



I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 18 September 2019
Time: 9.00am
Location: Administration Centre
10 Furneaux Street
Cooktown

AGENDA AND BUSINESS PAPERS

Ordinary Council Meeting

18 September 2019

Linda Cardew
Chief Executive Officer

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1 AGENDA CONTENTS

2 ATTENDANCE

3 MEETING OPENED

4 APOLOGIES

5 ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges the Traditional Owners of the land on which we meet today and pay respect to Elders past, present and emerging.

6 DECLARATIONS OF INTEREST

7 MAYORAL MINUTE

Nil

8 NOTICE OF BEREAVEMENT

9 CONFIRMATION OF MINUTES

Ordinary Meeting - 21 August 2019








10 BUSINESS ARISING

11 NOTIFIED MOTIONS

Nil

12 COUNCILLORS' REPORTS

12.1 COUNCILLORS' MONTHLY REPORT

File Number:	D19/18674		
Author:	Executive Assistant		
Authoriser:	Linda Cardew, Chief Executive Officer		
Attachments:	1	Cr P Scott (Mayor)	
	2	Cr R Holmes (Deputy Mayor)	
	3	Cr J Dessmann	
	4	Cr J Giese	
	5	Cr L Hale	
	6	Cr K Price	
	7	Cr A Wilson	

PRECIS

Councillor monthly activity reports.

BACKGROUND/HISTORY

Each month Councillors report on their activities relating to their portfolios. An endorsement of the report is an endorsement of the attended and future activities. Not all activities will be listed in advance due to timing.

LINK TO CORPORATE PLAN

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

Various groups as per individual reports.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil.

POLICY IMPLICATIONS

Expense Reimbursement Policy (Councillor).

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget.

RECOMMENDATION

That the activities contained in the individual Councillors' monthly reports and travel requirements be endorsed by Council.

13 EXECUTIVE SERVICES - REPORTS

13.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT

File Number: D19/18675

Author: Chief Executive Officer

Authoriser: Linda Cardew, Chief Executive Officer

Attachments: 1 Chief Executive Officer's Report 

PRECIS

Chief Executive Officer's monthly report.

BACKGROUND/HISTORY

Each month the Chief Executive Officer reports on her activities. An endorsement of the report is an endorsement of the attended and future activities. Not all activities will be listed in advance due to timing.

LINK TO CORPORATE PLAN

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

Various groups and community members as indicated in the attached.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Expense Reimbursement Policy.


FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Operational Budget.

RECOMMENDATION

That the activities contained in the Chief Executive Officer's monthly report and travel requirements be endorsed by Council.

13.2 CHANGES TO NOVEMBER 2019 ORDINARY COUNCIL MEETING DATE

File Number: D19/18999
Author: Executive Assistant
Authoriser: Linda Cardew, Chief Executive Officer
Attachments: 1 Option 2 Calendar - Meeting Dates 

PRECIS

Section 277 of the *Local Government Regulation 2012* requires that at least once a year Council publish a notice of the days and times of Ordinary Council and standing committee meetings. Council's only standing committee meeting is the Planning and Environment Committee. This report recommends Council resolve to adopt the change to the November Ordinary Council Meeting date.

BACKGROUND/HISTORY

Councillor Larissa Hale has received an invitation to attend the World Ranger Congress in Nepal and Councillor Wilson is required to attend a Local Authority Waste Management Advisory Committee meeting. The Ordinary Council Meeting is currently scheduled for 20 November 2019 which would exclude accepting the invitations due the travel distance required. It is proposed that Council postpone its 20 November meeting until Monday 25 November to allow Councillor Hale and Councillor Wilson to be in attendance.

LINK TO CORPORATE PLAN

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

There was consultation with Mayor and Chief Executive Officer.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

There are no legal implications in adopting the proposed change of date.

POLICY IMPLICATIONS

There are no policy implications, however, a Resolution will put the meeting dates on the public record.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

There are no budgetary implications.

RECOMMENDATION

That Council resolves to:

1. Postpone the 20 November 2019 Ordinary Council Meeting until Monday 25 November 2019 and advertise the date change as required under Section 258 of the *Local Government Regulation 2012*.

