



# ORDINARY MEETING

## AGENDA

**8 DECEMBER 2020**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 8 December 2020 commencing at 9:00am for transaction of the enclosed business.*

*In line with section 277E of the Local Government Regulation 2012, it has been determined that it is not practicable for the public to attend Council meetings in person at the current time. Until further notice, Council meetings will instead take place via videoconference and will be livestreamed online.*

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

**CHIEF EXECUTIVE OFFICER**  
3 December 2020

Next Meeting Date: 27.01.21

**Please note:**

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

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**1 OPENING**

- 1.1 Acknowledgement of Country
- 1.2 Opening prayer presented by Pastor David Hood from Peace Christian Church

**2 PRESENT**

Members Present:

- Acting Mayor, Councillor N K Fisher (Chairperson)
- Councillor S Latcham
- Councillor A P Williams
- Councillor C E Smith
- Councillor C R Rutherford
- Councillor D Kirkland

In Attendance:

- Mr E Pardon – Chief Executive Officer

**3 APOLOGIES AND LEAVE OF ABSENCE**

Councillor Drew Wickerson - Leave of Absence from 7 December 2020 to 11 December 2020

**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 24 November 2020

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA**

## 6 BUSINESS OUTSTANDING

### 6.1 LIFTING MATTERS FROM THE TABLE

**File No:** 11979  
**Attachments:** Nil  
**Authorising Officer:** Evan Pardon - Chief Executive Officer  
**Author:** Evan Pardon - Chief Executive Officer

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#### SUMMARY

*Items laid on the table require a report to be lifted from the table before being dealt with. This report is designed to lift the reports that have been laid on the table at previous meetings.*

#### OFFICER'S RECOMMENDATION

THAT following matters be lifted from the table and dealt with accordingly:

- Extension of Current Trustee Lease – Rockhampton Tennis Limited
- Rotary West Trustee Permit Walter Pierce Kitchen

**7 PUBLIC FORUMS/DEPUTATIONS**

Nil

**8 PRESENTATION OF PETITIONS**

Nil

**9 COUNCILLOR/DELEGATE REPORTS**

Nil

## 10 OFFICERS' REPORTS

### ADVANCE ROCKHAMPTON – ECONOMIC DEVELOPMENT AND EVENTS

*Councillor Portfolio – Acting Mayor Councillor Fisher Assistant Portfolio – Councillor Williams*

#### 10.1 RENEWAL OF DEVELOPMENT INCENTIVES POLICY

<b>File No:</b>	<b>13674</b>
<b>Attachments:</b>	<b>1. New Development Incentives Policy 1 January 2021 to 31 December 2021</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Greg Bowden - Executive Manager Advance Rockhampton</b>
<b>Author:</b>	<b>Rick Palmer - Senior Executive Industry Engagement</b>

#### SUMMARY

*This report provides details of and proposal for a continuation and improvement of the current Development Incentives Policy.*

#### OFFICER'S RECOMMENDATION

THAT a new Development Incentives Policy be approved to apply from 1 January 2021 until 31 December 2021.

#### COMMENTARY

Council's current Development Incentives Policy, which expires on 31 December 2020, has applied since 15 May 2018.

The Policy provides for a concession of up to 75 per cent of infrastructure charges and project facilitation for the following eligible land uses:

- Medical, health & community services;
- Destination tourism facility;
- Educational & training establishment;
- Aged care & retirement facility;
- Farm stay accommodation; and
- Resources sector.

These six economic sectors strongly rely on the Region being an important regional service centre.

The current Policy conditions requires that projects need to commence within one (1) year of the development application being approved by Council.

It is important to note that this policy is an incentives policy concentrating on sectors/area that may not be developed if the incentives were not in place.

The proposal can be assessed upon the future revenue and economic activity created by new developments which may not have occurred if the incentives were not offered.

#### Funded Projects

The first version of the Development Incentives Policy was introduced in 2013 and since then 25 developments have received the incentives. This has cost Council \$1.846 million or an annual average of \$263,714 over seven years. It has helped incentivise proponents to make investments and create economic growth opportunities in the region that may not have been possible without this policy.





**Time Extension**

The current Policy provides that “the use must commence within one (1) year of the properly made development application being approved by Council”.

Council’s experience has shown a year is insufficient time in which to start these projects and that three years would be a more realistic time limit.

**Policy Effectiveness**

There is a feeling the use of this Policy has little influence over the rate of development although if we see new interest in the region it will allow us to react quickly to attract new investment before they look elsewhere in regional Queensland. The inclusion of multiple dwellings in the extended Policy is unlikely in itself to see any drastic increase in development of projects like multiple dwellings.

The payment of this incentive is exactly what it says ‘an incentive’. An investor considers many other more influential demand and cost considerations than just infrastructure charges.

Accelerated densification of the area bounded by Victoria Parade and North, Alma and Fitzroy Streets may lead to the bringing forward of some water treatment plant upgrades that will need to be strategically planned for Council funding.

A copy of a new Policy is attached to this report. To help understanding of the new provisions, the tracked changes are shown. This includes the addition of multiple dwellings as an eligible land use within the area bounded by Victoria Parade and North, Alma and Fitzroy Streets and extends the time for project commencement to three years.

**BACKGROUND**

Council has had a Development Incentives Policy in place since December 2013.

The first policy, which expired in July 2017, provided for:

- 100 per cent concession of infrastructure charges for developments in two key CBD precincts;
- 50 per cent concession of infrastructure charges for:
  - Residential developments in Inner City North Cultural Special Use Precinct; and
  - Non-residential developments throughout the Rockhampton Region.

It also provided for a refund of development application fees and service and connection fees, and project facilitation.

The second policy which ran from August 2017 to May 2018, provided for a concession of up to 75 per cent of infrastructure charges and project facilitation for the following eligible land uses:

- Medical, health & community services;
- Destination tourism facility;
- Educational & training establishment;
- Aged care & retirement facility; and
- Farm stay accommodation.

**PREVIOUS DECISIONS**

Council introduced its first Development Incentives Policy in December 2013 and refined the Policy in 2017 and 2018.

**BUDGET IMPLICATIONS**

Twenty five developments have been funded under the Policies at a cost to Council of \$1.846 million or an annual average of \$263,714 over seven years. It is important to note this policy is an incentives policy concentrating on sectors/area that may not have been developed if the incentives were not in place.

**RISK ASSESSMENT**

Two risks to Council have been identified.

The first is Council may need to fund the gap between the funds collected through infrastructure charges and the cost of trunk infrastructure required.

The second is there could be a large number of development incentive applications which Council would be called upon to fund.

These risks can be assessed upon the future revenue of any such development which may not have occurred if the incentives were not offered.

**CORPORATE/OPERATIONAL PLAN**

The 2017-22 Corporate Plan includes the goal for the economy of developing a thriving regional capital that creates and nurtures diverse opportunities to balance work, play and growth.

It does that by:

- Value adding to the strengths of industry development which deepen regional economic activity;
- Redeveloping and activating major urban places to attract investment, economic growth opportunities and improve lifestyles;
- Drive infrastructure services to deliver future economic growth;
- Promote, foster and embrace growth opportunities, strategic investment and international exports; and
- Promote industry diversification to enhance regional economic resilience.

These objectives are then supported by 16 actions outlined in the 202-21 Operational Plan including:

- Review and update Council's Economic Development Strategy and Action Plan to deliver tangible economic and social outcomes to the Region; and
- Develop strategies and initiatives that promote redevelopment, business attraction and growth and ultimately revitalize all the Region's commercial centres.

**CONCLUSION**

The new Policy will provide flexibility to act quickly upon new economic growth opportunities for the region. It concentrates on sectors that we would like to attract to the region or are currently lacking in the region.

While the risks involved in refining and extending the Development Incentives Policy have been identified it is considered that the future revenue and economic activity is a positive for the region.

It will also enable Council to align this Policy with its new Economic Development and Action Plans following adoption in 2021.

# **RENEWAL OF DEVELOPMENT INCENTIVES POLICY**

## **New Development Incentives Policy 1 January 2021 to 31 December 2021**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

## DEVELOPMENT INCENTIVES POLICY

1 ~~JANUARY 20215-MAY-2018~~ to 31  
DECEMBER 202~~10~~

COMMUNITY POLICY



### 1 Scope

This policy applies to qualifying developments within the Rockhampton Region. The policy scope excludes developments by or on the behalf of State or Federal Government Departments, Agencies or Government Owned Corporations.

### 2 Purpose

The purpose of this policy is to deliver significant and sustainable economic development and growth outcomes for the Rockhampton Region.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Planning Act 2016*

*Planning Regulation 2017*

Development Incentives Policy – ~~1 January 2021 – 31 December 2021~~ ~~15-May-2018 – 31-December-2020~~ Application Form

Fees and Charges Schedule

Fitzroy Shire Planning Scheme 2005 (Superseded)

Mt Morgan Shire Planning Scheme 2003 (Superseded)

Rockhampton City Plan 2005 (Superseded)

Rockhampton Region Planning Scheme 2015 (RockePlan)

Rockhampton Regional Council Adopted Infrastructure Charges Resolution (No. 2) 2012

Rockhampton Regional Council Adopted Infrastructure Charges Resolution (No. 3) 2014

Rockhampton Regional Council Adopted Infrastructure Charges Resolution (No. 4) 2014

Rockhampton Regional Council Adopted Infrastructure Charges Resolution (No. 5) 2015

State Planning Regulatory Provision (adopted charges) July 2012

### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
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#### LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	Draft	Department:	<del>Advance-Rockhampton</del> Office of the CEO
Version:	1	Section:	<del>Regional-Development-and-Promotions</del> Advance Rockhampton
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Council	Rockhampton Regional Council
PIA	Priority infrastructure area
Qualifying Development	A development that has made application and been granted a development incentive under this policy.
Region	All areas covered by the Rockhampton Region Planning Scheme (RockePlan), Rockhampton City Plan (superseded), Fitzroy Shire Planning Scheme (superseded) and Mount Morgan Shire Planning Scheme (superseded).
Rockhampton Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.

## 5 Policy Statement

The policy is designed to attract investment in qualifying developments in the Region in order to stimulate sustainable growth, diversify and value-add to our regional economy.

The focus of the policy is on developments that will:

- Create new jobs and investment;
- Value-add through enhanced service delivery or supply chains;
- Generate growth within identified strategic sectors; and
- Diversify and make the local economy more sustainable.

The policy is a discretionary scheme which seeks to attract and support projects that will deliver the greatest economic benefits to the Rockhampton Region. It does not replace the function or application of Adopted Infrastructure Charges Resolution (No. 2) [2012](#), Adopted Infrastructure Charges Resolution (No. 3) [2014](#), Adopted Infrastructure Charges Resolution (No. 4) [2014](#) and Adopted Infrastructure Charges Resolution (No. 5) [2015](#) or any representations made against an Infrastructure Charge Notice that may result in a Negotiated Infrastructure Charge Notice.

It is not the purpose of the policy to enhance the viability of marginal and/or speculative development.

Development that is ineligible under this policy will be subject to ~~Council's~~ Adopted Infrastructure Charges Resolution (No. 2) 2012 or ~~Council's~~ Adopted Infrastructure Charges Resolution (No. 3) 2014, ~~Council's~~ Adopted Infrastructure Charges Resolution (No. 4) [2014](#) and ~~Council's~~ Adopted Infrastructure Charges Resolution (No. 5) [2015](#).

