$15,000.

CARRIED

9/0

Responsible Officer

Manager - Organisational Development & Human Resources

CLOSURE

There being no further business, the Mayor thanked Council for their attendance and declared the meeting closed at 11.27am.

These Minutes are to be confirmed at the next General Meeting of Council to be held on 22 May 2019, at Roma Administration Centre.

.....
Mayor.

.....
Date.

OFFICER REPORT

Meeting: General 22 May 2019

Date: 17 May 2019

Item Number: 10.1

File Number: D19/38236

SUBJECT HEADING: Complaints Management Policy & Process

Classification: Open Access

Officer's Title: Chief Executive Officer

Executive Summary:

Included in Council's new Corporate Plan 2018 – 2023 was to review and implement Council's (new) Complaint Management Policy.

The policy and process has undergone a complete rewrite and aims to provide a 'one stop shop' for our customers to help ensure their complaints are lodged in the right place first time.

With the number of agencies overseeing Council activities, including assessing and investigating complaints, it is often difficult for customers to navigate the correct path.

The new policy will help our customers to know:

- where to report their complaint;
- what to expect (i.e. the key steps involved in handling the complaint);
- how long it will take for the outcome of the complaint to be known;
- who to contact if they remain dissatisfied with the advised outcome.

The policy aims to ensure compliance with Council's legislative obligations including but not limited to:

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Crime and Corruption Act 2001*

Officer's Recommendation:

That the tabled document be adopted and that both the Complaint Management Policy & Process and Section 48A policy be included on Council's website.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

The policy and associated processes includes complaints pertaining to:

- Council meeting decisions;
- Councillors (including the Mayor);
- Employees and contractors;
- Council business activities competing with private businesses;
- Access to information;
- Privacy.

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
Nil	Nil

Context:

Why is the matter coming before Council?

Council has been undertaking comprehensive reviews of all of its major governance processes over the last year in particular. This has included full rewrites of:

- Key financial planning documents including:
 - 5 year Corporate Plan
 - Annual Operational Plan
 - Budget Highlights
- Key financial accountability documents including:
 - Annual Report
 - Quarterly Reporting Framework
- Governance Fundamentals including:
 - Quick Guide to Local Government
 - Customer Request Policy & Quick Guide to Council's Customer Service Charter
 - Elected Member Request & Assistance Policy
 - Expenses Reimbursement Policy
 - Quick Guide to Council's Complaints Management (Full Policy & Process has had various drafts in progress reviewed in the early stages by both the Ombudsman's Office and the Crime and Corruption Commission)

The work in relation to the Customer Request Policy has been complemented by the introduction of the new Customer Request System.

The report at this meeting tables a comprehensive rewrite of Council's Complaint Management Policy and Processes that brings together within one document:

- the various types of complaints;
- the agencies that oversee and legislate the requirements for local governments' complaint management;
- how a complainant can have their matter reviewed if they remain dissatisfied with the outcome.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

There have been significant reforms at a State level that have influenced how local governments manage their complaints.

The Belcarra reforms have heightened attention on the legal and ethical conduct of councillors and employees. State agencies like the Crime and Corruption Commission, and the new Office of Independent Assessor now have increased community focus on local government activities in addition to the well known complaint review body, the Office of the Ombudsman.

This report is the second last key document in the suite of 'Governance Fundamentals'.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under

consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

The new policy brings together (effectively a one-stop-shop for complaints) legislative requirements such as:

--

Local Government Act 2009

268 Process for administrative action complaints

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

(2) *An **administrative action complaint** is a **complaint** that—*

(a) is about an administrative action of a local government, including the following, for example—

- (i) a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision;*
- (ii) an act, or a failure to do an act;*
- (iii) the formulation of a proposal or intention;*
- (iv) the making of a recommendation; and*

(b) is made by an affected person.

(3) *An **affected person** is a person who is apparently directly affected by an administrative action of a local government.*

- (4) A regulation may provide for the process for resolving complaints about administrative actions of the local government by affected persons.

1500 Complaints about councillor conduct

- (1) A person may make a **complaint** to the assessor about the conduct of a councillor.
(2) The **complaint** may be made to the assessor orally or in writing.
(3) Subsection (1) does not limit who a person can complain to about the conduct of a councillor.

Examples—

A person may complain to the Crime and Corruption Commission or the department's chief executive about a councillor's conduct.

Crime and Corruption Act 2001

48A Policy about how complaints involving public official are to be dealt with

- (1) A public official must, in consultation with the chairperson, prepare a policy about how the unit of public administration for which the official is responsible will deal with a complaint that involves or may involve corruption of the public official.
(2) The policy may nominate a person other than the public official to notify the commission of the complaint under [section 37](#) or [38](#), and to deal with the complaint under [subdivision 1](#) or [2](#), on behalf of the public official.
(3) If the policy includes a nomination as mentioned in subsection (2), this Act applies as if a reference about notifying or dealing with the complaint to the public official were a reference to the nominated person.

Example of operation of subsection (3)—

If a policy prepared under this section for a unit of public administration includes a nomination as mentioned in subsection (2)—

- (a) under [section 38](#) as applying under subsection (3), the nominated person must notify the commission of complaints about the relevant public official that the person suspects involve or may involve corrupt conduct; and
(b) under [section 35\(1\)\(b\)](#) as applying under subsection (3), the commission may refer complaints about the relevant public official to the nominated person for the nominated person to deal with; and
(c) under [section 42](#) or [44](#) as applying under subsection (3), the nominated person must deal with complaints about the relevant public official referred to the nominated person by the commission.
(4) In this section—
complaint includes information or matter.

Local Government Regulation 2019

44 Minimum requirements for **complaint** process (competitive neutrality)

- (1) This section sets out the minimum requirements for the relevant local government's process for resolving a competitive neutrality **complaint** in relation to the business entity.
(2) The local government must ensure the process deals with the following—
(a) resolving a matter before making a **complaint**, including, for example, the process for—
(i) a person to raise concerns about alleged failures of the business entity to comply with the competitive neutrality principle in conducting the business activity; and
(ii) clarifying the matter;

(b) recording all complaints, decisions and recommendations.

306 Process for resolving administrative action complaints—Act, s 268

- (1) This section provides, for section 268(4) of the Act, the process for resolving complaints about administrative actions of a local government made by affected persons.*
- (2) A local government must adopt—*
- (a) a complaints management process that effectively manages complaints from their receipt to their resolution; and*
 - (b) written policies and procedures supporting the complaints management process.*
- (3) A **complaints management process** is a process for resolving complaints about administrative actions of a local government that—*
- (a) covers all administrative action complaints made to the local government; and*
 - (b) requires the local government to quickly and efficiently respond to complaints in a fair and objective way; and*
 - (c) includes the criteria considered when assessing whether to investigate a **complaint**; and*
 - (d) requires the local government to inform an affected person of the local government's decision about the **complaint** and the reasons for the decision, unless the **complaint** was made anonymously.*
- (4) The local government must—*
- (a) record all administrative action complaints; and*
 - (b) ensure the public may inspect the complaints management process (including the related policies and procedures) at the local government's public office and on its website; and*
 - (c) ensure internal reports are occasionally provided to senior management about the operation of the complaints management process; and*
 - (d) ensure mechanisms are in place to—*
 - (i) identify, analyse and respond to **complaint** trends; and*
 - (ii) monitor the effectiveness of the complaints management process (by monitoring the time taken to resolve complaints, for example).*
- (5) To remove any doubt, it is declared that, in deciding if a **complaint** is an administrative action **complaint**, it is irrelevant—*
- (a) how quickly the **complaint** was resolved; or*
 - (b) to which area of a local government the **complaint** was made; or*
 - (c) whether the **complaint** was a written or verbal **complaint**; or*
 - (d) whether or not the **complaint** was made anonymously.*

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

This policy will provide a consistent and easy reference to help guide complainants through the various complaint types and associated processes.

Whilst it is intended to be a single, all encompassing document, the Crime & Corruption Commission has a preference that the Section 48A policy stand alone.

The proposed approach therefore is to have both an integrated document and a stand alone document to meet all parties' needs.

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

The draft policy and process framework is being reviewed by both the Office of the Ombudsman and the Crime & Corruption Commission. Feedback received by both offices in the early stages of the review have also been considered in the most recent drafting.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Nil / not applicable.

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? ***Is this already included in the budget? (Include the account number and description).***

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

Nil / not applicable.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Nil / not applicable.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

Nil / not applicable.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Various pieces of legislation not easily understood by complainants	The draft document aims to provide a simple 'ready reckoner' for customers without having to navigate the complex legislative environment and numerous agencies' websites.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

That the Complaints Management Policy & Process Framework be adopted and the Section 48A policy also be included on Council's website.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy?

If so, for what reason?

As above. That the Complaints Management Policy & Process Framework be adopted and the Section 48A policy also be included on Council's website.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 5: Managing our operations well

5.7 Provide Customer Service

5.7.6 Finalise the review of, and implement, Council's Complaint Management Policy.

Supporting Documentation:

Nil

Report authorised by:

Chief Executive Officer

OFFICER REPORT

Meeting: General 22 May 2019

Date: 9 May 2019

Item Number: 11.1

File Number: D19/35961

SUBJECT HEADING: Councillor Attendance at Australasian Reporting Awards

Classification: Open Access

Officer's Title: Director - Corporate, Community & Commercial Services

Executive Summary:

The report seeks formalisation of Elected Member attendance at an upcoming Award Ceremony as part of advocacy activities and/or enhancing strategy and policy development for Maranoa Regional Council at the 2019 Australasian Reporting Awards Ceremony.

Officer's Recommendation:

That Council endorse the attendance of Cr. Chambers and Cr. Newman at the Australasian Reporting Awards presentation on 19 June 2019 in Melbourne.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
ARA	Australasian Reporting Awards

Context:

Why is the matter coming before Council?