14 ORGANISATIONAL BUSINESS SERVICES - REPORTS








14.1 FINANCIAL STATEMENTS - AUGUST 2019

File Number: D19/18711

Author: Director Organisational Business Services

Authoriser: Eric Brown, Director Organisational Business Services

Attachments:

- 1 **Statement of Comprehensive Income - August 2019** 
- 2 **Statement of Financial Position - August 2019** 
- 3 **Statement of Changes in Equity - August 2019** 
- 4 **Statement of Cash Flows - August 2019** 
- 5 **Revenue and Expenditure - August 2019** 
- 6 **Operational Plan Initiatives - August 2019** 
- 7 **Capital Works Program - August 2019** 

Precis

Presentation of the financial statements, revenue and expenditure, operational plan initiatives and capital works program for August 2019 as required under section 204 of the *Local Government Regulation 2012* (QLD). The report is presented for noting and indicates that Council is progressing satisfactorily against its current budget.

BACKGROUND/HISTORY

Each month, Council staff present a report on the overall position of Council through the financial statements, revenue and expenditure report, operational plan initiatives report and capital works program for the preceding month. The reports provide a summary of progress against the budget (or Operational Plan) for the financial year.

These reports have been finalised just prior to the end of August. As August is early in the financial year it is noted few transactions have flowed through the accounts. The previous year actuals have been updated, however it should be noted that the 2018/19 accounts have not been finalised and a number of accounting entries are still to be processed.

Statement of Comprehensive Income

The statement of comprehensive income identified that Council has received \$6.6M in recurrent revenue compared with the revenue budget of \$24.5M. Council has issued the first rate levy for the financial year.

In respect of the recurrent expenses, Council has incurred \$4.3M out of the budget of \$32.1M. The net operating result is currently identified at a \$2.2M surplus.

Statement of Financial Position

Council's cash position is \$10.3M. The cash balance has reduced significantly recently, and this is attributed to the commencement of DRFA works. The cash balance will continue to fluctuate due to the timing of grant income and expenditure on capital projects.

Generally Council must spend the grant funding then acquit the grants, and the subsequent approval and payment to Council may be some weeks afterwards.

Receivables and payables will continue to change during the year given the nature of those accounts. Council aims to pay creditors within their requested timelines. The large receivables balance is mostly related to rate receivables

Provisions accounts have not been finalised for the 2018-19 year. Employee provisions are not expected to change significantly. There is a new accounting standard that requires recognition of a restoration for landfill provision in the 2018/19 accounts as Council is now able to estimate the costs of restoration. The provision likely to increase significantly once it is captured at the end of this financial year as part of the financial statement preparation process. Council will recognise the provision in its accounts, but the outlay of cash will not occur until a future date.

Council has not undertaken any new borrowings, and no borrowings have been budgeted for the current year, which will result in a reduction in the borrowings liability during the year.

Statement of Cash Flows

Council's cash position is showing at \$10.3M, which is a decrease from the opening balance of \$19M [at 1 August 2019]. However, this balance will fluctuate dependent on expenditure on DRFA works and this decrease is not of material concern.

Revenue and expenditure

Overall Council's revenue and expenditure is tracking well against budget. Any concerns will be reported back to Council on an ongoing basis.

Operational plan Initiatives

Operational Plan initiatives may be grant funded or projects in addition to ordinary operational expenditure. They are included in the revenue and expenditure budget, but have been highlighted in a separate report so they can be more easily identified.

Capital Works Program

Council has a capital budget of \$51.3M, with \$48M expected to be grant funded. The capital budget includes a significant DRFA program, which has increased since the budget was adopted in June. DRFA works have commenced, but at the time of these reports being prepared few transactions have flowed through the accounts.

Some capital projects were not completed in the previous year and have carried forward to the current financial year. These are shown as a single line item. These items have not been included in the capital budget, however it is not anticipated Council will fully utilise the capital budget and these outstanding projects shall be absorbed.

For capital works that are externally funded, work shall not commence, other than minor preliminary costs, until the funding agreements have been executed. It is noted that any preliminary works are not acquitable against the grant.

The Capital Works Program will be continually assessed to ensure the expenditure is able to be offset against other works.

For example during the year it may be identified some projects will be completed using in-house with existing resources, therefore the budget set aside for this project will be able to be reallocated to unplanned capital works.