### 5.1 Eligibility Criteria

To qualify for the policy there must be a separate application on the prescribed forms, including the Development Incentives Policy – [1 January 2021 to 31 December 2021](#) ~~15 May 2018 – 31 December 2020~~ Application Form.

To be eligible under Part 1 and Part 2 of the policy, a development must meet all requirements:

#### 5.1.1 Commencement of Policy

This policy will be applied to properly made development applications received by Council between [1 January 2021](#) ~~15 May 2018~~ and [31 December 2021](#). No consideration will be given to the reduction, deferment or repayment of infrastructure charges levied or received prior to ~~this date~~ [1 January 2021](#).

#### 5.1.2 Applicable Area

Developments will be located within the PIA as identified in the State Planning Regulatory Provision (adopted charges) July 2012.

#### 5.1.3 Use Category

The policy applies to making a material change of use or carrying out building works consistent

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with the RockePlan, Rockhampton City Plan (Superseded), Fitzroy Shire Planning Scheme (Superseded) or the Mount Morgan Planning Scheme (Superseded) for an eligible land use as detailed in paragraph 5.2.1.1.

#### 5.1.4 Commencement of Use

The use must commence within threea years of the properly made development application being approved by Council. For the avoidance of doubt, any approved incentive will be revoked and charges will revert to those notified on Council's adopted fees and charges schedule or in the Infrastructure Charges Notice or the Negotiated Infrastructure Charges Notice if the use is not commenced or building certificate of classification is not issued within threea years of the properly made development application being approved by Council.

#### 5.1.5 Non-Government Development

The development is not to be by or on the behalf of State or Federal Government Departments, Agencies or Government Owned Corporations.

#### 5.1.6 Prior Agreements

The policy is not available to applicants who have previously entered into an infrastructure agreement for the development in accordance with clause 5.6 of the Adopted Infrastructure Charges Resolution (No. 2) 2012, clause 5.6 of the Adopted Infrastructure Charges Resolution (No. 3) 2014, clause 5.6 of the Adopted Infrastructure Charges Resolution (No. 4) 2014 and clause 5.6 of the Adopted Infrastructure Charges Resolution (No. 5) 2015 or have previously been granted a development incentive for the development.

### 5.2 Part 1 – Infrastructure Charges Incentives

Part 1 – infrastructure charges incentives provides a concession mechanism for infrastructure charges, at the discretion of Council, as an incentive for developments that will deliver significant and sustainable economic development and growth outcomes in alignment with Council's planning objectives.

#### 5.2.1 Infrastructure Charges Concession

The infrastructure charges concession mechanism provides an immediate and permanent concession on infrastructure charges to be paid in accordance with clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 2) 2012, clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 3) 2014, clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 4) 2014 or clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 5) 2015.

##### 5.2.1.1 Eligible Land Use and Concession

A 75% concession on payment of infrastructure charges in accordance with the Adopted Infrastructure Charges Notice may apply to the land uses in the following table.

Eligible Land Use	Definition
Medical, Health and Community Services	Any development which has the principal purpose of being a medical, health or community service, and which has the scale and standard that would reasonably be expected to: <ul style="list-style-type: none"> <li>(a) Significantly increase employment in the Rockhampton Region; and</li> <li>(b) Attract patients or clients from outside the Rockhampton Region.</li> </ul> Examples include: Hospitals, including overnight accommodation; medical centres; disability support services; respite centres.

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Eligible Land Use	Definition
Destination Tourism Facility	Any development which has the principal purpose of being a destination tourism facility establishment, and which has the scale and standard that would reasonably be expected to: (a) Significantly increase employment in the Rockhampton Region; and (b) Attract visitors from outside the Rockhampton Region. Examples include: Recreational fishing infrastructure, including fishing lodges; adventure tourism facility; theme park; driving range; golf course; swimming pool.
Educational and Training Establishment	Any development which has the principal purpose of being a primary, secondary or tertiary educational establishment or training establishment, and which has the scale and standard that would reasonably be expected to: (a) Significantly increase employment in the Rockhampton Region; and (b) Attract students from outside the Rockhampton Region. Examples include: Private and public schools, including student accommodation; universities; training establishments.
Aged Care and Retirement Facility	Any development which has the principal purpose of being an aged <u>care</u> and retirement facility, and which has the scale and standard that would reasonably be expected to: (a) Significantly increase employment in the Rockhampton Region; and (b) Attract residents from outside the Rockhampton Region. Examples include: Manager's residence and office; food and drink outlet; amenity buildings; communal facilities; staff accommodation.
Farm Stay Accommodation	Any development which has the principal purpose of providing farm stay accommodation for tourists. Examples include: Farm accommodation; farm camping.
<u>Multiple Dwelling</u>	<u>Any development which has the principal purpose of being a multiple dwelling and is located in the area bounded by Victoria Parade and North Alma and Fitzroy Streets (as outlined in Appendix A), and which has the scale and standard which would reasonably be expected to significantly increase employment in the Rockhampton Region.</u> <u>Examples include: Apartments; flats; units; townhouses.</u>
Resources Sector	Any development servicing the resources sector which is of the scale and standard as outlined in paragraph 5.3.1.1.2. Examples include: Minerals processing; maintenance and workshop facilities; transport depots.

#### 5.2.1.2 Application of Concession

The concession will be applied to the adopted infrastructure charge at the time of payment required by clause 5.5 of the Council's Adopted Infrastructure Charges Resolution (No. 2) 2012, clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 3) 2014, clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 4) 2014 or clause 5.5 of the Adopted Infrastructure Charges Resolution (No. 5) 2015.

#### 5.2.1.3 Treatment of Credits and Offsets

The concession applies to the applicable net infrastructure charges payable, calculated pursuant to the Council's Adopted Infrastructure Charges Resolution (No. 2) 2012, Adopted Infrastructure Charges Resolution (No. 3) 2014, Adopted Infrastructure Charges Resolution (No. 4) 2014 or Adopted Infrastructure Charges

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Resolution (No. 5) 2015 – that is the infrastructure charges less any applicable credits or offsets.

**5.2.1 Ongoing Eligibility**

The following will be applied to Part 1 – Infrastructure Charges Incentives:

**5.2.2.1 Non-Commencement of Use**

In the event that the use is not commenced within three years of the development approval being issued by Council, the infrastructure charges incentive granted will be revoked and payment of the full value of infrastructure charges pursuant to the issued Adopted Infrastructure Charges Notice or Negotiated Adopted Infrastructure Charges Notice will be applicable.

**5.2.2.2 Non-Payment of Infrastructure Charges**

In the event that the infrastructure charges for a development are not received in accordance with the times of payment calculated in paragraph 5.2.1.3, the Infrastructure Charges Incentive granted will be revoked and payment pursuant to the issued Adopted Infrastructure Charges Notice or Negotiated Adopted Infrastructure Charges Notice will be applicable.

**5.3 Part 2 – General Incentives**

Part 2 – general incentives provides for a range of general incentives and concessions, at the discretion of Council, as an incentive for developments that will deliver significant and sustainable economic development and growth outcomes in alignment with Council’s planning objectives.

The aim of the general incentives program is to reduce fees associated with qualifying development and processing times for development applications lodged with Council.

**5.3.1 Additional Eligibility Criteria**

To be eligible under Part 2 – General Incentives, development must meet all of the following requirements in addition to the requirements of paragraph 5.1:

**5.3.1.1 Scale**

The development must be considered by Council or the approval officer to deliver significant and sustainable economic development and growth outcomes in alignment with Council’s planning objectives.

**5.3.1.1.2 Resource Sector**

Applications for incentives under the resource sector must include a business plan including forecasted financials and employment. The business plan must be for a three year period from the date the development is expected to deliver the economic development and growth outcomes. Council must be satisfied the development will generate a 10% increase in the number of full time equivalent employees employed by the developer over the three year period.

**5.3.2 General Incentives Mechanisms**

The general incentives mechanisms are intended to provide a range of incentives and concessions for significant development located within the PIA:

**5.3.2.1 Development Facilitation**

It is recognised that the process of obtaining development approvals for significant projects can be complex. As such, Council is committed to facilitating development that meets the requirements of this policy.

Council’s facilitation includes:

- (a) Access to Council officers to provide advice on preparing development

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applications and applicability and incentives available;

- (b) Free of charge pre-lodgement meetings with relevant Council officers; and
- (c) Assistance with identifying and facilitating contact with the State Government agencies with a view to facilitating the development.

#### 5.4 Ongoing Eligibility

The following will be applied to Part 1 – Infrastructure Charges Incentives and Part 2 – General Incentives:

##### 5.4.1 When is Development Completed?

Completion of development will be once the change of the material change of use happens.

##### 5.4.2 Non-Completion of Development

In the event that the development is not completed within three years of the development application being approved by Council, the general incentives granted will be revoked and development application fees, service and connection fees will not be refunded.

#### 5.5 Approvals and Non-Approvals

The CEO, ~~or General Executive~~ Manager Advance Rockhampton ~~or Manager Regional Development and Promotions~~ may approve development incentive applications in full under this policy.

Approval is required for the non-approval of development incentive applications or to grant less development incentives than the applicant applied for.

#### 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) Upon adoption of a new planning scheme for the Rockhampton Regional Council planning area;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

#### 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	<del>General Executive</del> Manager Advance Rockhampton
Policy Owner	<del>Manager Regional Development and Promotions</del> <del>Executive Manager</del> <del>Advance Rockhampton</del>
Policy Quality Control	Legal and Governance



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**AIRPORT GROWTH AND DEVELOPMENT***Councillor Portfolio – Acting Mayor Councillor Fisher*

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**10.2 SPECIALISED SUPPLIER ROCKHAMPTON AIRPORT - LIME INTELLIGENCE**

**File No:** 8572, 1689  
**Attachments:** Nil  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Marcus Vycke - Manager Airport

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**SUMMARY**

*Further to the report presented to Council on 12 September 2017, the purpose of this report is to seek a Council resolution that Strategic Energy Pty Ltd (“Lime Intelligence”) is deemed a specialised supplier in accordance with Section 235(b) of the Local Government Regulation 2012.*

**OFFICER’S RECOMMENDATION**

THAT pursuant to s235(b) of the *Local Government Regulation 2012* Council approve Strategic Energy Pty Ltd as a specialised supplier for an online reporting tool.

**COMMENTARY**

Lime Intelligence is a unique, centralised online reporting tool developed specifically for small and medium sized airports across Australia and New Zealand. Larger airports typically purchase specialised software and employ commercial analysts to produce the same level of analytical reports.

Currently there are no other products or options available within the regional airport market for generating complex aviation analytical data which incorporates aircraft, airline, passenger statistics, and commercial data. Veovo provides a suite of products which are far costlier and deliver a significant amount of additional tools which are not required by Rockhampton Airport. These additional tools and Veovo in general, is targeted more towards larger international Airports and is not practical for Rockhampton Airport. The Veovo basic package starts at approximately \$100,000 plus an ongoing monthly fee.

**BACKGROUND**

Rockhampton Airport has been storing and reporting its key data insights for flight and commercial performance in the Lime Intelligence online platform for the past 3 years. This has enabled access to key data for reporting, analysis and decision making as well as business continuity for airport management.

It is an online tool that enables Rockhampton Airport to easily access past and future aircraft and passenger statistics to produce meaningful reports which enhances decision making, promotes effective business development activities and enhances airline and stakeholder relationships. Furthermore, this tool combines all airline data into a central location with commercial revenue data to understand the impact of passenger flows on commercial revenue and identify new opportunities for commercial revenue growth.