Council has received an invitation to an upcoming annual awards night in support of a submission put forward under the awards program.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Council entered its 2011/17/18 Annual Report in the 2019 general award category

The General Award provides a measure of the standard of reporting that has been achieved and is not a competition. The entire annual report is benchmarked against the ARA Criteria which are based on world best practice. Reports that satisfy the criteria at different levels receive a Gold, Silver or Bronze Award. The very high standard of Gold Award reports makes them model reports for other organisations to follow.

Council has previously received a Gold Award for three consecutive years; 2015/16, 2016/17 and 2017/18.

The awards are an opportunity to benchmark Council's report to see how well it measures up to current reporting requirements.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

Council is required to prepare an Annual Report each year in accordance with Division 3 of the *Local Government Regulation 2012*.

Expenses Reimbursement Policy (Councillors) Adopted 27 March 2019.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

N/A

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Chief Executive Officer

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

N/A

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

Awards Night – Wednesday 19 June 2019

Tickets: \$257 per person

Flights: Estimated at \$750 per person

Accommodation & Meals: Estimated at \$300 per person

Total: Estimated at \$1,307 per person

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Nil

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

Nil

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Nil	

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

It is recommended that Council has elected member representation at the awards presentation.

Recommendation:

What is the 'draft decision' based on the advice to Council?

That Council endorse the attendance of Cr. Chambers and Cr. Newman at the Australasian Reporting Awards presentation on 19 June 2019 in Melbourne.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 5: Managing our operations well

5.1 Continue to improve everything we do

5.1.4 Measure and benchmark our performance.

Supporting Documentation:

Nil

Report authorised by:

Chief Executive Officer

OFFICER REPORT

Meeting: General 22 May 2019

Date: 16 May 2019

Item Number: 11.2

File Number: D19/37970

SUBJECT HEADING:

Endorsement of Councillor attendance at a Local Government NSW (LGNSW) Water Management Conference

Classification:

Open Access

Officer's Title:

Lead Officer - Councillors' Support & Community Engagement

Executive Summary:

Endorsement of councillor attendance at the annual Local Government NSW (LGNSW) Water Management Conference on 2 – 4 September 2019, as part of enhancing strategy and policy development for Maranoa Regional Council.

Officer's Recommendation:

That Council:

1. Endorse the attendance of Cr. David Scheffe at the Local Government NSW (LGNSW) Water Management Conference to be held on 2 – 4 September 2019 in Albury, on behalf of Council.
2. Draw the required funds from Cr. Scheffe's Conference Budget – WO 14057.2424.2001.
3. Note that LGAQ has agreed to fund 50% of Cr. Scheffe's travel costs, and that the NSW LG Association has been approached to consider funding the remaining 50% of the travel costs.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

No

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Local Government NSW (LGNSW) Water Management Conference

Local Government Association of Queensland (LGAQ)

Context:

Why is the matter coming before Council?

To seek formal endorsement of Councillor attendance so as to not compromise insurance entitlements should circumstances arise that lead to the submission of an insurance claim.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The annual LGNSW Conference presents a broad range of information from a local government perspective on water management, issues associated with water supply and sewerage services provided by water utilities.

The event is aimed at delegates from NSW and interstate including councillors and general managers, water managers and professionals, policy makers from government agencies and key industry stakeholders.

The conference will provide delegates an opportunity to find out about the latest water policy initiatives and trends, receive updates on emergent technical issues, benchmark and network.

Cr. Scheffe has been invited to speak about local government experiences, water and wastewater, potentially as part of a panel in his capacity of Chair of the LGAQ Water and Sewerage Advisory Group.

The conference is a unique networking opportunity with our NSW counterparts. It is also appropriate as NSW sent 2 delegates to our most recent LGAQ water and sewerage advisory group meeting in Brisbane. Both NSW and QLD Have similar issues around funding essential infrastructure such as water and sewerage assets. Both local government areas still retain ownership and management over water and sewerage assets. Both are supportive of federal government funding reform to increase funding for essential infrastructure. Also by both State LGA's working together it gives us a louder voice in Canberra. The net benefit to the Maranoa Region is by us being successful in achieving funding reform which requires a collaborative effort.

This invitation also aligns with his role of Portfolio Chair – Utilities (Water, Sewerage & Gas), for Maranoa Regional Council.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

Local Government Act 2009

Chapter 2

12 Responsibilities of councillors

- (1) A councillor must represent the current and future interests of the residents of the local government area.
- (2) All councillors of a local government have the same responsibilities, but the mayor has some extra responsibilities.
- (3) All councillors have the following responsibilities—
 - (a) ensuring the local government—
 - (i) discharges its responsibilities under this Act; and
 - (ii) achieves its corporate plan; and
 - (iii) complies with all laws that apply to local governments;
 - (b) providing high quality leadership to the local government and the community;
 - (c) participating in council meetings, policy development, and decision-making, for the benefit of the local government area;
 - (d) being accountable to the community for the local government's performance.

Section 107 Insurance

- (1) A local government must maintain the following insurance—
 - (a) public liability insurance;
 - (b) professional indemnity insurance.
- (2) The insurance must be for at least the amount required under a regulation.
- (3) A local government may enter into a contract of insurance with WorkCover Queensland, or another insurer, to cover its councillors.
- (4) For that purpose, a councillor's role includes attending—
 - (a) meetings of the local government or its committees that the councillor is entitled or asked to attend; and
 - (b) meetings for a resident of the local government area; and
 - (c) conferences, deputations, inspections and meetings at which the councillor's attendance is permitted by the local government; and
 - (d) official functions organised for the local government.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

Expenses Reimbursement Policy (Councillors)

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Councillors of Maranoa Regional Council

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

No

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

Registration:

Not yet confirmed

Travel:

LGAQ has agreed to fund 50% of the travel costs. The association has also approached the New South Wales Local Government Association requesting they contribute the remaining 50% of travel costs for Cr. Scheffe's attendance. Their further advice has not been received at the time of writing this report.

Remaining associated costs to be drawn from Councilor's individual expense budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

No

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

No

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
None identified	

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

Endorse Cr. Scheffe's attendance given that this conference provides important opportunities to meet with industry experts and other local government representatives to further develop and strengthen business relationships (particularly between the Queensland and New South Wales Local Government Associations.

Attendance also provides an opportunity to find out more about technology enhancements and management approaches in providing and maintaining this critical infrastructure and service into the future for the Maranoa Region, and finally, build on existing relationships to advance the funding reform agenda for essential infrastructure which will benefit our region by allowing Council to deliver upgrades and improvements in a more timely manner and reduce budget pressure.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy?

If so, for what reason?

That Council:

1. Endorse the attendance of Cr. David Scheffe at the Local Government NSW (LGNSW) Water Management Conference to be held on 2 – 4 September 2019 in Albury, on behalf of Council.
2. Draw the required funds from Cr. Scheffe's Conference Budget – WO 14057.2424.2001.
3. Note that LGAQ has agreed to fund 50% of Cr. Scheffe's travel costs, and that the NSW LG Association has been approached to consider funding the remaining 50% of the travel costs.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 2: Delivering strong financial management

2.1 Plan for our region's financial future

2.1.1 Consider both the short-term and longer term financial impacts of Council's policy development and decisions, on behalf of current and future residents.

Supporting Documentation:

Nil.

Report authorised by:

Manager - Communication, Information & Administration Services

Director - Corporate, Community & Commercial Services

OFFICER REPORT

Meeting: General 22 May 2019

Date: 9 May 2019

Item Number: 11.3

File Number: D19/36230

SUBJECT HEADING: Delegation of Council Powers to the Chief Executive Officer under the Planning Act 2016

Classification: Open Access

Officer's Title: Governance Officer

Executive Summary:

Council's delegations are reviewed and updated throughout the year according to changes in State Government legislation.

This report seeks Council's approval for delegation of Council powers under the *Planning Act 2016* to the position of Chief Executive Officer.

Officer's Recommendation:

That Council:

- (a) under section 257 of the Local Government Act 2009, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Planning Act 2016*.
- (b) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
PLAA	Planning Act 2016

Context:

Why is the matter coming before Council?

MacDonnell's Law provides monthly updates to Maranoa Regional Council as part of the Monthly Delegation Update service. *The Planning Act 2016* has had updates recently and is recommended that the changes made are applied accordingly.

Advice from MacDonnell's Law below:

"The PLAA has been amended by the Economic Development and Other Legislation Amendment Act 2019 which came into force on 11 April 2019.

The amendment has resulted in greater certainty in the operation of the Planning Act's framework with respect to the issue of valid infrastructure charges notices under the repealed Sustainable Planning Act 2009 (SPA), and certain notification requirements for submitter appellants that have previously proved burdensome and ineffectual. The changes also promote greater accessibility and efficiencies in the operation of the transitional arrangements from the SPA to the PLAA."

Changes to the *Planning Act 2016* have been listed below and the updated Instrument of Delegation is **attached**.