Failure of critical assets is another example of reallocation of budgetary resources. Ideally Council would maintain assets to a standard and spend an amount equivalent to its annual depreciation to achieve this. This has not occurred in the past, but Council will continue to work towards this goal.

LINK TO CORPORATE PLAN

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 1: Develop an achievable long term financial, resource and infrastructure plan to ensure ongoing capacity to fund operations and capital works programs that underpin council's long-term strategy to achieve financial sustainability.

Objective 1a: Council's long-term financial plan is compiled and linked to Council's Corporate and Operational Plans.

CONSULTATION

Executive Leadership Team, Managers and relevant Operational Staff.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Local Government Regulation 2012 (QLD) in particular section 204, which states:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must 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.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

Local Government Act 2009

POLICY IMPLICATIONS

There are no current policy implications that need to be considered within this report as the report is for noting. However, the following Council policies are relevant:

Investment Policy

Debt Policy

Revenue Policy

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

The report above identifies how Council is tracking against the adopted operational and capital budgets for the 2019-20 financial year. The report identifies that Council is tracking satisfactorily against the adopted budget at present.

RECOMMENDATION

That Council resolves to:


1. Note the financial report as required under section 204 of the *Local Government Regulation 2012* (QLD) for August 2019.
2. Note the revenue and expenditure statement for August 2019.
3. Note the operational plan initiatives report for August 2019.
4. Note the capital works program for August 2019.

14.2 ANNUAL DELEGATION REVIEW - INSTRUMENT OF DELEGATION TO CEO BY COUNCIL RESOLUTION

File Number: D19/15749

Author: Governance & Risk Manager

Authoriser: Eric Brown, Director Organisational Business Services

Attachments: 1 Delegations Register (1st Register) Complete Council to CEO - September 2019 (under separate cover) 

PRECIS

In accordance with section 257 of the *Local Government Act 2009 (QLD)* Council is required to annually review the Local Government powers delegated by Council to the Chief Executive Officer. The purpose of this report is to present the reviewed delegations to Council for adoption, and thereby delegate these to the Chief Executive Officer.

BACKGROUND/HISTORY

Chapter 7, Part 5, Section 257 of the Queensland *Local Government Act 2009* reads as follows:

- (1) A local government may, by resolution, delegate a power under this Act or another Act to-
 - a) The Mayor; or
 - b) The Chief Executive Officer; or
 - c) A Standing Committee, or Joint Standing Committee, of the local government; or
 - d) The Chairperson of a Standing Committee, or Joint Standing Committee of the local government; or
 - e) Another local government, for the purposes of a joint government activity.
- (2) However, a local government may only delegate a power to make a decision about a councillor's conduct under section 150AG to:
 - a) the Mayor; or
 - b) a standing committee of the local government.
- (3) Also a local government must not delegate a power that an Act states must be exercised by resolution.
- (4) A **joint standing committee**, of the local government, is a committee consisting of councillors of 2 or more of the local governments.
- (5) A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.

On Tuesday October 16, 2018 Council resolved to:

1. Amend Paragraph 1 of Council's Resolution from the Ordinary Council meeting of 21 August 2018 (file number D18/1577) and replace with Paragraphs 2 and 3 below.
2. Delegate to the Chief Executive Officer the exercise of all powers as outlined in the attached Delegations Register, and reserve for Council the exercise of all powers as outlined in the attached Delegations Register.
3. Delegate to the Chief Executive Officer the authority to delegate any powers to Council officers to act on behalf of Council in their roles as authorised officers under all relevant Acts and legislation.

Resolution Number: 2018/203

The Delegations Register endorsed in October 2018 has been reviewed in accordance with Section 257(5) of the *Local Government Act 2009*. The reviewed Register is attached.

Changes to the Register have been documented (by Act or Regulation) under the section of the report titled Delegation Register Review (below). Overarching changes to the Register include:

1. The inclusion of standardised terms and conditions to which the delegation of all powers are subject;
2. The delegation of powers to the Chief Executive Officer (where appropriate) where those powers are to be sub-delegated to an employee or contractor to support operational efficiency*;
3. The return of powers to Council where the power is not applicable to Council's operations or where Council is best placed to enact that power; and
4. The reconciliation of powers that cannot be delegated by Council against powers delegated to the Chief Executive Officer.