Rockhampton Airport needs to continue to develop the way it conducts its business development and marketing and ensure that it has the necessary tools and data to deliver this and also protect its existing airline capacity. We also need to predict market changes, prevent capacity losses and seize new opportunities.

**PREVIOUS DECISIONS**

At Council’s Ordinary Meeting on 12 September 2017, Council resolved the following:

*“THAT Council resolves to enter into a 3 year subscription with Strategic Energy Pty Ltd under s235(b) of the Local Government Regulation 2012 for the provision of an online aircraft, airline and passenger statistics and reporting, authorising the Tier 2 package.”*

### **BUDGET IMPLICATIONS**

Rockhampton Airport recommends Council continues with the **Tier 2 Level Licence Fee** of approx. \$25,800 (excluding GST) per annum, which is available within the current budget.

### **LEGISLATIVE CONTEXT**

Under Section 235, Other Exceptions, of the *Local Government Regulation 2012*:

*“A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if –*

- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or*

### **LEGAL IMPLICATIONS**

There are no legal implications.

### **STAFFING IMPLICATIONS**

There will be no staffing implications.

### **RISK ASSESSMENT**

A Risk Assessment is not required.

### **CORPORATE/OPERATIONAL PLAN**

A Corporate/Operations Plan is not required.

### **CONCLUSION**

It is recommended Council approve the continued use of Strategic Energy Pty Ltd (“Lime Intelligence”) as a specialised supplier in accordance with Section 235(b) of the *Local Government Regulation 2012*.

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**COMMUNITIES***Councillor Portfolio – Councillor Wickerson*

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**10.3 ROTARY WEST TRUSTEE PERMIT WALTER PIERCE KITCHEN**

<b>File No:</b>	<b>12273</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Alicia Cutler - General Manager Community Services</b>
<b>Author:</b>	<b>John Webb - Manager Communities and Culture</b>
<b>Previous Items:</b>	<b>11.3 - Rotary West Trustee Permit Walter Pierce Kitchen - Ordinary Council - 25 Aug 2020 9:00am</b>

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**SUMMARY**

*This matter was laid on the table at the Ordinary Council meeting on 25 August 2020.*

*This report is notifying Council of the winding up of the Rockhampton West Rotary Club and recommends not entering into a permit for the Walter Pierce Kitchen at the Rockhampton Showgrounds.*

**OFFICER'S RECOMMENDATION**

THAT Council:

1. Authorise the Chief Executive Officer (Manager Communities and Culture) to establish which equipment owned by Fitzroy Rotary would support continued operation of the kitchen and purchase equipment in accordance with Council procurement guidelines.
2. Approve a fee for hire of the Walter Pierce Kitchen consistent with the application of all Rockhampton Showground Fees and Charges as \$150 Commercial Fee and \$75 Community Fee per day.
3. Authorise the Chief Executive Officer (Manager Tourism, Events and Marketing) to establish a list of Community Food service providers for Council to provide to event partners and venue hirers.

**COMMENTARY**

In June Council were notified that the Rotary Club of Rockhampton West have made the decision to wind up their service club. Consequently their permittee month to month tenure of the kitchen of Walter Pierce Pavilion within the Rockhampton Showground will come to an end.

As part of the process members and assets have been transferred to another club, Fitzroy Rotary. The executive of the Fitzroy Rotary Club have requested that Council consider granting Fitzroy Rotary similar permit over the same kitchen space.

Discussions with the Fitzroy Rotary Club have established that the motivation for retaining the kitchen is to provide fundraising opportunities for the club in providing a level of food service that matches event organiser and attendee expectations.

While terms of the Rotary West permit did not grant exclusive right to provide food and beverage for all events at the Showground if an agreement was not reached with the event hirer the kitchen facility may not have been available to support the event in question.

The kitchen contains equipment owned by both Rotary and Council, this mixed inventory has been audited and ownership agreed.

**BACKGROUND**

Rotary West made representations to Council in 2015 regarding their long standing custom of providing food to events at the Rockhampton Showgrounds including the Agricultural Show, various Speedway events, Beef Week etc.

This resulted in a Council issuing a Trustee Permit to Rotary West to support this practice. Council issued a number of permits rather than leases to established occupiers of the Showgrounds. This was ensure occupancy would not limit the use of the grounds for larger or all of site events.

Advance Rockhampton as operator of the Rockhampton Agricultural Show and other larger scale community events often partner with community organisations in order to provide food and catering support for events.

There are occasions when events hire the Showgrounds are seeking food and other providers to support their event delivery with a view to providing opportunities for community fundraising.

**PREVIOUS DECISIONS**

8 December 2015 Council resolved to enter into a Trustee Permit with the Rotary Club West of Rockhampton.

A report was presented on this matter at the Ordinary Council meeting on 25 August 2020 and Council resolved:

*“THAT the matter lay on the table and a workshop be held to discuss further.”*

The matter was then discussed during a workshop on 4 November 2020 to the Council's satisfaction for the matter to be re-tabled.

**BUDGET IMPLICATIONS**

There are no material budget implications

**LEGISLATIVE CONTEXT**

Nil

**LEGAL IMPLICATIONS**

Nil

**STAFFING IMPLICATIONS**

Nil

**RISK ASSESSMENT**

Nil

**CORPORATE/OPERATIONAL PLAN**

This decision would be considered in the context of Corporate Plan Corporate Outcomes -

Community 1.1 *Safe, accessible, reliable and sustainable infrastructure and facilities.*

Economy 2.1 *A destination sought for lifestyle, community events and tourism*

**CONCLUSION**

Council being aware of the winding up of the Rockhampton West Rotary club are able to make a decision regarding occupancy of the Walter Pierce kitchen to support flexible food provision at Rockhampton Showground events. The matter was further discussed at a Council workshop to inform the re-tableing of a report.

**INFRASTRUCTURE****Councillor Portfolio – Councillor Williams**

No items for consideration.

**PLANNING AND REGULATION****Councillor Portfolio – Councillor Smith****10.4 D/30-2019 - REQUEST FOR A MINOR CHANGE TO DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A RESIDENTIAL CARE FACILITY, RETIREMENT FACILITY AND COMMUNITY USE**

**File No:** D/30-2019

**Attachments:** 1. [Locality Plan](#)  
2. [Staging Plans](#)

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services

**Author:** Thomas Gardiner - Senior Planning Officer

**SUMMARY**

*Development Application Number:* D/30-2019

*Applicant:* Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning and Development

*Real Property Address:* Lot 2 on CP890319 and Lot 4 SP220782, Parish of Rockhampton

*Common Property Address:* 60 West Street, The Range

*Area of Site:* 1.35 hectares

*Planning Scheme:* Rockhampton Region Planning Scheme 2015 (version 2.1)

*Planning Scheme Zone:* Low Density Residential Zone

*Planning Scheme Overlays:* Steep Land Overlay  
Airport Environs Overlay

*Approval Sought:* Amended Decision Notice for a Development Permit for a Material Change of Use for a Residential Care Facility, Retirement Facility and Community Use

*Infrastructure Charges Area:* Charge Area 1

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

**THAT** in relation to the request for a Minor Change to Development Permit D/30-2019 for a Material Change of Use for Residential Care Facility, Retirement Facility and Community Use, Council resolves that:



**1. Condition 2.1 be amended and replaced with the following condition:**

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Basement Site Master Plan	SD-0101	24 September 2019
Ground Level Site Master Plan	SD-0102	24 September 2019
Level 1 Site Master Plan	SD-0103	24 September 2019
Level 2 Site Master Plan	SD-0104	16 July 2019
Basement Staging Plan	AS-CD-0301, DA01	29 September 2020
Ground Level MS Plan	AS-CD-0901, DA1	17 November 2020
Level 1 MS Plan	AS-CD-0902, DA1	17 November 2020
Level 2 MS Plan	AS-CD-0903, DA1	17 November 2020
Building A (RAC) Ground Level GA Plan	A-SD-1001	16 July 2019
Building A (RAC) Level 1 GA Plan	A-SD-1002	16 July 2019
Building A (RAC) Level 2 GA Plan	A-SD-1003	16 July 2019
Building A (RAC) Level 3 GA Plan	A-SD-1004	16 July 2019
Building A (RAC) Roof Plan	A-SD-1005	16 July 2019
Building A (RAC) North East Elevation and South East Elevation	A-SD-2001	16 July 2019
Building A (RAC) North West Elevation and South West Elevation	A-SD-2002	16 July 2019
Building B (ILU) Basement GA Plan	B-SD-1001	24 September 2019
Building B (ILU) Ground Level GA Plan	B-SD-1002	24 September 2019
Building B (ILU) Ground Level Kitchen / Laundry GA	B-SD-1003	21 March 2019
Building B (ILU) Level 1 GA Plan	B-SD-1004	24 September 2019
Building B (ILU) Level 2 GA Plan	B-SD-1005	8 March 2019
Building B (ILU) Level 3 GA Plan	B-SD-1006	8 March 2019

Building B (ILU) Level 4 GA Plan	B-SD-1007	8 March 2019
Building B (ILU) Roof Plan	B-SD-1008	8 March 2019
Building B (ILU) North East Elevation	B-SD-2001	24 September 2019
Building B (ILU) Cambridge Street Elevation	B-SD-2002	24 September 2019
Building B (ILU) South West Elevation	B-SD-2003	8 March 2019
Building B (ILU) North West Elevation	B-SD-2004	8 March 2019
Building C (RAC) Car Park Level GA Plan	C-SD-1001	8 March 2019
Building C (RAC) Ground / Street Level GA Plan	C-SD-1002	8 March 2019
Building C (RAC) Level 1 GA Plan	C-SD-1003	8 March 2019
Building C (RAC) Level 2 GA Plan	C-SD-1004	8 March 2019
Building C (RAC) Roof Plan	C-SD-1005	8 March 2019
Building C (RAC) North West and South West Elevations	C-SD-2001	8 March 2019
Building C (RAC) South East and North East Elevations	C-SD-2002	8 March 2019
West and Cambridge Street Elevations	SD-0201	24 September 2019
Lennox and Voss Park Elevations	SD-0202	16 July 2019
Site Sections	SD-0301	16 July 2019
Landscape Concept	1018050	4 April 2019
Engineering Infrastructure Report	18-001613	8 April 2019
Traffic Engineering Report	DA RFI V02b	September 2019
Waste Management Plan	-	August 2019
RE: 60 West Street, The Range – Benevolent Aged Care, Rockhampton Airport Obstacle Limitation Surfaces Study	062701-01	No date.

**Condition 3.1 be amended and replaced with the following condition:**

This development approval is for a development to be undertaken in three (3) discrete stages, namely:

3.1.1 Stage 1;

3.1.2 Stage 2a and 2b; and

## 3.1.3 Stage 3.

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

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

**RECOMMENDATION B**

**THAT to reflect the above changes, Rockhampton Benevolent Homes Society Incorporated C/- ADAMS + SPARKES Town Planning and Development, be issued with an amended Decision Notice:**

1.0 ADMINISTRATION

1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:

1.3.1 to Council's satisfaction;

1.3.2 at no cost to Council; and

1.3.3 prior to the commencement of the use,  
unless otherwise stated.

1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use unless otherwise stated.