Part 5 – Designation of premises for development of infrastructure

37(4)	Power to make a submission to the Minister about the designation	<i>New addition to table of powers.</i>
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Chapter 3 – Development Assessment

Part 1 – Types of development and assessment

45(7)	Power to assess a development application against or have regard to the statutory instrument, or other document, as in effect when the development application was properly made.	<i>New addition to table of powers.</i>
45(7) <i>REMOVED</i>	Power to consider amendment or replacement of a statutory instrument or other document before deciding a properly made application	<i>Item removed from table.</i>
45(8)(a)	Power to give weight the Assessment Manager considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made but before it was decided by the Assessment Manager.	<i>New addition to table of powers.</i>
45(8)(b)	Power to give weight the Assessment Manager considers is appropriate in the circumstances to another statutory instrument that came into effect after the development application was properly made but before it was decided by the Assessment Manager.	<i>New addition to table of powers.</i>

Part 3 – Assessing and deciding development applications

Division 1 – Referral agency's assessment

55(4)	Power to assess the development application against or having regard to the statutory instrument, or other document, as in effect when the application was properly made.	<i>New addition to table of powers.</i>
55(4) <i>REMOVED</i>	Power to give weight, considered appropriate in the circumstances to any amendment or replacement of the instrument or other document that came into effect after the application was properly made.	<i>Item removed from table.</i>
55(5)(a)	Power to give weight the Referral Agency considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made.	<i>New addition to table of powers.</i>
55(5)(b)	Power to give the weight the Referral Agency considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the development application was properly made.	<i>New addition to table of powers.</i>

Division 3 – Development conditions

66(2)(c)	Power to agree in writing to a later condition applying.	<i>New addition to table of powers.</i>
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Subdivision 2 – Changes after appeal period

78(3)(a) <i>REMOVED</i>	Power to consider change application	<i>Item removed from table.</i>
78(3)(c) <i>REMOVED</i>	Power to consider change application	<i>Item removed from table.</i>
78(5) <i>REMOVED</i>	Power to consider change application referred from Minister	<i>Item removed from table.</i>
78A(1)(a)	Power to consider a change application	<i>New addition to table of powers.</i>
78A(1)(b)	Power to consider a change application	<i>New addition to table of powers</i>
78A(5)	Power to consider a change application if referred by the Minister	<i>New addition to table of powers</i>
80(2)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and the reasons for any objection.	<i>Change in numbering – previously wrote: 80(3)</i>
80(4)(a)	Power to give a responsible entity and the	<i>Change in numbering – previously wrote:80(5)(a)</i>

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	applicant a response notice that states that the affected entity has no objection to the change.	
80(4)(b) <i>REMOVED</i>	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.	<i>Change in numbering – previously wrote: 80(4)(b)</i>
81(3)(a) <i>REMOVED</i>	Power to assess against, or have regard to, the matters that applied when the development application was made.	<i>Item removed from table.</i>
81(3)(b) <i>REMOVED</i>	Power to assess against, or have regard to, the matters that applied when the change application was made.	<i>Item removed from table</i>
81(4)(a) <i>REMOVED</i>	Power to made the change, with or without imposing development conditions, or amending development conditions, relating to the change.	<i>Item removed from table</i>
81(4)(b) <i>REMOVED</i>	Power to refuse to made the change	<i>Item removed from table</i>
81(7) <i>REMOVED</i>	Power to agree with applicant to an extension of time for deciding a minor change application	<i>Item removed from table</i>
81(4)	Power to consider, for a change application, a statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	<i>New addition to table of powers.</i>
81(5)(a)	Power to give weight the Responsible Entity considers appropriate in the circumstances to the statutory instrument or other document as in effect when the change application was made.	<i>New addition to table of powers.</i>
81(5)(b)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to a statutory instrument or other document that has amended or replaced after the change application was made but before it was decided.	<i>New addition to table of powers.</i>
81(5)(c)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the change application was made but before it was decided.	<i>New addition to table of powers.</i>
81A(2)(a)	Power to decide to approve the change application with or without development conditions.	<i>New addition to table of powers.</i>
81A(2)(b)	Power to decide to refuse the change application.	<i>New addition to table of powers.</i>
81A(5)	Power to agree to extend the period for deciding the change application.	<i>New addition to table of powers.</i>
81B(2)	Power to give notice of withdrawal of a	<i>New addition to table of powers.</i>

	change application before it is decided.	
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Division 4 – Miscellaneous provisions about trunk infrastructure
Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts

140(5)(b)	Power to agree to a later period for giving the information in respect of a conversion application.	<i>New addition to table of powers.</i>
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Part 3 – Public access documents

275C(2)	Power to sign a certificate of service.	<i>New addition to table of powers.</i>
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Background to the Delegation of Powers

Council is vested with the power to make a range of decision and various actions under legislation and other statutory instruments. Council derives those powers from State law, such as the *Local Government Act 2009*, and under its local laws and planning scheme.

Section 257 of the *Local Government Act 2009* allows Council, by resolution, to delegate its powers under State and other laws, to one or more individuals or standing committees, including to the Chief Executive Officer.

The delegation of a Council's power does not involve Council parting with or surrendering those powers. Council continues to retain all powers which are the subject of delegation. A delegation involves the "sharing" of power, so that both Council and the Chief Executive Officer can exercise the same power.

Other important legal principles which apply to the delegation proposal set out in the report are:

- a) Council at all times retains the power to revoke the delegation. Accordingly Council retains ultimate control.
- b) Council, as the delegator, still has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- c) 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, as with any vesting power, the delegated power cannot be unduly fettered.
- d) The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.
- e) A local government must not delegate a power that an Act states must be exercised by resolution.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The Planning Act 2016 Instrument of Delegation was previously tabled at the Council meeting on 23 May 2018.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

This report has been provided in compliance with section 257 of the *Local Government Act 2009*, which allows for the Local Government, by resolution, to delegate power under the *Planning act 2016* and any other act to the Chief Executive Officer.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

N/A

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

MacDonnell's Law

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Nil

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The delegation update services is funded in the current financial years' budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Nil

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?
(Interested Parties Analysis - IS9001:2015)

Nil

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
If Council were not to delegate powers	The delegation of Local Government powers plays a vital part of the effective operation of Council.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

Delegate Council powers to the Chief Executive Officer.

Recommendation:

What is the 'draft decision' based on the advice to Council?

That Council:

- (c) under section 257 of the Local Government Act 2009, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Planning Act 2016*.
- (d) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 10: Organisational Management

10.4 Building Capability and Performance

10.4.1 Defining expectations and boundaries

Supporting Documentation:

1 [↓](#) Planning Act 2016 - Instrument of Delegation

D18/38769

Report authorised by:

Director - Corporate, Community & Commercial Services

INSTRUMENT OF DELEGATION

Maranoa Regional Council *Planning Act 2016 ("PLAA")*

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

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

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

Schedule 1

Planning Act 2016 ("PLAA")**CHAPTER 2 – PLANNING****Part 3 – Local Planning Instruments****Division 2 – Making or amending planning schemes**

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and (c) the making of the TLPI would not adversely affect State interests.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.
Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.
Local Government	25(2)	Power to: (a) give written reasons for the decision to the Chief Executive; (b) publish a public notice in the approved form about the decision; and (c) keep a copy of the public notice in a conspicuous place in the local government's public office for a

		period of at least 40 business days after the notice is published.
Local Government	25(3)	Power to undertake an LGIP review.

Division 3 – State Powers for local planning instruments

Entity power given to	Section of PA	Description
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.

Part 4 – Superseded Planning Schemes

Division 1 – Applying superseded planning schemes

Entity power given to	Section of PA	Description
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.
Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.

Division 2 – Compensation

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.
Local Government	32(1)(b)	Power to refuse a compensation claim.
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Chief Executive Officer	32(3)	Power to give the affected owner: <ul style="list-style-type: none"> (a) notice of intention to resume; (b) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.

Part 5 – Designation of premises for development of infrastructure

Entity power given to	Section of PA	Description
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.
Affected Party	37(4)	Power to make a submission to the Minister about the designation.
Designator	38(1)	Power to: <ul style="list-style-type: none"> (a) consider properly made submissions; (b) decide to make or amend a designation; and (c) publish a gazette notice.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the extension before the designation stops having effect.
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states: <ul style="list-style-type: none"> (a) that the designation is repealed; and (b) a description of the designated premises; and (c) the type of infrastructure for which the premises were designated; and (d) the reasons for the repeal.
Designator	41(4)	Power to: <ul style="list-style-type: none"> (a) repeal the designation; (b) decide to refuse the request; and (c) decide to take other action that designator considers appropriate in the circumstances.
Designator	41(5)	Power to give a decision notice.
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.
Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.

CHAPTER 3 – DEVELOPMENT ASSESSMENT**Part 1 – Types of development and assessment**

Entity power given to	Section of PA	Description
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and

		other relevant matters.
Assessment Manager	45(7)	Power to assess a development application against or have regard to the statutory instrument, or other document, as in effect when the development application was properly made.
Assessment Manager	45(8)(a)	Power to give weight the Assessment Manager considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made but before it was decided by the Assessment Manager.
Assessment Manager	45(8)(b)	Power to give weight the Assessment Manager considers is appropriate in the circumstances to another statutory instrument that came into effect after the development application was properly made but before it was decided by the Assessment Manager.
Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.

Part 2 – Development applications

Division 2 – Making or changing applications

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent.
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).
Assessment Manager	51(5)	Power to accept a properly made application.
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not: (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(a)	Power to consider submissions about a development application.
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

Part 3 –

Assessing and deciding development applications

Division 1 – Referral agency's assessment

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.
Referral Agency	55(4)	Power to assess the development application against or having regard to the statutory instrument, or other document, as in effect when the application was properly made.
Referral Agency	55(5)(a)	Power to give weight the Referral Agency considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made.
Referral Agency	55(5)(b)	Power to give the weight the Referral Agency considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the development application was properly made.
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> (i) to give any development approval subject to stated development conditions; (ii) to give any development approval for only a stated part of the application; (iii) to give any development approval only as a preliminary approval; (iv) to improve a stated currency period for a development approval given.
Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: <ul style="list-style-type: none"> (i) to approve only some of the variations sought; (ii) subject to section 61(3) to approve different variations from those sought.
Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.

Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment Manager	60(3)(c)	Power to decide to refuse the application.
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

Division 3 – Development conditions

Entity power given to	Section of PA	Description
Owner of a Premises	66(2)(c)	Power to agree in writing to a later condition applying.
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.

Part 5 –**Development Approvals****Division 2 – Changing development approvals*****Subdivision 1 – Changes during appeal period***

Entity power given to	Section of PA	Description
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

Subdivision 2 – Changes after appeal period

Entity power given to	Section of PA	Description
Referral Agency	78A(1)(a)	Power to consider a change application.
Assessment Manager	78A(1)(b)	Power to consider a change application.
Assessment Manager	78A(5)	Power to consider a change application if referred by the Minister.
Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).
Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).
Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Affected Entity	80(2)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and (b) the reasons for any objection.
Affected Entity	80(4)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.
Affected Entity	80(4)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.
Responsible Entity	81(4)	Power to consider, for a change application, a statutory instrument, or other document, as in effect when the development application for the development approval was properly made.