* Section 259 of the *Local Government Act (2009)* provides for sub-delegation of powers granted to the Chief Executive Officers by resolution or by the State:

DELEGATION REGISTER REVIEW

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
ABORIGINAL CULTURAL HERITAGE ACT 2003	No Change to CEO Delegations
ACQUISITION OF LAND ACT 1967	No Change to CEO Delegations
AGED CARE ACT 1997 (CTH)	NA
ANIMAL CARE AND PROTECTION ACT 2001	No Change to CEO Delegations
ANIMAL CARE AND PROTECTION REGULATION 2012	NA
ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008	Minor Amendments to CEO Delegations to Facilitate Operational Efficiency
BIOSECURITY ACT 2014	No Change to CEO Delegations
BODY CORPORATE AND COMMUNITY MANAGEMENT (ACCOMMODATION MODULE) REGULATION 2008	Register Delegated to CEO New Inclusion
BODY CORPORATE AND COMMUNITY MANAGEMENT (COMMERCIAL MODULE) REGULATION 2008	Register Delegated to CEO New Inclusion

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
BODY CORPORATE AND COMMUNITY MANAGEMENT (SMALL SCHEMES MODULE) REGULATION 2008	Register Delegated to CEO New Inclusion
BODY CORPORATE AND COMMUNITY MANAGEMENT (SPECIFIED TWO LOT SCHEMES MODULE) REGULATION 2018	Register Delegated to CEO New Inclusion
BODY CORPORATE COMMUNITY MANAGEMENT (STANDARD MODULE) REGULATION 2008	Register Delegated to CEO New Inclusion
BODY CORPORATE COMMUNITY MANAGEMENT ACT 1997	Register Delegated to CEO New Inclusion
BUILDING ACT 1975	CEO Delegations amended in line with changing legislation & operational requirements.
BUILDING REGULATION 2006	CEO Delegations amended in line with changing legislation.
COASTAL PROTECTION AND MANAGEMENT ACT 1995	CEO Delegations amended in line with operational requirements.
DEVELOPMENT ASSESSMENT RULES	No Change to CEO Delegations
DISASTER MANAGEMENT ACT 2003	No Change to CEO Delegations
DISASTER MANAGEMENT REGULATION 2014	No Change to CEO Delegations
ECONOMIC DEVELOPMENT ACT 2012	CEO Delegations amended in line with operational requirements.
ELECTRICITY ACT 1994	No Change to CEO Delegations
ELECTRICITY REGULATION 2006	No Change to CEO Delegations
ENVIRONMENTAL OFFSETS ACT 2014	Register Delegated to CEO New Inclusion
ENVIRONMENTAL OFFSETS REGULATION 2014	Register Delegated to CEO New Inclusion

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
ENVIRONMENTAL PROTECTION (WATER) POLICY 2009	No Change to CEO Delegations
ENVIRONMENTAL PROTECTION ACT 1994	Amendments to CEO Delegations to Facilitate Operational Efficiency.
ENVIRONMENTAL PROTECTION REGULATION 2008	Register Delegated to CEO New Inclusion
FIRE AND EMERGENCY SERVICES ACT 1990	CEO Delegations amended in line with changing legislation & operational requirements.
FOOD ACT 2006	No Change to CEO Delegations
FOOD PRODUCTION (SAFETY) ACT 2000	No Change to CEO Delegations
HEAVY VEHICLE (MASS, DIMENSION AND LOADING) NATIONAL REGULATION	No Changes to CEO Delegations
HEAVY VEHICLE NATIONAL LAW (QLD)	Updated CEO Delegations in line with new legislation.
HEAVY VEHICLE NATIONAL LAW REGULATION 2014	Power Retained by Council
HOUSING ACT 2003	No Change to CEO Delegations
HOUSING REGULATION 2015	No Change to CEO Delegations
INDUSTRIAL RELATIONS ACT 2016	Minor updates to CEO Delegations as per legislative change.
INDUSTRIAL RELATIONS REGULATION 2018	No Change to CEO Delegations
INFORMATION PRIVACY ACT 2009	No Change to CEO Delegations
INTERGRITY ACT	No powers to be delegated by Council to CEO
LABOUR HIRE LICENSING ACT 2017	NA
LAND ACCESS OMBUDSMAN ACT 2017	New Register Delegated to CEO
LAND ACT 1994	CEO Delegations updated in line with changes in legislation. Amendments made to functional CEO delegations i.e. serving of notices, lodgement of notices or submissions etc.