1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

1.5.1 Operational Works:

(i) Road Works;

(ii) Access and Parking Works;

(iii) Sewerage Works;

(iv) Stormwater Works;

(v) Roof and Allotment Drainage;

(vi) Site Works;

1.5.2 Plumbing and Drainage Works;

1.5.3 Building Works:

(i) Demolition Works; and

(ii) Building Works.

1.6 Lot 2 on CP890319 and Lot 4 on SP220782 must be amalgamated and registered as one lot prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Basement Site Master Plan	SD-0101	24 September 2019
Ground Level Site Master Plan	SD-0102	24 September 2019
Level 1 Site Master Plan	SD-0103	24 September 2019
Level 2 Site Master Plan	SD-0104	16 July 2019
Basement Staging Plan	AS-CD-0301, DA01	29 September 2020
Ground Level MS Plan	AS-CD-0901, DA1	17 November 2020
Level 1 MS Plan	AS-CD-0902, DA1	17 November 2020
Level 2 MS Plan	AS-CD-0903, DA1	17 November 2020
Building A (RAC) Ground Level GA Plan	A-SD-1001	16 July 2019
Building A (RAC) Level 1 GA Plan	A-SD-1002	16 July 2019
Building A (RAC) Level 2 GA Plan	A-SD-1003	16 July 2019
Building A (RAC) Level 3 GA Plan	A-SD-1004	16 July 2019
Building A (RAC) Roof Plan	A-SD-1005	16 July 2019
Building A (RAC) North East Elevation and South East Elevation	A-SD-2001	16 July 2019
Building A (RAC) North West Elevation and South West Elevation	A-SD-2002	16 July 2019
Building B (ILU) Basement GA Plan	B-SD-1001	24 September 2019
Building B (ILU) Ground Level GA Plan	B-SD-1002	24 September 2019
Building B (ILU) Ground Level Kitchen / Laundry GA	B-SD-1003	21 March 2019
Building B (ILU) Level 1 GA Plan	B-SD-1004	24 September 2019
Building B (ILU) Level 2 GA Plan	B-SD-1005	8 March 2019

Building B (ILU) Level 3 GA Plan	B-SD-1006	8 March 2019
Building B (ILU) Level 4 GA Plan	B-SD-1007	8 March 2019
Building B (ILU) Roof Plan	B-SD-1008	8 March 2019
Building B (ILU) North East Elevation	B-SD-2001	24 September 2019
Building B (ILU) Cambridge Street Elevation	B-SD-2002	24 September 2019
Building B (ILU) South West Elevation	B-SD-2003	8 March 2019
Building B (ILU) North West Elevation	B-SD-2004	8 March 2019
Building C (RAC) Car Park Level GA Plan	C-SD-1001	8 March 2019
Building C (RAC) Ground / Street Level GA Plan	C-SD-1002	8 March 2019
Building C (RAC) Level 1 GA Plan	C-SD-1003	8 March 2019
Building C (RAC) Level 2 GA Plan	C-SD-1004	8 March 2019
Building C (RAC) Roof Plan	C-SD-1005	8 March 2019
Building C (RAC) North West and South West Elevations	C-SD-2001	8 March 2019
Building C (RAC) South East and North East Elevations	C-SD-2002	8 March 2019
West and Cambridge Street Elevations	SD-0201	24 September 2019
Lennox and Voss Park Elevations	SD-0202	16 July 2019
Site Sections	SD-0301	16 July 2019
Landscape Concept	1018050	4 April 2019
Engineering Infrastructure Report	18-001613	8 April 2019
Traffic Engineering Report	DA RFI V02b	September 2019
Waste Management Plan	-	August 2019

RE: 60 West Street, The Range – Benevolent Aged Care, Rockhampton Airport Obstacle Limitation Surfaces Study	062701-01	No date.
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2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

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

### 3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in three (3) discrete stages, namely:

3.1.1 Stage 1;

3.1.2 Stage 2a and 2b; and

3.1.3 Stage 3.

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

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

### 4.0 ROAD WORKS

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

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

4.3 On-street parking spaces along Lennox Street and West Street must be lined marked for the full frontage of the development site. Appropriate line marking must be provided to this effect in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities and the provisions of a Development Permit for Operational Works (Road Works)*.

Note: No on-street parking will be approved on West Street between the proposed new driveway access to Building B and West Street/Cambridge Street intersection.

4.4 The existing 'Loading Zone' signs on Lennox Street must be removed and the pavement area must be utilised for rear-in angled parking spaces.

4.5 A concrete pathway, with a minimum width of 1.2 metres, must be constructed to match the existing pathway of Cambridge and Lennox Street for the full frontage of the development site.

4.6 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

4.7 All pathways located within a road reserve or Public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for roads and public spaces"*.

4.8 All pathways must incorporate kerb ramps at all road crossing points.

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

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## 5.0 ACCESS AND PARKING WORKS

- 5.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 5.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).
- 5.4 The existing accesses to the development at Lennox Street must be consolidated to one access location.
- 5.5 Two (2) new accesses to the development must be provided at West Street (refer to condition 2.1).
- 5.6 Service and delivery vehicles, including refuse collection vehicles must be via Cambridge Street access only.
- 5.7 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 5.8 All vehicles must ingress and egress the development in a forward gear.
- 5.9 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.
- 5.10 A minimum of 75 parking spaces must be provided on-site.
- 5.11 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 5.12 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 5.13 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 5.14 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 5.15 Road signage and pavement markings must be installed in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"*.
- 5.16 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 5.17 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.

## 6.0 SEWERAGE WORKS

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

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- 6.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2017* and the provisions of a Development Permit for Operational Works (sewerage works).
- 6.3 The development must be connected to Council's reticulated sewerage network.
- 6.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.5 A section of existing 150 millimetre diameter Gravity Sewerage Main must be diverted around proposed Building B in accordance with the approved plans (refer to condition 2.1). This non-trunk infrastructure is conditioned under section 128 of the *Planning Act 2016*.
- 6.6 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 6.7 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.8 Easements must be provided over all sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.
- 6.9 Amended sewerage/Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.10 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 7.0 WATER WORKS
- 7.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, and Plumbing and Drainage Act 2002*.
- 7.2 The development must be connected to Council's reticulated water network.
- 7.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 7.4 Adequate domestic and firefighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 7.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 8.0 PLUMBING AND DRAINAGE WORKS
- 8.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 8.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 8.3 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
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## 9.0 STORMWATER WORKS

- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved Engineering Infrastructure Report (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 9.4 Easements must be provided over any other land required to accommodate the flows associated with the subject development.
- 9.5 Easements must be provided over all land assessed to be within the inundation area in a one per cent (1%) Annual exceedance probability flood event.
- 9.6 The installation of gross pollutant traps must be in accordance with relevant *Australian Standards* and all maintenance of the proposed gross pollutant traps must be the responsibility of the property owner or body corporate (if applicable).
- 9.7 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner.

## 10.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 10.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 10.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 10.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

## 11.0 SITE WORKS

- 11.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 11.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan that clearly identifies the following:
- 11.2.1 the location of cut and/or fill;
  - 11.2.2 the type of fill to be used and the manner in which it is to be compacted;
  - 11.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

- 
- 11.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
- 11.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 11.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 11.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.
- 11.5 Any retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 11.6 All site works must be undertaken to ensure that there is:
- 11.6.1 no increase in upstream or downstream flood levels for all levels of immunity up to a one per cent (1%) Annual exceedance probability flood event;
- 11.6.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 11.6.3 a lawful point of discharge to which the approved works drain during construction phase.
- 12.0 **BUILDING WORKS**
- 12.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structures and proposed structures on the development site.
- 12.2 Any additional structures proposed on top of the approved buildings which have not been identified on the approved plans (refer to condition 2.1) must be referred to the Rockhampton Regional Airport for approval prior to construction to ensure that there is no obstruction into the Obstacle Limitation Surface.  
Note: This includes any additional masts, aerials, satellites, chimneys or the like.
- 12.3 There must be no light sources or reflective surfaces installed on any of the proposed buildings which may generate a distraction to pilots during both construction and throughout the commencement of the use.
- 12.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:
- 12.4.1 of a sufficient size to accommodate commercial type 2 x 6m<sup>3</sup> Skip Bins, 4 x 200L Recycle Bins, 10 x 240L Recycle Bins, 1 x small Bin and 1 x 8m<sup>3</sup> large Skip Bin that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 12.4.2 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.
- Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
-

**13.0 LANDSCAPING WORKS**

- 13.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use and the landscape areas must predominantly contain plant species that have low water dependency.
- 13.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.
- 13.3 Council approval must be obtained prior to the removal or interference of street trees located on Council land in accordance with Council's Tree Management Policy.

**14.0 ENVIRONMENTAL HEALTH**

- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as to not cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.

**15.0 ELECTRICITY**

- 15.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

**16.0 TELECOMMUNICATIONS**

- 16.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

**17.0 ASSET MANAGEMENT**

- 17.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 17.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 17.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

**18.0 OPERATING PROCEDURES**

- 18.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within West Street, Cambridge Street or Lennox Street.
- 18.2 The Rockhampton Regional Airport must be notified of any temporary obstacles that may infringe the Obstacle Limitation Surface (OLS), prior to the commencement of any construction works on the site. If the obstacle does infringe, a "Notice to Airmen" (NOTAM) must be lodged with the relevant aviation authority to notify aircraft pilots of the obstacle, prior to works taking place.

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

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

**NOTE 2. Asbestos Removal**

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

**NOTE 3. General Environmental Duty**

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

**NOTE 4. Licensable Activities**

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

**NOTE 5. General Safety Of Public During Construction**

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

**NOTE 6. Infrastructure Charges Notice**

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

**BACKGROUND/PROPOSAL**

Council at its meeting on 15 October 2019, approved a Development Application for a Residential Care Facility, Retirement Facility and Community Use located at 60 West Street, The Range.

In accordance with section 78 of the *Planning Act 2016*, the applicant has applied for a 'Minor Change' to the development approval. The applicant has proposed to introduce sub-staging and revising the development footprint. This will require changes to conditions 2.1 and 3.1.

**PLANNING ASSESSMENT****MATTERS FOR CONSIDERATION**

This request has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the *Planning Act 2016* and the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

**HUMAN RIGHTS ACT**

The relevant provisions of the *Human Rights Act 2019* have been considered as part of the decision making process for this application.