Responsible Entity	81(5)(a)	Power to give weight the Responsible Entity considers appropriate in the circumstances to the statutory instrument or other document as in effect when the change application was made.
Responsible Entity	81(5)(b)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to a statutory instrument or other document that has amended or replaced after the change application was made but before it was decided.
Responsible Entity	81(5)(c)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the change application was made but before it was decided.
Responsible Entity	81A(2)(a)	Power to decide to approve the change application with or without development conditions.
Responsible Entity	81A(2)(b)	Power to decide to refuse the change application.
Responsible Entity / Applicant	81A(5)	Power to agree to extend the period for deciding the change application.
Applicant	81B(2)	Power to give notice of withdrawal of a change application before it is decided.

Subdivision 3 – Notice of decision

Entity power given to	Section of PA	Description
Responsible Entity	83(1)	Power to give a decision notice.
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.

Division 3 – Cancelling development approvals

Entity power given to	Section of PA	Description
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.

Division 4 – Lapsing of and extending development approvals

Entity power given to	Section of PA	Description
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.

Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.
Assessment Manager	87(3)	Power to agree to extend the 20 business day period.
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.

Division 5 – Noting development approvals on planning schemes

Entity power given to	Section of PA	Description
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.

Part 6 – Minister's powers

Division 3 – Minister's call in

Entity power given to	Section of PA	Description
Person	102(2)	Power to make representations about the proposed call in notice.
Decision-maker	105(3)	Power to provide Minister with reasonable help.

Part 7 – Miscellaneous

Entity power given to	Section of PA	Description
Assessment Manager or Referral Agency or Responsible Entity	109(a)	Power to refund all or part of a required fee.
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.

CHAPTER 4 – INFRASTRUCTURE

Part 2 – Provisions for Local Governments

Division 2 – Changes for trunk infrastructure

Subdivision 2 – Charges resolutions

Entity power given to	Section of PA	Description
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a breakup agreement) about the charges breakup.

Subdivision 3 – Levying charges

Entity power given to	Section of PA	Description
Local Government	119(2)	Power to give an infrastructure charges notices.
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.

Subdivision 4 – Payment

Entity power given to	Section of PA	Description
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of PA	Description
Local Government	125(2)	Power to consider representations.
Local Government	125(3)	Power to give a negotiated notice to the recipient.

Division 3 – Development approval conditions about truck infrastructure**Subdivision 2 – Conditions for extra trunk infrastructure costs**

Entity power given to	Section of PA	Description
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.
Local Government	130(1)(a)	Power to decide if the development: <ul style="list-style-type: none"> (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: <ul style="list-style-type: none"> (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.
Local Government	131(2)	Power to agree to an alternative payment time.
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.

Division 4 – Miscellaneous provisions about trunk infrastructure***Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts***

Entity power given to	Section of PA	Description
Local Government	140(1)	Power to consider and decide the conversion application.
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.
Local Government	140(5)(b)	Power to agree to a later period for giving the information in respect of a conversion application.
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

Subdivision 2 – Other provisions

Entity power given to	Section of PA	Description
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.

Part 3 – Provisions for State infrastructure providers

Entity power given to	Section of PA	Description
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.

Part 4 – Infrastructure agreements

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.

CHAPTER 5 – OFFENCES AND ENFORCEMENT**Part 3 – Enforcement notices**

Entity power given to	Section of PA	Description
Enforcement Authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.

Enforcement Authority	167(2)	Power to give a show cause notice.
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to: (a) the person; and (b) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.
Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.
Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.

Part 4 – Offence proceedings in Magistrates Court

Entity power given to	Section of PA	Description
Person	174(1)	Power to bring offence proceedings.
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.

Part 5 - Enforcement orders in P&E Court

Entity power given to	Section of PA	Description
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.
Person	180(11)	Power to apply to the P&E Court for a compliance order.
Enforcement Authority	180(13)(a)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action

		as a debt owing to the authority from the respondent.
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.

CHAPTER 6 – DISPUTE RESOLUTION

Part 1 – Appeal rights

Entity power given to	Section of PA	Description
Appellant	229(2)	Power to start an appeal within the appeal period.
Assessment Manager	229(5)	Power to apply to the tribunal or the P&E Court to withdraw from the appeal if an appeal is only about a referral agencies response.

Part 2 – Development Tribunal

Division 2 – Applications for declaration

Entity power given to	Section of PA	Description
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.

CHAPTER 7 – MISCELLANEOUS

Part 2 – Taking or purchasing land for planning purposes

Entity power given to	Section of PA	Description
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.
Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.
Local Government	263(1)(b) (ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.
Local Government	263(1)(b) (iii)	Power to be satisfied that the action is necessary for the development.
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.

Part 3 – Public access to documents

Entity power given to	Section of PA	Description
Local Government	264(1)(a)	Power to keep or keep publicly available documents including registers relating to local government functions as prescribed in the Reg.
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg
Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.

Part 4A – Service of document

Entity power given to	Section of PA	Description
Person	275C(2)	Power to sign a certificate of service.

CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL**Part 1 – Transitional provisions for the repeal of Sustainable Planning Act 2009****Division 3 – Planning**

Entity power given to	Section of PA	Description
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.

Division 5 – Infrastructure

Entity power given to	Section of PA	Description
Local Government	304(4)(a)	Power to adopt charges under section 113.
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.

Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.

Division 7 – Miscellaneous

Entity power given to	Section of PA	Description
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).

Part 1A – Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017

Entity power given to	Section of PA	Description
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.
Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.

Schedule 2

LIMITATIONS TO THE EXERCISE OF POWER

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

[2019 04 11 - PLAA - Delegation Instrument]

OFFICER REPORT

Meeting: General 22 May 2019

Date: 3 May 2019

Item Number: 11.4

File Number: D19/35160

SUBJECT HEADING: Delegation of Council Powers to the Chief Executive Officer under the Local Government Act 2009

Classification: Open Access

Officer's Title: Governance Officer

Executive Summary:

Council's delegations are reviewed and updated throughout the year according to changes in State Government legislation.

This report seeks Council's approval for the delegation of Council powers under the *Local Government Act 2009* to the position of Chief Executive Officer.

Officer's Recommendation:

That Council:

- (a) under section 257 of the Local Government Act 2009, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Local Government Act 2009*.
- (b) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
LGA	Local Government Act 2009

Context:

Why is the matter coming before Council?

MacDonnell's Law provides monthly updates to Maranoa Regional Council as part of the Monthly Delegation Update service. Legislative changes to the *Local Government Act 2009* has subsequently changed local government powers.

MacDonnell's Law advised of the following changes and the Instrument of Delegation has been updated accordingly (attached).

Part 2 – The public

Division 1 – Powers of authorised persons

Subdivision 3 – Powers to enter property etc. (Format changed to italic.)

CHAPTER 5A – COUNCILLOR CONDUCT

Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct

Division 2 – Complaints about councillor conduct

150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.	<i>The legislation gives this power to the CEO however it is included in the table of powers in the Instrument of Delegation (attached) for completeness.</i>
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Division 3 – Local government duties to notify assessor about particular conduct

150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.	<i>New addition to table of powers.</i>
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Division 5 – Referral of conduct to local government

150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.	<i>New addition to table of powers.</i>
150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.	<i>New addition to table of powers.</i>

Division 6 – Application to conduct tribunal about misconduct

150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.	<i>New addition to table of powers.</i>
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Part 4 - Investigation and enforcement powers

Division 2 – Entry of place by investigators

Subdivision 1 – Power to enter

150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a	<i>New addition to table of powers.</i>
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	place.	
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Subdivision 2 - Entry by consent

150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.	<i>New addition to table of powers.</i>
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Division 3 – General powers of investigators after entering places

150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.	<i>New addition to table of powers.</i>
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Division 4 – Seizure by investigators

Subdivision 3 – Safeguards for seized things

150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.	<i>New addition to table of powers.</i>
150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.	<i>New addition to table of powers.</i>

Division 7 – Review

Subdivision 1 – Internal review

150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.	<i>New addition to table of powers.</i>
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Subdivision 2 – External review

150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.	<i>New addition to table of powers.</i>
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Part 5 - Administration

Division 2 – Councillor Conduct Tribunal (*update in wording*)

Previously wrote: Division 1 – Independent assessor and office of the independent assessor

Part 6 - Miscellaneous

Division 1 – Councillor conduct register

150DX(1)	The power to keep an up-to-date register about the specified matters.	<i>New addition to table of powers.</i>
150DX(2)(a)	The power to publish the register on the local governments website.	<i>New addition to table of powers.</i>
150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.	<i>New addition to table of powers.</i>

Division 6 – Conduct and performance of councillors - (*This an additional title added to separate 1 table into 2*)

**Part 12 – Traditional provisions for the Local Government
(Councillor Complaints_ and Other Legislation Amendment Act
2018**

317(3)	In the specified circumstances, power to give information to the assessor.	<i>New addition to table of powers.</i>
319(3)	In the specified circumstances, power to give information to the assessor.	<i>New addition to table of powers.</i>

Background to the Delegation of Powers

Council is vested with the power to make a range of decision and various actions under legislation and other statutory instruments. Council derives those powers from State law, such as the *Local Government Act 2009*, and under its local laws and planning scheme.

Section 257 of the *Local Government Act 2009* allows Council, by resolution, to delegate its powers under State and other laws, to one or more individuals or standing committees, including to the Chief Executive Officer.

The delegation of a Council's power does not involve Council parting with or surrendering those powers. Council continues to retain all powers which are the subject of delegation. A delegation involves the "sharing" of power, so that both Council and the Chief Executive Officer can exercise the same power.

Other important legal principles which apply to the delegation proposal set out in the report are:

- a) Council at all times retains the power to revoke the delegation. Accordingly Council retains ultimate control.
- b) Council, as the delegator, still has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- c) 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, as with any vesting power, the delegated power cannot be unduly fettered.
- d) The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.
- e) A local government must not delegate a power that an Act states must be exercised by resolution.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The *Local Government Act 2009* Instrument of Delegation was last tabled at a Council meeting on 12 September 2018 to delegate Council powers to the Chief Executive Officer.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

This report has been provided in compliance with section 257 of the *Local Government Act 2009*, which allows for the Local Government, by resolution, to delegate power under the *Local Government Act 2009* and any other act to the Chief Executive Officer.