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
LAND TITLE ACT 1994	Operational Register Previously Not Delegated Delegated to CEO
LAND VALUATION ACT 2010	New Register Delegated to CEO
LIQUOR ACT 1994	Minor changes to CEO Delegations. Return of Several Delegations to Council.
LOCAL GOVERNMENT ACT 2009	CEO Delegations updated in line with changes in legislation. Amendments made to functional CEO delegations i.e. serving of notices, lodgement of notices or submissions etc.
LOCAL GOVERNMENT REGULATION 2012	CEO Delegations updated in line with changes in legislation. Ability to dispose of a non-commercial lease or tenancy arrangement included as a delegation to the CEO from Council Amendments made to functional CEO delegations i.e. serving of notices, lodgement of notices or submissions etc.
MINERAL AND ENERGY RESOURCES (COMMON PROVISIONS) ACT 2014	Register Delegated to CEO. Previously Not Delegated.
MINERAL RESOURCES ACT 1989	Register Delegated to CEO. Previously Not Delegated.
MINING AND QUARRYING SAFETY AND HEALTH ACT 1999	Register Delegated to CEO. Previously Not Delegated.
MINING AND QUARRYING SAFETY AND HEALTH REGULATION 2017	Register Delegated to CEO. Previously Not Delegated.
NATURE CONSERVATION (ADMINISTRATION) REGULATION 2017	CEO Delegations updated in line with changes in legislation.
NATURE CONSERVATION (PROTECTED AREAS MANAGEMENT) REGULATION 2017	CEO Delegations updated in line with changes in legislation.
NATURE CONSERVATION (WILDLIFE MANAGEMENT) REGULATION 2006	No Change to CEO Delegations
NATURE CONSERVATION ACT 1992	No Change to CEO Delegations
PEACEFUL ASSEMBLY ACT 1992	New Register

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
	Council powers delegated to CEO
PLANNING ACT 2016	Delegations related to <i>Sustainable Planning Act 2009</i> removed. Minor amendments to CEO Delegations to improve operational functionality and more accurately reflect Council's powers with reference to the Act.
PLANNING AND ENVIRONMENTAL COURT ACT 2016	Minor Change to CEO Delegations. Conditions updated. Return of Some Delegations to Council.
PLANNING REGULATION 2017	No Change to CEO Delegations
PLUMBING AND DRAINAGE ACT 2002	No Change to CEO Delegations
PLUMBING AND DRAINAGE ACT 2018	New Register Council powers delegated to CEO
PLUMBING AND DRAINAGE REGULATION 2019	New Register Council powers delegated to CEO
PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003	No Change to CEO Delegations
PUBLIC HEALTH ACT 2005	No Change to CEO Delegations
PUBLIC HEALTH REGULATION 2018	CEO Delegations updated in line with changes in legislation.
PUBLIC INTEREST DISCLOSURE ACT 2010	No Change to CEO Delegations
PUBLIC SECTOR ETHICS ACT 1994	No powers to be delegated by Council to CEO
PUBLIC RECORDS ACT 2002	CEO Delegations updated in line with changes in legislation.
QUEENSLAND HERITAGE ACT 1992	CEO Delegations updated in line with changes in legislation.
QUEENSLAND RECONSTRUCTION AUTHORITY ACT 2011	No Change to CEO Delegations
RESIDENTIAL SERVICES (ACCREDITATION) ACT 2002	CEO Delegations updated in line with changes in legislation.