**TOWN PLANNING COMMENTS**

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

**Condition 2.1**

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Basement Site Master Plan	SD-0101	24 September 2019
Ground Level Site Master Plan	SD-0102	24 September 2019
Level 1 Site Master Plan	SD-0103	24 September 2019
Level 2 Site Master Plan	SD-0104	16 July 2019
Basement Staging Plan	SD-0121	24 September 2019
Ground Level Staging Plan	SD-0122	24 September 2019
Level 1 Staging Plan	SD-0123	24 September 2019
Level 2 Staging Plan	SD-0124	16 July 2019
Building A (RAC) Ground Level GA Plan	A-SD-1001	16 July 2019
Building A (RAC) Level 1 GA Plan	A-SD-1002	16 July 2019
Building A (RAC) Level 2 GA Plan	A-SD-1003	16 July 2019

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Building A (RAC) Level 3 GA Plan	A-SD-1004	16 July 2019
Building A (RAC) Roof Plan	A-SD-1005	16 July 2019
Building A (RAC) North East Elevation and South East Elevation	A-SD-2001	16 July 2019
Building A (RAC) North West Elevation and South West Elevation	A-SD-2002	16 July 2019
Building B (ILU) Basement GA Plan	B-SD-1001	24 September 2019
Building B (ILU) Ground Level GA Plan	B-SD-1002	24 September 2019
Building B (ILU) Ground Level Kitchen / Laundry GA	B-SD-1003	21 March 2019
Building B (ILU) Level 1 GA Plan	B-SD-1004	24 September 2019
Building B (ILU) Level 2 GA Plan	B-SD-1005	8 March 2019
Building B (ILU) Level 3 GA Plan	B-SD-1006	8 March 2019
Building B (ILU) Level 4 GA Plan	B-SD-1007	8 March 2019
Building B (ILU) Roof Plan	B-SD-1008	8 March 2019
Building B (ILU) North East Elevation	B-SD-2001	24 September 2019
Building B (ILU) Cambridge Street Elevation	B-SD-2002	24 September 2019
Building B (ILU) South West Elevation	B-SD-2003	8 March 2019
Building B (ILU) North West Elevation	B-SD-2004	8 March 2019
Building C (RAC) Car Park Level GA Plan	C-SD-1001	8 March 2019
Building C (RAC) Ground / Street Level GA Plan	C-SD-1002	8 March 2019
Building C (RAC) Level 1 GA Plan	C-SD-1003	8 March 2019
Building C (RAC) Level 2 GA Plan	C-SD-1004	8 March 2019
Building C (RAC) Roof Plan	C-SD-1005	8 March 2019
Building C (RAC) North West and South West Elevations	C-SD-2001	8 March 2019
Building C (RAC) South East and North East Elevations	C-SD-2002	8 March 2019

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
West and Cambridge Street Elevations	SD-0201	24 September 2019
Lennox and Voss Park Elevations	SD-0202	16 July 2019
Site Sections	SD-0301	16 July 2019
Landscape Concept	1018050	4 April 2019
Engineering Infrastructure Report	18-001613	8 April 2019
Traffic Engineering Report	DA RFI V02b	September 2019
Waste Management Plan	-	August 2019
RE: 60 West Street, The Range – Benevolent Aged Care, Rockhampton Airport Obstacle Limitation Surfaces Study	062701-01	No date.

Applicant's request:

The applicant has requested to amend the approved plans to introduce sub-staging. This will also require a consequential amendment to Condition 3.1 which is summarised below.

Council response:

The introduction of further sub-staging, reflected on the proposed plans, does not have any implications on the proposed development, nor is it inconsistent with the current approval.

Recommendation:

This condition is to be amended to include the new staging plan.

**Condition 3.1**

This development approval is for a development to be undertaken in three (3) discrete stages, namely:

- 3.1.1 Building A (Stage One);
- 3.1.2 Building B (Stage Two); and
- 3.1.3 Building C (Stage Three).

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

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

Applicant's request:

The applicant has requested to amend this condition to introduce new sub-staging, which is reflected in the amended plans under Condition 2.1.

Council response:

The alteration to the staging does not have any implications on the proposed development, nor is it inconsistent with the current approval.

Recommendation:

This condition is to be amended.

**REFERRALS**

No referral agencies were triggered by the original application.

**CONCLUSION**

The applicant's request to change the development approval is considered reasonable and recommended for approval. A summary of the changes is outlined below.

**STATEMENT OF REASONS**

<b>Description of the development</b>	The proposed development is for a Minor Change to Development Permit D/30-2019 for a Material Change of Use for a Residential Care Facility, Retirement Facility and Community Use	
<b>Reasons for Decision (Minor Change)</b>	a) The proposed Minor Change does not dramatically change the ability of the approved development to operate as it was originally intended.	
<b>Reasons for Decision (original approval)</b>	<p>b) The proposal contributes to the diversification of residential land uses in the zone by providing intergenerational housing options for Rockhampton's growing ageing population;</p> <p>c) The subject site is located in direct proximity to critical supporting infrastructure, including the Rockhampton Base Hospital and Hillcrest Private Hospital, which will service the needs of residents residing at the premises;</p> <p>d) The design of the facility will exhibit a high degree of visual amenity by using variations in colour, materials and landscaping treatments which are complementary to the surrounding area in order to maintain the immediate residential streetscape and character;</p> <p>e) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>f) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>g) The proposed development does not compromise the relevant State Planning Policy.</p>	
<b>Assessment Benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Low Density Residential Zone Code;</li> <li>• Access, Parking and Transport Code;</li> <li>• Airport Environs Overlay Code</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code;</li> <li>• Waste Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>	
<b>Compliance with assessment benchmarks</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	<b>Assessment Benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	Airport Environs Overlay Code	The OLS assessment concluded that the height of the tallest building (Building B), which will be 39.64 metres AHD is approximately 13.86 metres below the upper limit of the inner horizontal surface for the Rockhampton Airport. Therefore,



		<p>while the site is located within the horizontal extent of the Rockhampton Airport, the height of the tallest building will not intrude into the obstacle limitation surfaces of the Rockhampton Airport.</p>
	<p>Low Density Residential Zone Code</p>	<p>The height of the tallest building will be approximately 36 metres which exceeds the height requirement for the zone. However,—the architectural design of the building generates a high degree of visual interest using variations in colour, angles and materials which are complementary to the surrounding area. The built form will also create appealing open space areas, orientated towards all elevations of the proposed buildings in order to create an attractive streetscape.</p> <p>The topography of the site also falls approximately eight (8) metres from west to east, with the tallest building being located on the lowest point of the site. The position of these buildings on the lowest point of the site will significantly reduce the visual amenity impacts for residents located on Lennox Street who are positioned approximately ten (10) metres higher than the subject site.</p> <p>Photomontage views of the proposed development from the perspective of the residential properties on the western side of Lennox Street were also provided. These images demonstrate that views of Mount Archer and the Berserker Ranges will be uncompromised as a result of the proposal.</p> <p>The applicant also provided shadow diagrams which provide visual information to demonstrate how access to sunlight will change to the surrounding residents as a result of the proposal. The shadow diagrams demonstrated that access to natural light for residents located on Lennox and Cambridge Streets will largely be unaffected with the exception of the Winter solstice which may cause some minor shadowing impacts to some residents on Cambridge Street. However, these impacts are considered to be negligible.</p> <p>The infringements on the prescribed road boundary setback are considered very minor and will not affect the amenity of the surrounding area; not compromise the safety of the road network; nor cause any impacts to natural light, ventilation, privacy and noise attenuation. The proposed buildings are also partially screened by landscaping proposed within the road verge which will soften any impacts to surrounding residents.</p> <p>The subject site is located further than 200 metres from the nearest major hospital (Rockhampton Base Hospital and Hillcrest Private Hospital). Notwithstanding, the site is for the redevelopment of an existing Residential Care Facility. The subject site is located within reasonable distance to the Rockhampton Base Hospital, which is approximately 400 metres to the west of the site. The use of the premises for a Residential Care Facility is very close to this supporting major infrastructure which will provide for the safety and</p>

		<p>convenience of Rockhampton’s elderly population using the premises.</p> <p>The proposal will exceed the prescribed unit density for the Low Density Residential Zone (one (1) unit per 400m<sup>2</sup>). Despite this non-compliance, the proposal is for the redevelopment of the existing Benevolent Aged Care Facility to accommodate Rockhampton’s increased ageing population. The proposed built form is considered necessary to accommodate the region’s ageing population as there are currently limited options for seniors living, other than the traditional nursing home model or gated retirement villages.</p> <p>Photomontage views of the proposed development provided by the applicant from the perspective of the residential properties on the western side of Lennox Street were also provided. These images demonstrate that views of Mount Archer and the Berserker Ranges will be uncompromised as a result of the proposal.</p> <p>It is also considered that the proposed built form represents a rational development outcome for the zone as it is consistent with the amenity and characteristics of the surrounding area, as well as being in very close proximity to major supporting infrastructure including the Rockhampton Base Hospital and Hillcrest Private Hospital.</p> <p>The proposal will involve the removal of existing street trees which exceed four (4) metres in height. These street trees are located on Lennox Street and West Street.</p> <p>A Landscape Master Plan was submitted as part of the development application. This plan shows that new street trees will be planted on West, Cambridge, and Lennox Streets to offset the removal of the existing trees. The new street trees will ensure that the existing residential streetscape is maintained, while ensuring that the bulk and scale of the proposed built form is adequately screened from adjoining and surrounding residences.</p>
	<p>Access, Parking and Transport Code</p>	<p>The proposed new access to Building B is within 20 metres of the unsignalised West / Cambridge Street intersection. This new-crossover facilitates access to the Porte Cochere and drop off point to the renovated Jean May building on West Street.</p> <p>The new crossover is an “entry” only point, which connects to an exit point located further from the intersection, and provides access to a basement car park beneath Building B which is for long-term parking for residents. Given the nature of the new crossover, and its function, it is not anticipated that its construction and ongoing use will cause any traffic hazard to road network or the nearby intersection.</p>
		<p>The proposal will make provision of 75 on-site car parking spaces, which is a minor shortfall from the required amount across the combined land uses.</p> <p>In addition to the on-site car parks provided, there is also a large number of existing on-street car</p>

		<p>parks located on both West and Lennox Streets, and to a lesser extent Cambridge Street. These existing on-street car parks are currently utilised by staff and visitors utilising the existing Benevolent Aged Care facility located at the site.</p> <p>The expansion to the existing use is not anticipated to cause an adverse effect to the road network by using on-street car parks. While there is a minor shortfall in the number of on-site car parks required, the number provided is considered to be sufficient to meet the demand likely to be generated from the development.</p>
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>State Planning Policy – Part E</i>;</li> <li>• The <i>Central Queensland Regional Plan</i>;</li> <li>• The <i>Rockhampton Region Planning Scheme 2015</i>;</li> <li>• Surrounding use of adjacent premises in terms of commensurate and consistent development form; and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	
<b>Relevant Matters</b>	<p>The proposed development was assessed against the following relevant matters:</p> <p><b><u>Planning need</u></b></p> <p>Evidence indicates that the percentage of Rockhampton’s “retirement age” population will increase by approximately 30.4% by 2026. The proposed development is considered necessary to broaden Rockhampton’s currently limited options for retirement and senior’s accommodation, particularly in proximity to the Central Business District (CBD).</p> <p>It is considered that the proposal will address a future planning need by providing another housing option for Rockhampton’s ageing population which is forecasted to increase significantly by 2026.</p>	

**D/30-2019 - REQUEST FOR A MINOR  
CHANGE TO DEVELOPMENT PERMIT  
FOR A MATERIAL CHANGE OF USE  
FOR A RESIDENTIAL CARE FACILITY,  
RETIREMENT FACILITY AND  
COMMUNITY USE**