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

Nil

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

MacDonnell's Law

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Nil

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The delegation update services is funded in the current financial years' budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Nil

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

Chief Executive Officer

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
If Council were not to delegate powers	The delegation of Local Government powers plays a vital part of the effective operation of Council.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

Delegation of Council powers to the Chief Executive Officer as per the Instrument of Delegation attached.

Recommendation:

What is the 'draft decision' based on the advice to Council?

That Council:

- (c) under section 257 of the Local Government Act 2009, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Local Government Act 2009*.
- (d) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 10: Organisational Management

10.4 Building Capability and Performance

10.4.1 Defining expectations and boundaries

Supporting Documentation:

[1](#) Local Government Act 2009 - Instrument of Delegation - D17/88643
22 May 2019

Report authorised by:

Director - Corporate, Community & Commercial Services

INSTRUMENT OF DELEGATION

- 1) Maranoa Regional Council**
- 2) *Local Government Act 2009 ("LOGA")***

Under section 257 of the *Local Government Act 2009*, Maranoa 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

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

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

Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

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

Entity power given to	Section of LOGA	Description
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local Government	62(6)	Power to reasonably require information to decide the claim.
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local Government	66(4)	Power to agree on an amount of compensation.
Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.
Local Government	67(2)	In the specified circumstances, power to decide whether any of

		the rights specified in this subsection are appropriate.
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local Government	68(4)	Power to object to the opening or closing of the road.
Local Government	69(1)	In certain circumstances, power to close a road.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local Government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local Government	75(2)	For the specified reasons, power to give written approval.
Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).

Division 2 – Stormwater drains

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

Part 4 – The business of indigenous local governments**Division 2 – Managing trust land**

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

Part 5 – Caretaker period arrangements

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

CHAPTER 4 – FINANCES AND ACCOUNTABILITY**Part 1 – Rates and charges**

Entity power given to	Section of LOGA	Description
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS**Part 1 – Local governments****Division 3 – Action by the minister**

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

Part 2 – The public**Division 1 – Powers of authorised persons*****Subdivision 3 – Powers to enter property etc.***

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

Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description
Local Government	138(4)	Power to authorise a local government worker.
Local Government	138AA(3)(b)	Power to give reasonable entry notice.
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

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

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 5A – COUNCILLOR CONDUCT**Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct****Division 2 – Complaints about councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.

Division 3 – Local government duties to notify assessor about particular conduct

Entity power given to	Section of LOGA	Description
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.

Division 5 – Referral of conduct to local government

Entity power given to	Section of LOGA	Description
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.

Division 6 – Application to conduct tribunal about misconduct

Entity power given to	Section of LOGA	Description
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.

Part 4 – Investigation and enforcement powers
Division 2 – Entry of place by investigators
Subdivision 1 – Power to enter

Entity power given to	Section of LOGA	Description
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.

Subdivision 2 – Entry by consent

Entity power given to	Section of LOGA	Description
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.

Division 3 – General powers of investigators after entering places

Entity power given to	Section of LOGA	Description
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.

Division 4 – Seizure by investigators

Subdivision 3 – Safeguards for seized things

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.

Division 7 – Review

Subdivision 1 – Internal review

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.

Subdivision 2 – External review

Entity power given to	Section of LOGA	Description
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.

Part 5 – Administration**Division 2 – Councillor Conduct Tribunal**

Entity power given to	Section of LOGA	Description
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.

Part 6 – Miscellaneous**Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.

CHAPTER 6 – ADMINISTRATION**Part 2 – Councillors****Division 3 – Vacancies in councillor's office**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	162(1)(e)	Power to give leave.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

Division 5A – Dealing with councillors' personal interests in local government matters

Entity power given to	Section of LOGA	Description
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.

Division 6 – Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decided not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.

Part 5 – Local government employees**Division 3 – Common provisions**

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

CHAPTER 7 – OTHER PROVISIONS**Part 2 – Superannuation****Division 3 – Superannuation contributions for particular employees**

Entity power given to	Section of LOGA	Description
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.

Part 4 – Legal provisions

Entity power given to	Section of LOGA	Description
Local Government	236(1)	The power to sign a document on behalf of a local government.
Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.

Part 6 – Other provisions

Entity power given to	Section of LOGA	Description
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.

Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018

Entity power given to	Section of LOGA	Description
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.

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.

[2018 12 03 - LOGA - Delegation Instrument]

OFFICER REPORT

Meeting: General 22 May 2019

Date: 14 May 2019

Item Number: 11.5

File Number: D19/36998

SUBJECT HEADING: Delegation of Council Powers to the Chief Executive Officer under the Planning Regulation 2017

Classification: Open Access

Officer's Title: Governance Officer

Executive Summary:

Council's delegations are reviewed and updated throughout the year according to changes in State Government legislation.

This report seeks Council's approval for the delegation of Council powers under the *Planning Regulation 2017* to the position of Chief Executive Officer.

Officer's Recommendation:

That Council:

- (a) under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Planning Regulation 2017*.
- (b) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
PLAR	Planning Regulation 2017

Context:

Why is the matter coming before Council?

MacDonnell's Law provides monthly updates to Council as part of the Monthly Delegation Update service.

A small change is recommended to the Instrument of Delegation for the *Planning Regulation 2017*. An updated Instrument of Delegation is attached.

Schedule 22 Publically accessible documents. (Previously Schedule 22 Publically assessable documents)

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The *Planning Regulation 2017* Instrument of Delegation was tabled at the Council meeting on 13 December 2017.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under

consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

Planning Regulation 2017

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

This report has been provided in compliance with section 257 of the *Local Government Act 2009*, which allows for the Local Government, by resolution, to delegate power under the *Planning Regulation 2017* and any other act to the Chief Executive Officer.

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the

funding body, any dates of critical importance or updates or approvals required)

MacDonnell's Law

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Nil

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$) Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The delegation update service is funded in the current financial years' budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Nil

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?
(Interested Parties Analysis - IS9001:2015)

Nil

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
If Council were not to delegate powers	The delegation of Local Government powers plays a vital part of the effective operation of Council.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

Delegate Council powers to the Chief Executive Officer.

Recommendation:

What is the 'draft decision' based on the advice to Council?

That Council:

- (c) under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Planning Regulation 2017*.
- (d) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

*Does this recommendation suggest a decision contrary to an existing Council policy?
If so, for what reason?*

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 10: Organisational Management

10.4 Building Capability and Performance

10.4.1 Defining expectations and boundaries

Supporting Documentation:

[1](#) Planning Regulation 2017 - Instrument of Delegation D17/100316

Report authorised by:

Director - Corporate, Community & Commercial Services

INSTRUMENT OF DELEGATION

Maranoa Regional Council ***Planning Regulation 2017***

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

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

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

Schedule 1

Planning Regulation 2017 ("PLAR")**Part 2 - Planning****Division 3 Superseded planning schemes**

Entity power given to	Section of PLAR	Description
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).

Schedule 11 Assessment benchmarks for development in koala habitat

Entity power given to	Section of PLAR	Description
Local Government	10(1)	Power to make a requested decision.
Local Government	10(2)	Power to give a notice of a requested decision.
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.

Schedule 18 Approving plans of subdivision

Entity power given to	Section of PLAR	Description
Local Government	3(1)	Power to approve a request where compliant with section 2.
Local Government	3(2)	Power to give notice of an approval to request.

Schedule 22 Publically accessible documents

Entity power given to	Section of PLAR	Description
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.
Local Government	3(1)	Power to publish documents on the local government website.
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.
Assessment Manager	7(1)	Power to publish documents on the local government website.
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.
Local	9(1)	Power to keep documents prescribed therein available for inspection only.

Government as a referral agency		
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.

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.

[2017 10 06 - PLAR - Delegation Instrument - Maranoa]

OFFICER REPORT

Meeting: General 22 May 2019

Date: 14 May 2019

Item Number: 11.6

File Number: D19/37081

SUBJECT HEADING: Delegation of Council Powers to the Chief Executive Officer under the Local Government Regulation 2012

Classification: Open Access

Officer's Title: Governance Officer

Executive Summary:

Council's delegations are reviewed and updated throughout the year according to changes in State Government legislation.

This report seeks Council's approval for delegation of Council powers under the *Local Government Regulation 2012* to the position of Chief Executive Officer.

Officer's Recommendation:

That Council:

- (a) under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Local Government Regulation 2012*.
- (b) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Maranoa Regional Council

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
LOGR	Local Government Regulation 2012

Context:

Why is the matter coming before Council?

MacDonnell's Law provides monthly updates to Maranoa Regional Council as part of the Monthly Delegation Update service. The *Local Government Regulation 2012* has had updates recently and is recommended that the changes made are applied accordingly.

A small change is recommended to the Instrument of Delegation for the *Local Government Regulation 2012*:

SCHEDULE 4 – PRICING PROVISIONS (previously wrote: SCHEDULE 7 – PRICING PROVISIONS)

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The last time the Instrument of Delegation to the Chief Executive Officer for the Local Government Regulation 2012 was tabled at a council meeting was 9 December 2015.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under

consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

Local Government Regulation 2012

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

This report has been provided in compliance with section 257 of the *Local Government Act 2009*, which allows for the Local Government, by resolution, to delegate power under the *Local Government Regulation 2012* and any other act to the Chief Executive Officer.

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to

Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

MacDonnell's Law

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Nil

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

The delegation update services is funded in the current financial years' budget.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

N/A

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

Chief Executive Officer

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
If Council were not to delegate powers	The delegation of Local Government powers plays a vital part of the effective operation of Council.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

Delegate Council powers to the Chief Executive Officer.

Recommendation:

What is the 'draft decision' based on the advice to Council?