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION ACT 2008	No Change to CEO Delegations
RIGHT TO INFORMATION ACT 2009	No Change to CEO Delegations
RIVER IMPROVEMENT TRUST ACT 1940	CEO Delegations updated to manage operational functionality
STATUTORY BODIES FINANCIAL ARRANGEMENTS ACT 1982	CEO Delegations Updated to return to Council powers relating to investment and debt.
SAFETY IN RECREATIONAL WATER ACTIVITIES ACT 2011	No changes to CEO Delegations.
STANDARD PLUMBING AND DRAINAGE REGULATION 2003	No changes to CEO Delegations.
STATE PENALTIES ENFORCEMENT ACT 1999	CEO Delegations updated in line with changes in legislation.
STOCK ROUTE MANAGEMENT ACT 2002	Register Delegated to CEO New Inclusion
STRONG AND SUSTAINABLE RESOURCE COMMUNITIES ACT 2017	Register Delegated to CEO New Inclusion
SUMMARY OFFENCES ACT 2005	No Change to CEO Delegations
SUMMARY OFFENCES REGULATION 2006	No Change to CEO Delegations
SURVEY AND MAPPING INFRASTRUCTURE ACT 2003	No Change to CEO Delegations
SUSTAINABLE PLANNING ACT 2009	Register Deleted
TOBACCO AND OTHER SMOKING PRODUCTS ACT 1998	No Change to CEO Delegations
TRANSPORT INFRASTRUCTURE (PUBLIC MARINE FACILITIES) REGULATION 2011	No Change to CEO Delegations
TRANSPORT INFRASTRUCTURE (RAIL) REGULATION 2006	NA

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
TRANSPORT INFRASTRUCTURE ACT 1994	CEO Delegations amended in line with operational requirement.
TRANSPORT OPERATIONS (MARINE POLLUTION) ACT 1995	No Change to CEO Delegations
TRANSPORT OPERATIONS (MARINE SAFETY) ACT 1994	No Change to CEO Delegations
TRANSPORT OPERATIONS (MARINE SAFETY) REGULATION 2016	CEO Delegations updated in line with changes in legislation.
TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995	No Change to CEO Delegations
TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—ACCREDITATION AND OTHER PROVISIONS) REGULATION 2015	CEO Delegations updated in line with changes in legislation.
TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—ROAD RULES) REGULATION 2009	CEO Delegations updated in line with changes in legislation.
TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—VEHICLE REGISTRATION) REGULATION 2010	CEO Delegations updated in line with changes in legislation.
TRUSTS ACT 1973	No Change to CEO Delegations
WASTE REDUCTION AND RECYCLING ACT 2011	CEO Delegations updated in line with changes in legislation and operational requirement
WASTE REDUCTION AND RECYCLING REGULATION 2011	Register Delegated to CEO. Previously Not Delegated.
WATER ACT 2000	<p>New Legislation Included in Delegations Register and Delegated to CEO.</p> <p>Minor amendments to CEO Delegations to improve operational functionality and more accurately reflect Council's powers with reference to the Act.</p>
WATER FLUORIDATION ACT 2008	No Change to CEO Delegations
WATER REGULATION 2016	CEO Delegations updated in line with changes in legislation

ACT / REGULATION	CHANGES TO COUNCIL TO CEO
WATER SUPPLY (SAFETY RELIABILITY) ACT 2008	No Change to CEO Delegations
WORK HEALTH AND SAFETY ACT 2011	New legislation included in Delegations Register and delegated to CEO. Minor amendments to CEO Delegations to improve operational functionality
WORK HEALTH AND SAFETY REGULATION 2011	No Change to CEO Delegations
WORKERS' COMPENSATION AND REHABILITATION ACT 2003	Amendments to CEO Delegations to improve operational functionality and more accurately reflect Council's powers with reference to the Act.
WORKERS' COMPENSATION AND REHABILITATION REGULATION 2003	Amendments to CEO Delegations to improve operational functionality and more accurately reflect Council's powers with reference to the Act.

LINK TO CORPORATE PLAN

Key Strategy Priority: Governance - Accountable, responsible and appropriate governance and management reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

Strategy 3: Develop a clear communication plan to inform the workforce, community and elected members in order to achieve greater understanding of council decision making processes, policies, legislation and compliance requirements.

Objective 3c: The community is kept informed and is generally well satisfied with the overall leadership and strategic direction undertaken by Council.

CONSULTATION

Consultation undertaken as part of the Delegation Register review included:

The inclusion of changes to the Acts and Regulations detailed in the Delegations Register as itemised by King and Co. • The presentation of the Register to the Executive Leadership Team (for endorsement and information).

- Interdepartmental discussion.
- Historical referencing of legal advice (King and Co.).

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

1. It is a statutory requirement that Council annually review delegations to the Chief Executive Officer. Section 260 of the Local Government Act 2009 requires the Chief Executive Officer to establish and maintain a register of delegations and that the register be made available to the public for inspection. To ensure legislative compliance, once adopted, the reviewed Register will be made available for viewing on Council's website.