**Locality Plan**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

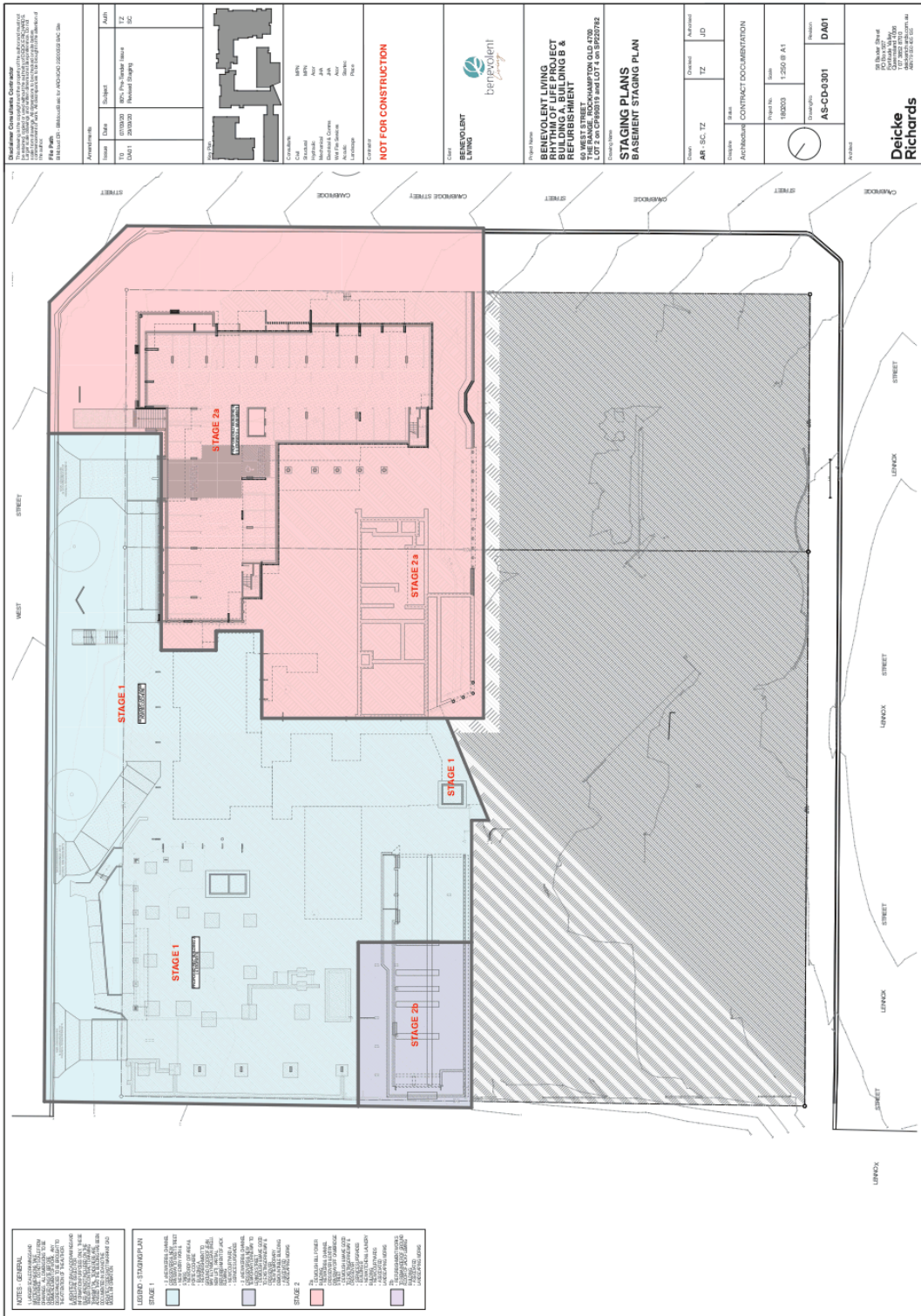


**D/30-2019 - REQUEST FOR A MINOR  
CHANGE TO DEVELOPMENT PERMIT  
FOR A MATERIAL CHANGE OF USE  
FOR A RESIDENTIAL CARE FACILITY,  
RETIREMENT FACILITY AND  
COMMUNITY USE**

**Staging Plans**

**Meeting Date: 8 December 2020**

**Attachment No: 2**



<p><b>Professional Consultant's Certificate</b>                  I, the undersigned, being a duly qualified and licensed Professional Engineer, do hereby certify that the above described plans were prepared by me or under my direct supervision and that I am a duly qualified and licensed Professional Engineer in the Province of Ontario.</p> <p>My Name: <b>Michael D. Williams</b> License No. <b>400020083</b> Date: <b>11/11/2020</b></p>	<p><b>Approval/Date</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Number</th> <th>Date</th> <th>Subject</th> <th>Page</th> </tr> <tr> <td>DA1</td> <td>11/11/2020</td> <td>Master Stage Plans</td> <td>12</td> </tr> </table>	Number	Date	Subject	Page	DA1	11/11/2020	Master Stage Plans	12	<p><b>Client</b>                  BENEVOLENT LIVING</p> <p><b>Project Name</b>                  BENEVOLENT LIVING                  RHYTHM OF LIFE PROJECT                  RHYTHM OF LIFE PROJECT                  REFURBISHMENT PHASE B &amp;                  REFURBISHMENT PHASE C</p> <p><b>Address</b>                  60 WEST STREET                  TORONTO, ONTARIO M5T 1P7                  LOT 2 ON SP40019 and LOT 4 ON SP20782</p>	<p><b>Contractors</b></p> <p><b>NOT FOR CONSTRUCTION</b></p>	<p><b>Consultants</b></p> <p><b>Architect</b>                  Deicke Richards</p> <p><b>Structural</b>                  MKN</p> <p><b>Mechanical</b>                  MKN</p> <p><b>Electrical</b>                  JRM</p> <p><b>Plumbing</b>                  JRM</p> <p><b>Fire Protection</b>                  JRM</p> <p><b>Acoustic</b>                  JRM</p> <p><b>Energy</b>                  JRM</p>	<p><b>Drawings</b></p> <p><b>MASTER STAGING PLANS</b>                  LEVEL 2 MS PLAN</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Drawn</th> <th>Checked</th> <th>Approved</th> </tr> <tr> <td>AR, SC, TZ</td> <td>TZ</td> <td>JD</td> </tr> </table> <p><b>Discipline</b>                  Architectural - FOR APPROVAL</p> <p><b>Project No.</b>                  182003</p> <p><b>Scale</b>                  1:250 @ A1</p> <p><b>Revision</b>                  AS-CD-9803</p> <p><b>Sheet No.</b>                  DA1</p>	Drawn	Checked	Approved	AR, SC, TZ	TZ	JD	<p><b>Architect</b>                  Deicke Richards</p> <p>30 Bloor Street                  Toronto, ON                  M5W 1A5                  Tel: 416-593-8300                  Fax: 416-593-8301</p>
Number	Date	Subject	Page																		
DA1	11/11/2020	Master Stage Plans	12																		
Drawn	Checked	Approved																			
AR, SC, TZ	TZ	JD																			

**NOTES - GENERAL**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE OF CANADA (NBC) AND THE NATIONAL FIRE CODE OF CANADA (NFCC).

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE OF CANADA (NEC).

3. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL PLUMBING CODE OF CANADA (NPLC).

4. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL MECHANICAL CODE OF CANADA (NMC).

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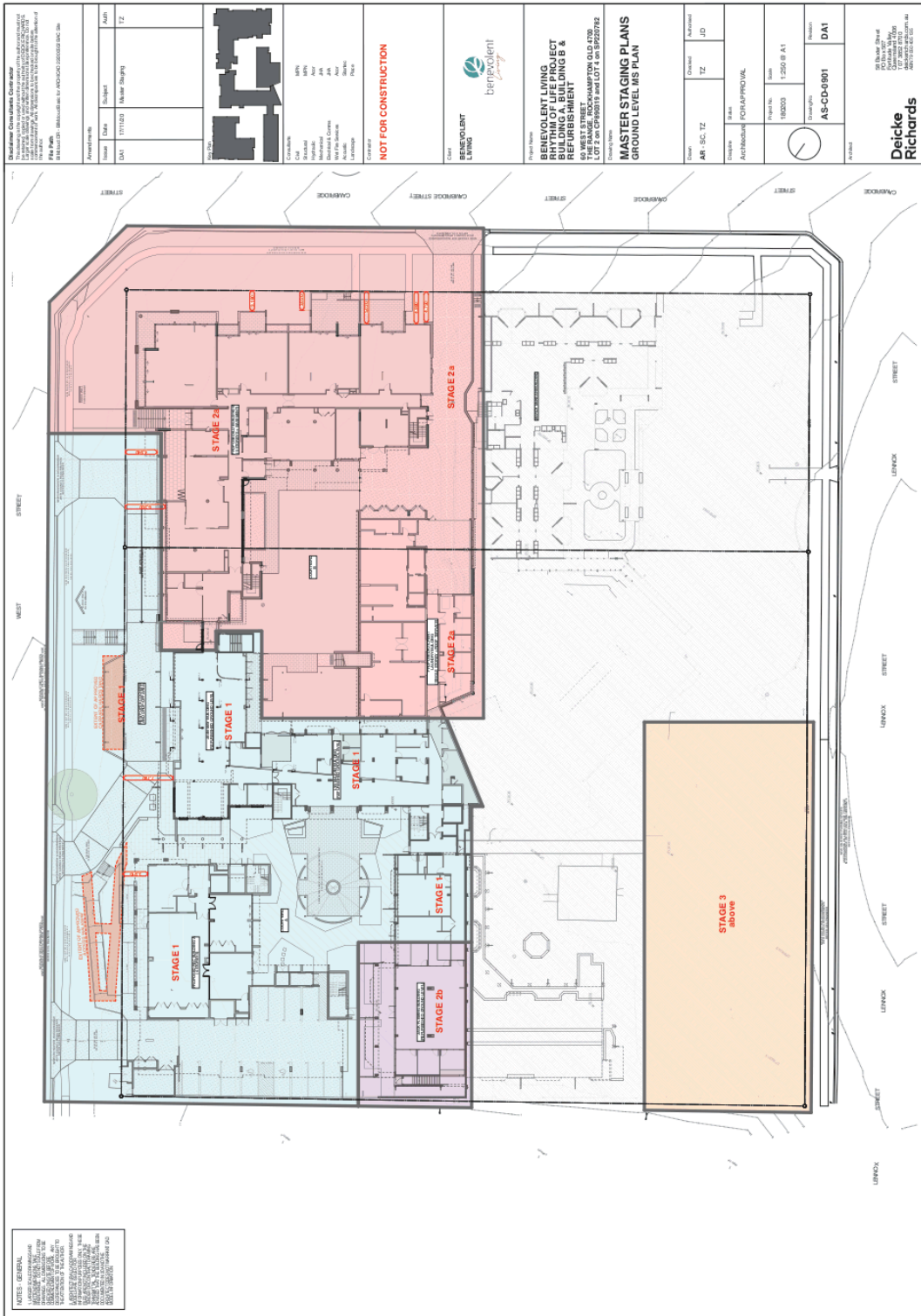
**Notes:**