That Council:

- (c) under section 257 of the *Local Government Act 2009*, resolve to delegate the exercise of powers contained in Schedule 1 of the Instruments of Delegation included in the officer's report, to the Chief Executive Officer. These powers must be exercised subject to any limitations contained in Schedule 2 of the attached Instruments of Delegation for the *Local Government Regulation 2012*.
- (d) all prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 10: Organisational Management

10.4 Building Capability and Performance

10.4.1 Defining expectations and boundaries

Supporting Documentation:

1 [↓](#) Local Government Regulation 2012 - Instrument of Delegation

D14/59135

Report authorised by:

Director - Corporate, Community & Commercial Services

INSTRUMENT OF DELEGATION

Maranoa Regional Council ***Local Government Regulation 2012***

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

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

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

Schedule 1

Local Government Regulation 2012 ("LOGR")**CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS****Part 2 - Business Reform, Including Competitive Neutrality****Division 7 – Competitive neutrality complaints****Subdivision 2 – Complaint process**

Entity power given to	Section of LOGR	Description
Local government	55(4)	Power to , within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

Part 3 - Roads and Other Infrastructure**Division 2 – Malls**

Entity power given to	Section of LOGR	Description
Local government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.

CHAPTER 4 – RATES AND CHARGES**Part 5 - Differential General Rates****Division 2 – Entering land to categorise land**

Entity power given to	Section of LOGR	Description
CEO	83(1)	Power to appoint a qualified person as a categorisation officer for this division.
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.
CEO	84(1)	Power to give a categorisation officer an identity card.

Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description
CEO	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.
CEO	91(3)	Power to give the owner notice of the decision and the reasons for the decision.

Part 12 - Overdue Rates and Charges**Division 3 – Selling or acquiring land for overdue rates or charges****Subdivision 2 – Selling land for overdue rates or charges**

Entity power given to	Section of LOGR	Description
Local government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.
Local government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.
Local government	143(1)	Power to set a reserve price for the auction.
Local government	143(2)	In certain circumstances, power to enter into negotiations with the highest bidder at auction to sell the land by agreement.

Subdivision 3 – Acquiring land for overdue rates or charges

Entity power given to	Section of LOGR	Description
Local government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.

Part 13 - Land Record of Local Government**Division 1 – Land record**

Entity power given to	Section of LOGR	Description
CEO	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY**Part 5 - Community Grants**

Entity power given to	Section of LOGR	Description
Local government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.

Part 8 - Local Government Funds and Accounts**Division 1 – Trust Fund**

Entity power given to	Section of LOGR	Description
Local government	201(2)	In certain circumstances, power to transfer money from a trust fund.

Part 9 - Accounting Records

Entity power given to	Section of LOGR	Description
CEO	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
CEO	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

CHAPTER 6 – CONTRACTING**Part 3 - Default Contracting Procedures****Division 2 – Entering into particular contracts**

Entity power given to	Section of LOGR	Description
Local government	225(3)	Power to not accept any of the quotes received.
Local government	225(4)	Power to decide to accept a quote.
Local government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.
Local government	228(8)	Power to decide not to accept any tenders received.
Local government	228(9)	Power to decide to accept a tender.
Local government	228(9)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.

Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description
Local government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.
Local government	232(4)	In certain circumstances, power to invite suppliers to tender to be on a register of pre-qualified suppliers.

CHAPTER 8 – ADMINISTRATION**Part 1 - Councillors****Division 1 – Councillor remuneration**

Entity power given to	Section of LOGR	Description
Local government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.

Part 3 - Local Government Employees**Division 1 – Disciplinary action against local government employees**

Entity power given to	Section of LOGR	Description
CEO	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.
CEO	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.
CEO	282(1)	Power to suspend the employee from duty.
CEO	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

Part 5 - Register of Interests**Division 1 – Disciplinary action against local government employees**

Entity power given to	Section of LOGR	Description
CEO	296	In certain circumstances, the power to inform the informed person.

CHAPTER 9 – OTHER PROVISIONS**Part 3 - Delegation of Powers**

Entity power given to	Section of LOGR	Description
CEO	305(2)	Power to consider it appropriate to include other information in the register.

Part 6 - Reporting missing local government property

Entity power given to	Section of LOGR	Description
CEO	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.
CEO	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.

SCHEDULE 4 – PRICING PROVISIONS

Entity power given to	Section of LOGR	Description
Local government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.
Local government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.
Local government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.

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.

[2017 06 30 - LOGR - Delegation Instrument - Maranoa]

OFFICER REPORT

Meeting: General 22 May 2019

Date: 29 April 2019

Item Number: 13.1

File Number: D19/32332

SUBJECT HEADING: Painting of Cobb & Co Changing Station - Surat

Classification: Open Access

Officer's Title: Administration Officer - Land Administration

Executive Summary:

Proposal for Council to consider painting the exterior of the Cobb & Co Changing Station Building in Surat, which is in a worn condition and requires a signage update which better reflects the overall purpose of the building in the lead up to the tourism season. This matter was previously considered by Council at its meeting on 27 February 2019.

Officer's Recommendation:

That Council -

1. Replace the existing 'Warroo Shire Library' signage painted on the Cobb & Co Changing Station building façade with the installation of new signage depicting the wording 'Surat Library & Visitor Information Centre'.
2. Include the painting of the exterior of the Surat Cobb & Co Changing Station Building in the 2019/2020 budget deliberations.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Nil

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
Nil	

Context:

Why is the matter coming before Council?

Council at its meeting on 27 February 2019 considered Cr Newman's proposal for Council to consider painting the exterior of the Cobb & Co Changing Station in Surat,

which is in a worn condition and requires a signage update which better reflects the overall purpose of the building in the lead up to the tourism season.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Council considered the matter at its General Meeting held on 27 February 2019 and resolved –

Resolution No. GM/01.2019/87

That a report be prepared for an upcoming meeting in regard to painting the outside of the Cobb & Co Changing Station building in Surat.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

Nil

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

Nil

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Manager, Facilities (Land, Buildings & Structures) –

- Cost to paint exterior of Surat Cobb & Co Changing Station - \$54,000.00

Former Building Projects, Maintenance Planning & Inspections Officer, Scott McElroy, obtained a quote from Sign writers in Roma for the installation of a new sign at the Cobb & Co Changing Station. The quoted price of \$1,200.00 covers –

- a sign 4500mm long by 450mm high;
- design and writing of Council's choice; and
- installation at site.

Surat Local Development Officer, Joh Hancock, consulted with the Cobb & Co Changing Station Museum Committee and the Surat on Balonne Art Gallery Committee for their input on new proposed signage displayed on the building. The recommendation from the Committees –

1. To change the 'Warroo Shire Library' sign to read 'Surat Library & Visitor Information Centre'. (Sign located on building façade in Burrowes Street)
2. To replace the existing art work on the western wall in-conjunction with painting of building. (Cordelia Street) New artwork would be progressed with consultation with the above Committees.

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Nil

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$) Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

\$1,200.00 for the supply and installation of new sign.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$) (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

\$54,000.00 for painting of the exterior of the building.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

Surat Community and the travelling public would be interested. The repainting of the Cobb & Co Changing Station would not only preserve the building but assist to revitalize the main street. New signage would reflect the overall use of the building and better assist the travelling public seeking information.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Not painting building	Deterioration of the building and loss of visual appeal of the major tourist facility for the Surat community
Not updating signage	Old signage reflecting incorrect information to public, both local and touring

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

New signage required to replace the outdated sign that refers to the building as the 'Warroo Shire Library'.

The building's exterior paint work is in poor condition, especially the building's façade which is visually unappealing with the paintwork lifting and flaking off.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy?

If so, for what reason?

That Council -

1. Replace the Warroo Shire Library sign with a new sign depicting the wording 'Surat Library & Visitor Information Centre'; and
2. Include the painting of the exterior of the Surat Cobb & Co Changing Station Building in the 2019/2020 budget deliberations.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.9 Manage Council's land and buildings that contribute to the provision of a range of services across the region and are used by residents, visitors, business, industry and Council

4.9.1 Provide operation and maintenance, renewal, upgrade and construction of Council's buildings and structures according to the priorities and funding approved by Council, ensuring fit-for-purpose specification development for new and upgraded assets.

Supporting Documentation:

Nil

Report authorised by:

Manager - Facilities (Land, Buildings & Structures)

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

OFFICER REPORT

Meeting: General 22 May 2019

Date: 14 May 2019

Item Number: 13.2

File Number: D19/37039

SUBJECT HEADING: First 5 Forever – Show Tour

Classification: Open Access

Officer's Title: (Acting) Regional Libraries, Arts & Culture
Development Coordinator

Executive Summary:

Empire Theatre's Projects Company would like to present a First 5 Forever Show Tour to our Maranoa Libraries as part of the June/July school holiday program.

A cost of \$3500 + GST has been advised by Empire Theatre's Projects Company. This cost will be covered by First 5 Forever Funding received from State Library of Qld.

Officer's Recommendation:

That Council:

1. Agree to host the First 5 Forever Show Tour at Roma, Injune, Mitchell and Surat Libraries from 8 - 10 July 2019.
2. Authorise the Chief Executive Officer to sign the Memorandum of Understanding with Empire Theatre's Projects Company Pty Ltd.
3. Fund the cost of \$3500 + GST through First 5 Forever Funding received from State Library of Qld. WO 16366.2542.2001

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

Nil

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
F5F	First 5 Forever
IKC	Indigenous Knowledge Centre
MOU	Memorandum of Understanding

Context:

Why is the matter coming before Council?

A gap has been identified in affordable, creative and manageable delivery options for the First 5 Forever program particularly in western Queensland. The Empire Theatre, in partnership with Toowoomba Regional Council Library and Cultural Services are developing a show for touring into the wider region and are facilitating a tour into Maranoa and Balonne regions in July 2019.

This MOU details the presentation partnership with Maranoa Regional Council and includes only the tour elements relevant to that area.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Proposed dates for visits to four of Council's Libraries have been established.

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration?

(Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

Nil

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

Nil

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say?

(Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Ed Sims- Manager Economic & Community Development – Ed was consulted regarding the proposed book tour.

The staff of the four Libraries that the tour is proposing a visit have been consulted and are in full support of hosting this event in their venues.

Susan Sands – Coordinator Grants, Local Development & Council Events

Johanne Hancock – Local Development Officer, Surat

Jane Fenton – Local Development Officer, Mitchell

Malinda Moreton – Local Development Officer, Roma

Kim Green – Local Development Officer, Injune

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

Funding to support the local delivery of F5F programs is provided annually to all eligible Queensland Councils that operate a public library or IKC. This annual funding can only be used on items and services that support the delivery of early literacy strategies for families and carers in ways that can be continued in a home environment.

Council allocation of funding for the period 1 Jan – 30 June 2019 was \$16,698.15

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)?? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

Library Services - First 5 Forever will contribute \$3500 + GST to the project and the South West Queensland Regional Arts Services Network will contribute \$5500 + GST to the project. First 5 Forever funding – WO# 16366.2542.2001

Library Services - First 5 Forever will absorb costs of marketing and venues to existing networks as their in-kind contribution to the project.

Empire Theatres will deliver the product to the Maranoa Region free of any additional costs and commitments and will coordinate all project and tour management including the booking of accommodation, payments to artists, hire of vehicle and liaising with library for scheduling and any other preparations.

The outcome is provided free to patrons and as a result there will be no box office to distribute.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)?? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Nil

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

Nil

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
Late cancellation of performance	Unlikely to occur. Community members turning up to a non-performance.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

Recommend that Council commits to hosting the F5F Show tour at Surat, Roma, Injune & Mitchell Libraries. Council should actively support the promotion of each of these events, which we can do quite effectively through the My Maranoa Facebook page, Bottle Tree Bulletin, community email lists and in house promotions.

The proposed dates for this tour are –

Monday 8 July –Roma, Show #1 @ 3pm

Tuesday 9 July –Injune Show #2 @ 10am, Mitchell, Show #3 @ 2.30pm,

Wednesday 10 July – Surat Show #4 @ 9.30am

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

Agree to host the First 5 Forever Show Tour at Roma, Injune, Mitchell and Surat Libraries from 8 - 10 July 2019.

Authorise the Chief Executive Officer to sign the Memorandum of Understanding with Empire Theatre's Projects Company Pty Ltd.

Fund the cost of \$3500 + GST through First 5 Forever Funding received from State Library of Qld. WO 16366.2542.2001

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.13 Provide library services and programs that connect people and support lifelong learning and enjoyment

4.13.4 Continue Library Corner, providing a range of activities and programs catering for diverse ages and interests.

Supporting Documentation:

[1](#) Memorandum of Understanding Maranoa F5F

D19/36942

Report authorised by:

Regional Sport & Recreation Development Coordinator

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services



Memorandum of Understanding

This memorandum of understanding is an agreement committing the following parties to the delivery of commitments of the *First 5 Forever – Show Tour* project as listed below.

The Project

First 5 Forever – Tour of small scale dramatic/musical reading of a children's book including an actor and up to 3 musicians.

Overview

A gap has been identified in affordable, creative and manageable delivery options for the First 5 Forever program particularly in western Queensland. The Empire Theatre, in partnership with Toowoomba Regional Council Library and Cultural Services are developing a show for touring into the wider region and are facilitating a tour into Maranoa and Balonne in July 2019. This MOU details the presentation partnership with Maranoa Regional Council and includes only the tour elements relevant to that area.

The Producer and Presenter

Empire Theatres Projects Company Pty Ltd, 56 Neil Street, Toowoomba Qld 4350 (ABN 61 135 705 878)

Contact – Jeanette Wedmaier, Projects Manager, 4698 9925, 0417 743 821

jeanette@empiretheatre.com.au

Collaborating Partner

Library Services, Maranoa Regional Council

Contact – Joanna Weinert, 4626 6120, Joanna.weinert@maranoa.qld.gov.au

Date/s – Proposed Tour schedule

Monday 8 July – Drive Toowoomba to Roma, Show #1 @ 3pm, stay overnight in Roma

Tuesday 9 July – Drive to Injune Show #2 @ 10am, Drive to Mitchell, Show #3 @ 2.30pm, Drive to Roma, overnight in Roma

Wednesday 10 July – drive to Surat Show #4 @ 9.30am, Drive to St George.

Partnership Parameters

Empire Theatres will deliver a performance ready product to the Maranoa region for presentation at agreed venues, dates and times.

The First 5 Forever team will assist with library venue and schedule coordination and marketing to existing networks and Empire Theatres supported by the Regional Arts Services Network will coordinate the artists and delivery of the product. This includes contracting and paying artists to industry standard and ensuring all artists have a current Blue Card.

Artists will drive themselves to the venues and the First 5 Forever team will support in the set up and pack down of each event including any coordination between library staff on site.

Fees and costs

Library Services - First 5 Forever will contribute \$3500 + GST to the project and the South West Queensland Regional Arts Services Network will contribute \$5500 + GST to the project.



Library Services - First 5 Forever will absorb costs of marketing and venues to existing networks as their in-kind contribution to the project.

Empire Theatres will deliver the product to the Maranoa Region free of any additional costs and commitments and will coordinate all project and tour management including the booking of accommodation, payments to artists, hire of vehicle and liaising with library for scheduling and any other preparations.

The outcome is provided free to patrons and as a result there will be no box office to distribute.

Marketing and Publicity

Library Services - First 5 Forever agrees to take the lead on marketing the events through established networks and calendar entries.

Empire Theatres and SWQ Regional Arts Services Network will support promotion through online social media mentions.

Acknowledgements

Logo acknowledgements on marketing collateral will include Maranoa Regional Council, First 5 Forever, Empire Theatres and SWQ Regional Arts Services Network.

The Understanding

The Producer and Collaborating Partner have received and read the above information and hereby put their signature in recognition of the sentiments expressed and in acknowledgement of information supplied.

This Memorandum of Understanding has been developed in good faith to ensure the greatest possible success for the forthcoming project.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and day first herein before mentioned.

SIGNED for and on behalf of

SWQ REGIONAL ARTS and EMPIRE THEATRE PROJECTS:

by the General Manager

and Administration Manager

SIGNED for and on behalf of

Library Services

in the presence of



Dated

OFFICER REPORT

Meeting: General 22 May 2019

Date: 16 May 2019

Item Number: 13.3

File Number: D19/37868

SUBJECT HEADING: Cobb & Co Festival 2019

Classification: Open Access

Officer's Title: Local Development Officer - Surat

Executive Summary:

Cobb & Co Festival committee request the use of the Cobb & Co Coach that is located in the Surat Cobb & Co Changing Station Museum, for the Cobb & Co Festival being held from 23-25 August 2019.

Officer's Recommendation:

That Council support the Cobb & Co Festival committee's request to use Cobb & Co Coach at the Cobb & Co Festival from the 23-25 August 2019.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

The Cobb & Co Committee.

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
<Insert Acronym>	<Provide details>

Context:

Why is the matter coming before Council?

Cobb & Co Festival committee request the use of the Cobb & Co Coach that is located in the Surat Cobb & Co Changing Station Museum, for Cobb & Co Festival being held on 23-25 August 2019. The Coach will be removed from the Surat Cobb & Co Changing Station Museum on Friday 23 August, as part of the festival. The committee will use the Coach on Friday afternoon to offer local Surat residents rides around town, and will then be at the Warroo Sporting Complex Friday night. The Coach will be on route along the Cobb & Co Way from Saturday 24 August – Sunday 25 August 2019. On Sunday afternoon the Coach will be used as part of the festival to offer local rides to the Yuleba residents. The Coach will then be transported back

to the Surat Cobb & Co Changing Station on Monday 26 August 2019 on the back of the trailer that is made to transport the coach.

This report will formalise the use of the Coach out of the Museum for the extended period over the Festival.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

Council has previously committed support to this event with cash sponsorship and in-kind sponsorship.

Resolution No. GM/01.2018/22

That Council:

- 1. Recognise the 95th Anniversary of Cobb and Co. Commemorative Trail Ride as one of the Maranoa's major events for 2019.***
- 2. Support the 95th Anniversary of Cobb and Co. Commemorative Trail Ride by way of providing in kind assistance up to the value of \$95,000 in future budget deliberations.***

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

n/a

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision?

What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

n/a

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

n/a

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

n/a

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? *Is this already included in the budget? (Include the account number and description).*

If the matter under consideration has not been included in the budget, where can the funds be transferred from? *(Include the account number and description) What will not be done as a result?*

n/a

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? *(e.g. estimate of additional maintenance or operating costs for a new or upgraded project)*

n/a

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns?

(Interested Parties Analysis - IS9001:2015)

The Cobb & Co Coach is the major exhibition object in the Cobb & Co Changing Station Museum, so whilst the coach is being used at the festival the museum is operating without it with lots of tourists in the region. The Cobb & Co Museum Committee support the use of the Coach in the Festival.

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) *(List each identified risk in a table)*

Risk	Description of likelihood & consequences
Community backlash if the coach is denied.	The festival cannot operate without the use of the Coach.
Coach is damaged in the process of being used as part of the Festival.	The Cobb & Co Festival committee are using a very experienced coach driver and team to operate the coach. They have also ensured that Steve Ralph the builder of the Coach is attending the Festival to travel with the Coach to ensure that it is safe to use and can be repaired if required. Steve has done pre-maintenance on the Coach to ensure it's safe to use. The Coach is insured.

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

That Council support the Cobb & Co Festival committee's request to use the Cobb & Co Coach at the Cobb & Co Festival from 23-25 August 2019.

Recommendation:

What is the 'draft decision' based on the advice to Council?

That Council support the Cobb & Co Festival committee's request to use Cobb & Co Coach at the Cobb & Co Festival from the 23-25 August 2019.