2. Powers delegated to Chief Executive Officer, by way of Council Resolution or legislative provision, underpin the operational and strategic management of Council. Risk associated with adopting the reviewed Register and delegating the recommended powers include:
 - a) the incorrect application of those powers;
 - b) failure to de-escalate powers as necessary;
 - c) lack of understanding at an operational level as to which powers may be enacted, which powers have been sub-delegated and which powers are retained by Council; and,
 - d) failure to implement the Delegations as adopted.

To counter the above risks standardised conditions have been implemented (as previously highlighted) and the Delegations Register, once adopted, will be disseminated throughout the workforce. This will be accompanied by the Delegations Register/s for powers and authorisations that have been delegated or granted to employees or contractors by the Chief Executive Officer. These Registers will also be forwarded to Cook Shire's elected members for Information.

POLICY IMPLICATIONS

Powers delegated to the Chief Executive Officer include, under various individual Acts and Regulations, the requirement to keep certain policies and registers. These policies are itemised (by Act or Regulation) and, except where sub-delegation is prohibited, will be implemented and enforced by those employees or contractors in receipt of the relevant power.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

Once adopted the reviewed Delegations Register includes the power to enter into contracts, source revenue and expend funds in accordance with Council's adopted budget. Whilst the power to enter into large sized contracts requires Council resolution, delegating powers with reference to revenue generation and expenditure provides for the management of Council in line with Council's budget and adopted local laws and policy.

RECOMMENDATION

That Council, under the relevant Acts and Regulations:

1. delegate under section 257 of the *Local Government Act 2009* (QLD) to the Chief Executive Officer the exercise of Council's powers as specified in the attached Delegations Register, and retain for Council those powers not delegated to the Chief Executive Officer; and
2. delegate under section 259 of the *Local Government Act 2009* (QLD) to the Chief Executive Officer the authority to further delegate those powers to Council employees and contractors that have been delegated to the Chief Executive Officer by Council or by way of Act or Regulation; and
3. revoke all prior delegations made to the Chief Executive Officer in the previous delegation register as delegated by Council in August 2018.

14.3 COOKTOWN 2020 ADVISORY COMMITTEE, JULY AND AUGUST MEETING MINUTES**File Number:** D19/17569**Author:** Events and Cultural Officer**Authoriser:** Sally Eales, Manager Tourism**Attachments:** 1 Minutes - Cooktown 2020 Advisory Committee - July 2019 
2 Minutes - Cooktown 2020 Advisory Committee - August 2019 **PRECIS**

The Cooktown 2020 Advisory Committee is an advisory board, providing input to the development and creation of the proposed Cooktown Expo 2020. The purpose of this Report is to table the Minutes and associated recommendations from the meetings held on 1 July 2019 and 12 August 2019.

BACKGROUND/HISTORY

The Cooktown 2020 Advisory Committee was established in 2014 to develop and coordinate the Cooktown 2020 celebrations and program of events. The committee is made up of a number of community key stakeholders, Traditional Owners and Cook Shire Council staff. The Advisory Committee is governed by the "Terms of Reference: *Cooktown 2020 Advisory Committee*, version 11." adopted by Cook Shire Council in November 2018.

Items covered in the July the meeting included:

- Progress with seeking funding support from Qantas Airways.
- Confirmation that the Queensland Department of Transport and Main Roads would be undertaking a bed levelling exercise in time for the safe arrival of the Replica Endeavour in 2020.
- An update on the Conference being organised by Royal Historical Society of Queensland
- An update from the NTAQ Board – approved budget for essential works at the James Cook Museum (over \$1m) and curatorial refresh. A Development Application has been lodged with Council.
- The Hope Vale choir has been invited to participate in the Cooktown Cantata.
- An update on engagement with Hope Vale and Wujal Wujal Aboriginal Shire Councils

Items covered in the August the meeting included:

- Cook Shire Council is in the process of launching a new Cooktown Expo 2020 website, following a redevelopment with the new branding, Expo dates and confirmed program details
- An Operations Coordinator has been appointed to provide assistance with the delivery of the Expo
- A sponsorship consultant from Brand Ambassadors has been appointed to assist with securing funding for the Expo.
- JCU, National Museum, National Library and the Australian National Maritime Museum have confirmed programming support for 2020.