1. STAGE 1: REFURBISHMENT PHASE B & C

2. STAGE 2: REFURBISHMENT PHASE B & C

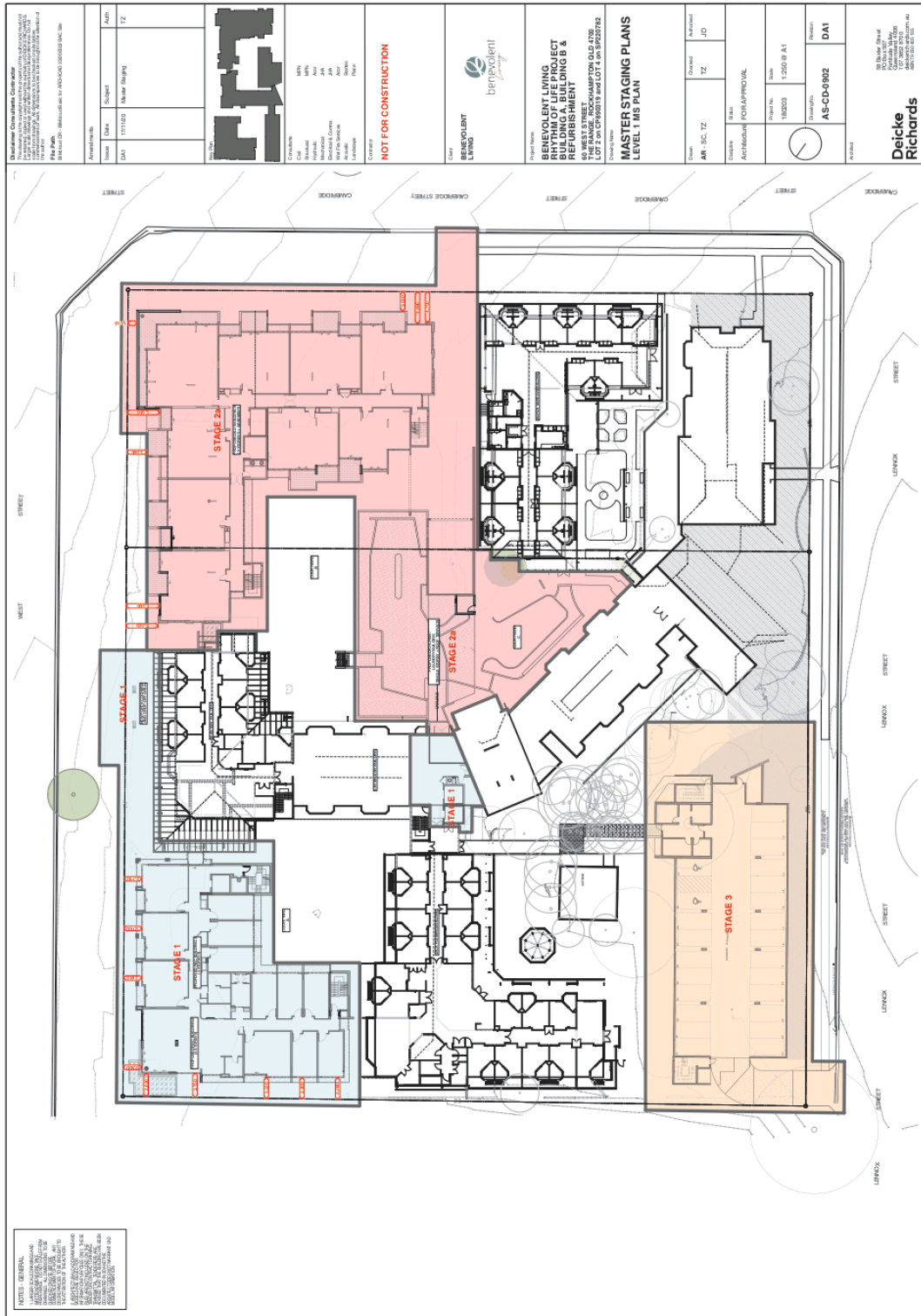
3. STAGE 3: REFURBISHMENT PHASE B & C





**NOTES - GENERAL**  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE BRANCH REGULATIONS.  
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<p><b>NOT FOR CONSTRUCTION</b></p>	
<p><b>benvolent</b>                  BENVOLENT LIVING</p>	<p><b>Deicke Richards</b></p>
<p><b>Project Name:</b>                  BENEVOLENT LIVING RHYTHM OF LIFE PROJECT RENOVATION STAGING B &amp; REFURBISHMENT</p> <p><b>Site:</b>                  60 WEST STREET CAMBRIDGE STATION QUARTERS LOT 2 ON SP40019 and LOT 4 ON SP22782</p>	<p><b>Client:</b>                  BENVOLENT LIVING</p> <p><b>Architect:</b>                  Deicke Richards</p> <p><b>Project No.:</b>                  17250 of A1</p> <p><b>Issue:</b>                  17250 of A1</p> <p><b>Revision:</b>                  01</p> <p><b>Scale:</b>                  1:250</p> <p><b>Author:</b>                  AS-CD-9801</p> <p><b>Checker:</b>                  DA1</p>



## 10.5 D/88-2020 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE

**File No:** D/88-2020

**Attachments:**

1. [Locality Plan](#)
2. [Site Plan](#)
3. [Floor Plan](#)
4. [Elevation Plans](#)

**Authorising Officer:** Tarnya Fitzgibbon - Coordinator Development Assessment  
Doug Scott - Manager Planning and Regulatory Services  
Alicia Cutler - General Manager Community Services

**Author:** Bevan Koelmeyer - Planning Officer

### SUMMARY

*Development Application Number:* D/88-2020

*Applicant:* Dale Hall

*Real Property Address:* Lot 5 on RP603370

*Common Property Address:* 4 Phoebe Street, Lakes Creek

*Area of Site:* 1,214 square metres

*Planning Scheme:* Rockhampton Region Planning Scheme 2015 (version 2.1)

*Planning Scheme Zone:* Rural Residential Zone

*Planning Scheme Overlays:* Acid Sulfate Soils Overlay  
Airport Environs Overlay  
Special Management Area Overlay  
Steep Land Overlay

*Existing Development:* Domestic Shed

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

*Level of Assessment:* Impact Assessable

*Submissions:* Nil

*Referral Agency:* Nil

*Infrastructure Charges Area:* Charge Area 3

### OFFICER'S RECOMMENDATION

#### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Dale Hall, located at 4 Phoebe Street, Lakes Creek, described as Lot 5 on RP603370, Council resolves to provide the following reasons for its decision:

#### **STATEMENT OF REASONS**

<b>Description of the development</b>	The proposed development is for a Material Change of Use for a Dwelling House
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<p><b>Reasons for Decision</b></p>	<p>a) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1);</p> <p>b) The development is not anticipated to be detrimental to the existing operation or any potential future expansion of High Impact Industry land uses located in the surrounding area which are recognised as key, regionally significant, economic assets;</p> <p>c) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>d) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>					
<p><b>Assessment Benchmarks</b></p>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework;</li> <li>• Rural Residential Zone Code;</li> <li>• Acid Sulfate Soils Overlay Code;</li> <li>• Airport Environs Overlay Code;</li> <li>• Special Management Area Overlay Code;</li> <li>• Steep Land Overlay Code;</li> <li>• Access, Parking And Transport Code;</li> <li>• Filling and Excavation Code;</li> <li>• Landscape Code;</li> <li>• Stormwater Management Code; and</li> <li>• Water and Sewer Code.</li> </ul>					
<p><b>Compliance with assessment benchmarks</b></p>	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception listed below.</p> <table border="1" data-bbox="453 1422 1428 2094"> <thead> <tr> <th data-bbox="453 1422 742 1485">Assessment Benchmark</th> <th data-bbox="742 1422 1428 1485">Reasons for the approval despite non-compliance with benchmark</th> </tr> </thead> <tbody> <tr> <td data-bbox="453 1485 742 2094"> <p>Special Management Area Overlay Code (PO1) and Strategic Framework</p> </td> <td data-bbox="742 1485 1428 2094"> <p>The proposal to establish a new Dwelling House does not comply with PO1 of the Special Management Area Overlay Code, as the development is an additional sensitive land use into this area.</p> <p>However, the Strategic Framework is supportive of a Dwelling House being established within the Rural Residential designation. Furthermore, the house is located with a significant separation distance from established High Impact Industry land uses operating in the surrounding area such as the Lakes Creek Meatworks and Boral Asphalt Plant. This is anticipated to provide an effective natural buffer for residents to mitigate any potential air, light, noise or odour emissions that may be generated from these industrial uses. In turn, the development is not anticipated to be detrimental to the viability of the existing industrial uses or to their future potential growth. Therefore, the development is not anticipated to be detrimental to the continued protection of Lakes Creek Meatworks and</p> </td> </tr> </tbody> </table>		Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark	<p>Special Management Area Overlay Code (PO1) and Strategic Framework</p>	<p>The proposal to establish a new Dwelling House does not comply with PO1 of the Special Management Area Overlay Code, as the development is an additional sensitive land use into this area.</p> <p>However, the Strategic Framework is supportive of a Dwelling House being established within the Rural Residential designation. Furthermore, the house is located with a significant separation distance from established High Impact Industry land uses operating in the surrounding area such as the Lakes Creek Meatworks and Boral Asphalt Plant. This is anticipated to provide an effective natural buffer for residents to mitigate any potential air, light, noise or odour emissions that may be generated from these industrial uses. In turn, the development is not anticipated to be detrimental to the viability of the existing industrial uses or to their future potential growth. Therefore, the development is not anticipated to be detrimental to the continued protection of Lakes Creek Meatworks and</p>
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		Boral which are identified as key, regionally significant, economic assets.
<b>Matters prescribed by regulation</b>	<ul style="list-style-type: none"> <li>• The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and</li> <li>• The common material, being the material submitted with the application.</li> </ul>	

### **RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Dale Hall, located at 4 Phoebe Street, Lakes Creek, described as Lot 5 on RP603370, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

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

Drawing/report title	Prepared by	Date	Reference number	Revision
Site Plan	Chris Warren Homes	19 May 2020	CWH-19106-A-001	D
Floor Plan	Chris Warren Homes	19 May 2020	CWH-19106-A-100	D
Elevations	Chris Warren Homes	19 May 2020	CWH-19106-A-200	D
Elevations	Chris Warren Homes	19 May 2020	CWH-19106-A-201	D
3D Views	Chris Warren Homes	19 May 2020	CWH-19106-A-400	D

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

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

### 3.0 ACCESS WORKS

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

3.2 The existing access from Phoebe Street to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

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

### 4.0 PLUMBING AND DRAINAGE WORKS

4.1 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

4.2 The existing water connection point must be retained, and upgraded if necessary, to service the development.

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

### 5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

### 6.0 SITE WORKS

6.1 Site works must be constructed such that they do not, at any time, in any way restrict,

impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

#### 7.0 BUILDING WORKS

7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.

7.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

#### 8.0 ELECTRICITY

8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

#### 9.0 TELECOMMUNICATIONS

9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

#### 10.0 ASSET MANAGEMENT

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

10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

#### 11.0 ENVIRONMENTAL

11.1 An Erosion Control and Stormwater Control Management Plan in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

#### 12.0 OPERATING PROCEDURES

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

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Works in Road Reserve Permit

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

NOTE 5. Infrastructure Charges Notice

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

NOTE 6. Noise and Odour

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

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

NOTE 7. Rating Category

Please note, a Material Change of Use approval may result in an adjustment to a property's rating category, particularly in residential and rural zones. Please contact Council's Rates Department should you require further information.

**RECOMMENDATION C**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House, made by Dale Hall, located at 4 Phoebe Street, Lakes Creek, described as Lot 5 on RP603370, Council resolves not to issue an Infrastructure Charges Notice.

**BACKGROUND****PROPOSAL IN DETAIL**

The proposal is for a Dwelling House to be established at 4 Phoebe Street, Lakes Creek. The house will be approximately 143 square metres in size and will have three (3) bedrooms, two (2) bathrooms, a kitchen, living area, dining area and laundry facilities. The development will have access to Council water and will gain access to the road network via the site's existing access driveway to Phoebe Street. The house will be provided with an on-site sewerage system and will be connected to reticulated electricity and telecommunications services.