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

No

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

No

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.3 Attract visitors to our region to bring additional customers to our region's businesses

4.3.1 In partnership with the community, commence implementation of the Maranoa Tourism strategy, with the key strategies including: Position Maranoa as a destination of Outback Queensland - Enhance the network of Maranoa attractions - Big Rig progressively upgraded and expanded - Attract and feature high quality events - Enhance experience and adventure tourism and marketing of the Maranoa.

Supporting Documentation:

Nil

Report authorised by:

Regional Grants & Council Events Development Coordinator

Regional Sport & Recreation Development Coordinator

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

OFFICER REPORT

Meeting: General 22 May 2019

Date: 22 February 2019

Item Number: 13.4

File Number: D19/14051

SUBJECT HEADING: Australia Day 2019 Post Event Report

Classification: Open Access

Officer's Title: Regional Grants & Council Events Development Coordinator

Executive Summary:

A post event report on the Australia Day Awards & Celebrations held on 26 January 2019.

It is recommended that Council receive and note the officer's report as presented.

Officer's Recommendation:

That Council receive and note the officer's report as presented.

Individuals or Organisations to which the report applies:

Are there any individuals or organisations who stand to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of consideration of this matter?

(Note: This is to assist Councillors in identifying if they have a Material Personal Interest or Conflict of Interest in the agenda item - i.e. whether they should participate in the discussion and decision making).

N/a

Acronyms:

Are there any industry abbreviations that will be used in the report?

Note: This is important as particular professions or industries often use shortened terminology where they refer to the matter on a regular basis. However, for individuals not within the profession or industry it can significantly impact the readability of the report if these aren't explained at the start of the report).

Acronym	Description
CWA	Country Women's Association
COTY	Citizen of the Year

Context:

Why is the matter coming before Council?

Australia Day is one of the main Council events held each year. This report will provide Councillors with an overview of the celebrations across the region.

Background:

Has anything already happened in relation to this matter?

(Succinct overview of the relevant facts, without interpretation)

The annual Australia Day Awards and celebrations were held on Saturday, 26 January 2019 in Roma, Mitchell, Surat, Injune, and Wallumbilla. Council staff worked with local businesses and community organisations to deliver each event.

Council's 2019 Australia Day program was well received by community members with enthusiastic crowds in attendance throughout the region.

In addition, positive media coverage and feedback from community members was received.

Australia Day Event Programs:

Injune & District

Venue: Injune Memorial Hall and Pool

Councillors in attendance: Cr Chandler

Celebrations and activities: Australia Day Awards, cutting of the Australia Day Cake, Australiana games, live music (by Iain Jackson), give-aways, Clip Clop Wagon Tours and Aussie BBQ lunch. The pool was open in the afternoon.

Attendance: 90 people

Time: 9.30am

An informal survey form was available to participants. Of the 28 surveys that were handed in, they were all positive responses to the event as an opportunity to come together as a community, enjoy the company and celebrate achievements.

Local/Economic Development:

This local event provided economic benefits to the following community organisations and/or local businesses who were involved on the day:

- Men's Shed provided BBQ and soft drinks.
- Clip Clop Wagon Tours is an emerging tourist business, and thanked Council for the opportunity to 'make her dream come true', and received great feedback from the public while showcasing the product.
- 'Bessy the Ice-cream Truck' came from Roma, and was also able to promote 'her' local business.
- Iain Jackson (musician) has booked 2 more gigs from this event.

Mitchell & District

Venue: Mitchell Memorial Hall and pool

Celebrations and activities: Hot breakfast on the Spa deck for (subsidised) purchase, Awards Ceremony, cutting of the cake on spa deck, and free entry to swimming pool between 11am-1pm. (Note – the pool was closed for the rest of the afternoon.) 100 people at Awards ceremony and 50 people for a free swim.

Councillors in attendance: Cr Chambers

Attendance: 100 people

Time: 8am

Local/Economic Development:

This local event provided economic benefits to the following community organisations and/or local businesses who were involved on the day:

- Booringa Action Group/Great Artesian Spa provided breakfast and morning tea.
- Singer Maggie Caskey (volunteered her time as it was a community event)
- Mitchell Pool. (Council paid for the pool to be open from 11-1, however, it was shut for the afternoon).

Roma & District

Venue: Roma Cultural Centre and Pool

Attendance: 110 people

Time: 9am

Celebrations and activities: Welcome to Country, Australia Day Awards Ceremony, cutting of the Australia Day Cake, morning tea. There was no Citizenship Ceremony this year.

Council provided free entry to the pool, and Apex provided a BBQ lunch.

Councillors in attendance: Crs Golder, O'Neil, Scheffe and Flynn.

Local/Economic Development:

- Council provided free entry to the local pool, with 198 adults and 156 children in attendance.
- Apex provided a BBQ lunch at the pool, with support from Council.

Surat & District

Attendance: 85 people

Venue: Surat Riverside Parklands

Time: 9am

Celebrations and activities: Australia Day Awards Ceremony, cutting of the Australia Day Cake, Aussie themed morning tea. There was free entry to the pool in the afternoon, and a Pink Stumps cricket afternoon. There were 5 teams at the cricket, with around 125 people in attendance.

Councillors in attendance: Cr Newman.

Local/Economic Development:

The following community organisations and/or local businesses were involved in the Australia Day events:

- Surat Swimming Pool
- Surat Pink Stumps Committee
- Wendy McAlpine provided catering for morning tea.

Wallumbilla & District

Attendance: 114

Venue: Wallumbilla Hall

Time: 10am

Celebrations and activities: Australia Day Awards Ceremony, cutting of the Australia Day Cake. The CWA provided morning tea, and a BBQ lunch at the pool, which had free entry for the afternoon. There were approximately 100 people at the pool for lunch.

Councillors in attendance: Cr McMullen

Local/Economic Development:

The following community organisations and/or local businesses were involved in the Australia Day events:

- Wallumbilla CWA provided catering for morning tea, and lunch at the pool.
- Wallumbilla Pool

Marketing of Event Programs:

Event programs were communicated through the region via print media editorial, advertising and a range of additional marketing initiatives including:

- Editorial Coverage through local media.
- Posters on noticeboards.
- Council Website.
- Emails to Community Contact Lists.
- Social media

Post Event:

- Media through Western Star.
- Council organised a full page advertisement in the Western Star on Friday, 1 March with photos of all the COTYs and details of the other winners.
- March edition of Council news
- Local feedback to Bottle Tree Bulletin
- Social media.

Feedback:

- Timing of events worked well, avoiding the heat of the day.
- Thank you, Kim, council staff and Maranoa Regional Council for a wonderful Australia day celebration in Injune.
- Perhaps next year the recipients could have a chance to speak too?
- Having the Award recipients organised before Christmas again worked well for all departments involved.

The Local Development Team would like to thank all Councillors who were involved, and to make mention of Cr Newman, who was the Chair of the Australia Day awards panel, and coordinated a successful meeting which finished on time!

Legislation, Local Laws, State Policies & Other Regulatory Requirements:

What does the legislation and other statutory instruments include about the matter under consideration? (Include an extract of the relevant section's wording of the legislation – please do not just quote the section number as that is of no assistance to Councillors)

N/a

Council Policies or Asset Management Plans:

Does Council have a policy, plan or approach ordinarily followed for this type of decision? What are relevant sections of the policy or plan?

(Quote/insert the relevant section's wording / description within the report)

N/a

Input into the Report & Recommendation:

Have others' views or input been sourced in developing the report and recommendation to Council? (i.e. other than the report author?) What did each say? (Please include consultation with the funding body, any dates of critical importance or updates or approvals required)

Local Development Officers in Mitchell, Injune and Surat.
Regional Coordinator for Sport and Recreation

Funding Bodies:

Is the project externally funded (or proposed to be)? If so, are there any implications in relation to the funding agreement or grant application. (Please do not just include names)

N/a

This Financial Year's Budget:

Will the matter under consideration impact how much Council collects in income or how much it will spend? How much (\$)? Is this already included in the budget? (Include the account number and description).

If the matter under consideration has not been included in the budget, where can the funds be transferred from? (Include the account number and description) What will not be done as a result?

There was \$17,000 allocated in the 2018/19 financial year budget, with \$549 still available.

Future Years' Budgets:

Will there need to be a change in future years' budgets to cater for a change in income or increased expenditure as a result of Council's decision? How much (\$)? (e.g. estimate of additional maintenance or operating costs for a new or upgraded project)

Australia Day has historically received an annual allocation in Council's yearly budget.

Impact on Other Individuals or Interested Parties:

Is there anyone who is likely to be particularly interested in or impacted by the decision, or affected by the recommendation if adopted? What would be their key interests or concerns? (Interested Parties Analysis - IS9001:2015)

N/a

Risks:

What could go wrong if Council makes a decision on this matter? (What is the likelihood of it happening and the consequence if it does) (List each identified risk in a table)

Risk	Description of likelihood & consequences
<Insert Risk>	<Provide details>

Advice to Council:

What do you think Council should do, based on your skills, qualifications and experience, your knowledge of this and related matters, and the facts contained in the report?

(A summary of what the employee thinks Council needs to hear, not what they think individual Councillors want to hear – i.e. employees must provide sound and impartial advice – the employee's professional opinion)

That Council receive and note the officer's report as presented.

Recommendation:

What is the 'draft decision' based on the advice to Council?

Does the recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

(Note: recommendations if adopted by Council become a legal decision of government and therefore must be clear and succinct about the action required by employees (unambiguous)).

Does this recommendation suggest a decision contrary to an existing Council policy? If so, for what reason?

That Council receive and note the officer's report as presented.

Link to Corporate Plan:

Corporate Plan 2018-2023

Strategic Priority 4: Growing our region

4.11 Support development of our local communities through planning, programs and events

4.11.3 Deliver community based programs, planning, projects and initiatives in partnership with our local groups including town development, indigenous, tourism, arts, cultural and heritage, sporting and recreation.

Supporting Documentation:

Nil

Report authorised by:

Deputy Chief Executive Officer/Director - Development, Facilities & Environmental Services

Regional Sport & Recreation Development Coordinator