LINK TO CORPORATE PLAN

Key Strategic Priority: Community - A sense of common purpose, whilst retaining local diversity, with goals and aspirations of individual communities reflected in local strategy and planning.

Strategy 2: Develop and build on community engagement measures to encourage inclusiveness and partnerships within communities

Objective 2a: Community engagement measures are developed and implemented

Strategy 4: Encourage vibrant and active community participation in arts, culture and natural heritage activities to enrich lifestyle and encourage tourism

Objective 4a: Visitors and locals are attracted to arts, cultural and heritage destinations within the Shire

Key Strategic Priority: Economy – Locality specific economic growth, appropriate to each community and the Shire as a whole.

Strategy 2: In partnership with local business, industry groups, economic and regional development organisations and neighbouring local governments continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

Objective 2c: Tourist and visitor number

CONSULTATION

There has been consultation with the Cooktown 2020 Advisory Committee at its meetings on 1 July and 12 August 2019.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

An allocation for festival related expenses was approved by Council in the 2019/20 budget.

RECOMMENDATION

That the Minutes from the Cooktown 2020 Advisory Committee meetings on 1 July and 12 August 2019 be noted.

15 INFRASTRUCTURE - REPORTS

15.1 DRINKING WATER QUALITY POLICY

File Number: D19/18857

Author: Manager Water and Wastewater

Authoriser: David Klye, Director Infrastructure

Attachments: 1 DRAFT - Drinking Water Quality Policy 

PRECIS

A Draft Drinking Water Quality Policy is presented for Council consideration. The draft policy is in line with industry standard practice and is in line with current Cook Shire water supply management practices.

BACKGROUND/HISTORY

The Australian Drinking Water Guidelines strongly recommends that water supply authorities adopt a drinking water quality policy. The purpose of the policy is to ensure the adoption and use of a risk-based philosophy and a “catchment to tap” approach when identifying and managing potential threats to drinking water quality.

Cook Shire Council has four drinking water supplies in Cooktown, Lakeland, Laura and Coen. The four water supplies already have Drinking Water Quality Management Plans required under the draft policy.

The adoption of a Drinking Water Quality Policy indicates to the regulator and to ratepayers Council’s commitment to the provision of safe drinking water supplies in Cooktown, Lakeland, Laura and Coen.

LINK TO CORPORATE PLAN

GOV 4f. Council activities comply with applicable legislation through well maintained policies, procedures and information systems that guide and facilitate good decision making.

CONSULTATION

No public consultation has taken place for the policy. ELT has reviewed and approved the policy for Council consideration.

LEGAL IMPLICATIONS (STATUTORY, BASIS, LEGAL RISKS)

There are no legal implications directly related to the adoption of a Drinking Water Quality Policy. Legislative requirements for drinking water quality is governed through the Drinking Water Quality Management Plans. The Shire is already operating in accordance with the tenets of the draft policy.

POLICY IMPLICATIONS

The adoption of the draft policy will formalize Council’s commitment to ensuring that the provision of water meets the Australian Drinking Water Guidelines. Adoption of the draft policy will not require any changes be made to current practices or procedures.

FINANCIAL AND RESOURCE IMPLICATIONS (BUDGETARY)

There are no financial or resource implications associated with adoption of the draft policy. The Shire is providing water services and operating in accordance with the draft policy.

RECOMMENDATION

That Council adopt the attached draft Drinking Water Quality Policy dated September 2019.

16 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Regulation 2012:

16.1 Q1719 - Supply and delivery of Bulk Carbon Dioxide (CO2)

This matter is considered to be confidential under Section 275(e) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by Cook Shire Council.

16.2 Request for General Rate Remission

This matter is considered to be confidential under Section 275(d) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.3 Request for Concession on Water Consumption

This matter is considered to be confidential under Section 275(d) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.4 Request for Concession on Water Consumption

This matter is considered to be confidential under Section 275(d) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.5 Request for Concession on Water Consumption

This matter is considered to be confidential under Section 275(d) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

16.6 Application - Permit to Occupy - Annan Road

This matter is considered to be confidential under Section 275(e) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by Cook Shire Council.