## **SITE AND LOCALITY**

The subject site is 1,214 square metres in size and is designated in the Rural Residential Zone under the *Rockhampton Region Planning Scheme 2015* (version 2.1). The surrounding area is also designated in the same zone and is predominantly used for residential purposes accommodating single dwellings. The subject site is affected by the Special Management Area Overlay due to its proximity to established industrial uses. These include the Lakes Creek Meatworks operating a cattle abattoir and Boral operating an asphalt manufacturing facility. The Meatworks cattle holding yards are located approximately 175 metres west of the site while their meat processing facilities are located approximately 400 metres southwest of the site. Boral is located approximately 300 metres east of the subject site. The subject site has a steady fall in slope of approximately 11 per cent from front to rear boundary, diagonally from the site's north-eastern corner to its rear south-western corner. The site has access to Council's water network and road network via Phoebe Street.

## **PLANNING ASSESSMENT**

### **MATTERS FOR CONSIDERATION**

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

#### **Development Engineering Comments**

Support, subject to conditions.

#### **Public and Environmental Health Comments**

Support, no conditions.

#### **Other Staff Technical Comments**

Not applicable as the application was not referred to any other technical staff.

## **TOWN PLANNING COMMENTS**

### **State Planning Policy 2017**

Section 2.1 of *Rockhampton Region Planning Scheme 2015* (version 2.1) noted the *State Planning Policy 2017* is integrated in the planning scheme. The State planning interests are therefore, addressed as part of this assessment of the development against the *Rockhampton Region Planning Scheme 2015*.

### **Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document, which came into effect on 18 October 2013. The Regional Plan is identified as being appropriately integrated with the Planning Scheme and therefore an assessment against the Planning Scheme is taken to be an assessment against the *Central Queensland Regional Plan 2013*.

### **Rockhampton Region Planning Scheme 2015**

#### **Strategic framework**

This application is situated within the Rural Residential designation under the scheme's strategic framework map. The strategic framework themes and their strategic outcomes, as identified within Part 3 of the *Rockhampton Region Planning Scheme 2015* are applicable:

(i) **Settlement pattern**

- (1) ***The pattern of settlement is reinforced in accordance with the Strategic framework – settlement pattern maps (SFM-1 to SFM-4) and as defined in Table 3.3.2.2 – Strategic map designations and descriptions. Sufficient land has been allocated for residential, commercial, industrial and community uses to meet the needs of the region for at least twenty (20) years.***

- (2) Residential development within Rockhampton and Gracemere will occur in urban areas, urban infill and intensification areas and new urban areas (greenfield areas). These areas are shown on the strategic framework maps SFM-2 to SFM-3.
- (3) Urban development in Mount Morgan will only occur within the urban area and local centre as shown on strategic framework map SFM-4.
- (4) Residential development is compact, encourages strong neighbourhoods with attractive places for residents, makes efficient use of land and optimises the delivery and use of infrastructure and services. Expansion beyond these identified areas will not occur to ensure a focus on urban infill and intensification areas and to avoid further encroachment on natural assets and ecologically vulnerable areas.
- (5) Sufficient land for employment growth has been identified in industrial areas, new industrial areas and centres (including proposed centres) at locations that can be most efficiently serviced with infrastructure and facilities.
- (6) Future urban areas and future industrial areas are the preferred location for greenfield development beyond 2026.
- (7) The settlement pattern provides for a diverse range of housing to meet changing demographic needs, and creates opportunities for more affordable living close to services and facilities. These housing options will help stimulate centres and community focal points, and assist in making the most efficient use of infrastructure and other public investment.
- (8) Higher density development is focused around centres and public transport nodes and corridors. Increased residential densities will be encouraged in the urban infill and intensification areas in a range of dwelling types that are located to make public transport, walking and cycling more convenient, safe and viable.
- (9) The design of the built environment (including buildings, streets and public spaces) is consistent with the existing or desired character of the area and buildings are oriented to the street and public places. Development is undertaken in accordance with urban design principles.
- (10) Centres provide for employment, retail, accommodation, entertainment and community services that meet the needs of residential communities that are well connected by the public transport network.
- (11) Centres are based on a hierarchy that ensures the scale and form of development is appropriate to the location, and that the centres' roles and functions are appropriate within the wider planning scheme area.
- (12) Centres are consolidated within designated areas, and expansion does not occur into adjoining residential areas.
- (13) An integrated and high quality public open space network caters for the needs of residents, particularly in and around centres and higher density areas.
- (14) *The continuing viability of areas that provide for economic development such as industrial and specific use areas is protected from incompatible land uses.***
- (15) *Limited rural residential areas provide for semi-rural living; however, these areas do not expand beyond the areas designated.***
- (16) The productive capacity of all rural land is protected.
- (17) Rural lands and natural areas are maintained for their rural and landscape values.
- (18) The scenic and environmental values of areas identified as nature conservation or natural corridor link are protected.
- (19) The cultural heritage of Rockhampton is conserved for present and future communities.
- (20) Development responds to natural hazards (flooding, bushfire, steep land, storm tide inundation and coastal erosion) by avoiding, mitigating, adapting and building resilience to natural hazards in areas mapped as being susceptible.

### **3.3.5 Element – Rural Residential**

#### **3.3.5.1 Specific Outcomes**

- (1) *Rural residential development occurs only within the identified rural residential designated areas as shown on the [strategic framework maps \(SFM-1 to SFM-4\)](#). No further expansion of rural residential areas is supported.*
- (2) *Rural residential development is limited to existing designated areas for the following reasons:*
  - (a) *protect existing agricultural land, natural resources and the natural environment;*
  - (b) *protect natural and scenic landscapes;*
  - (c) *maximise the use of existing available infrastructure;*
  - (d) *encourage urban development into defined urban areas and new urban areas as identified on the strategic framework maps (SFM-1 to SFM-4); and*
  - (e) *avoid impeding the efficient expansion of the urban footprint.*
- (3) Home-based businesses involving heavy vehicles may establish within rural residential areas, where no significant impact occurs on adjoining sensitive land uses. However, larger scale transport and freight uses (which do not fall within the definition of a [home-based business](#)) must be located within the designated industrial areas or areas specifically identified elsewhere within this strategic framework rather than in rural residential areas.
- (4) Small-scale rural uses (such as [animal keeping](#) or [cropping](#)) are supported provided that they are in accordance with the rural residential zone code.
- (5) New subdivisions within rural residential areas must be serviced to an urban standard (including constructed roads and stormwater drainage).

#### **Complies.**

A Dwelling House is a consistent land use within the Rural Residential designation. Additionally, the development will utilise existing infrastructure including Council water and road networks, as well as reticulated electricity and telecommunications services from the relevant service providers. While the development is an incompatible use within the Special Management Area Overlay, it will be located with a significant separation distance from established industrial uses. This is anticipated to provide an effective natural buffer for residents to minimise any potential adverse amenity impacts generated industrial uses in the surrounding area. Furthermore, the development is not anticipated to detrimentally affect the viability of these industrial uses expanding or intensifying their operations in the future.

#### **(ii) Natural environment and hazards**

- (1) The natural environment and landscape are highly valued by the community for their contribution to the planning scheme area's biodiversity, economic prosperity, culture, character and sense of place. These areas are to be protected from incompatible development.
- (2) Development does not create unsustainable impacts on:
  - (a) the natural functioning of floodplains;
  - (b) environmentally significant areas, including areas of state and locally significant vegetation, which provide fauna habitat and support biodiversity; and
  - (c) the quality of water entering waterways, wetlands and local catchments.
- (3) Development does not increase the risk to human life and property in areas that are affected, or potentially affected, by storm-surge, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide. This occurs through the avoidance of natural hazards in new development areas, particularly greenfield areas and the mitigation of risks in existing built up areas.

- (4) Strategic and iconic scenic and landscape values are protected from potential adverse impacts of development.

**Complies.**

The development will not adversely affect the natural environment. The development will not increase the risk to human life or property, as a result, of natural hazards.

(iii) **Community identity and diversity**

- (1) The quality of life of residents is enhanced through equitable access to social infrastructure, community services and facilities necessary to support community health and well-being.
- (2) The community is self-sufficient and does not rely on services and facilities located in other regions. Development contributes to the provision of new social infrastructure, including land.
- (3) Cultural heritage including character housing and heritage buildings are conserved and enhanced.
- (4) Public places are safe, functional, characterised by good urban design, and include a range of facilities to encourage healthy and active lifestyles.
- (5) Crime prevention through environmental design is achieved in urban areas including public spaces to improve public safety.

**Not applicable.**

(iv) **Access and mobility**

- (1) Connectivity is achieved between residential uses, employment centres and services through the provision of active transport infrastructure integrated with efficient public transport services.
- (2) The trunk transport network (as shown on the strategic framework maps SFM-9 to SFM-12 and in plans for trunk infrastructure in the local government infrastructure plan) supports the settlement pattern and the local economy by facilitating the efficient and safe movement of people and goods both within the planning scheme area (especially between the main urban centres of Rockhampton and Gracemere), and to and from other locations.
- (3) The transport network encourages and supports active living in centres by providing for integrated walking, cycling, and public transport infrastructure to support a progressive reduction in car dependency.
- (4) *The safety and efficiency of transport infrastructure, including the Bruce and Capricorn highways and other state and local roads, rail, airport and seaports, are not compromised by development.***

**Complies.**

The Dwelling House will gain access to Phoebe Street and is not anticipated to adversely affect the safety or efficiency of the transport network.

(v) **Infrastructure and services**

- (1) Infrastructure and services are planned and delivered in a logical and cost efficient manner in support of the planned settlement pattern. It is fit for purpose and is sensitive to cultural and environmental values. In particular:
  - (a) efficient, affordable, reliable, timely and lasting infrastructure makes best use of public resources;
  - (b) the long-term needs of the community, industry and business are met; and
  - (c) the desired standards of service in Part 4 — local government infrastructure plan are achieved.

**Complies.**

The Dwelling House will have access to Council's water and road networks as well as reticulated electricity and telecommunications services from the relevant service providers.

(vi) **Natural resources and economic development**

- (1) The economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.
- (2) The strategic importance of Rockhampton for transport and logistics industries is fostered, given its central location at the junction of the Bruce Highway, the Capricorn Highway (through to the Landsborough Highway) and the Burnett Highway (through to the Leichhardt Highway).
- (3) The local community continues to value its traditional economic assets and natural resources and protects and conserves them and the contribution they make to maintaining and growing the region's economic prosperity, culture, character and sense of place. The region's traditional economic sectors of tourism and agriculture (including the iconic beef industry) continue to strengthen.
- (4) Development protects and, where possible, leverages the intrinsic economic value of the region's natural resources, including productive grazing, agricultural and forestry land, extractive and mineral resources, marine and coastal resources, and existing and planned water resources, including watercourses, water bodies and groundwater.
- (5) Natural assets identified by this planning scheme are protected as they underpin current and emerging tourism opportunities and important lifestyle values for residents.

**3.8.2 Element – Protection of key assets**

**3.8.2.1 Specific outcomes**

- (1) ***Key economic assets are protected from encroachment of incompatible development and supported to continue and grow their primary function. These assets include but are not limited to:***
  - (a) major energy and transport infrastructure such as the Rockhampton Airport, Stanwell Power Station, the Bruce and Capricorn Highways and major rail freight corridors;
  - (b) major infrastructure corridors;
  - (c) port infrastructure at Port Alma Strategic Port Land;
  - (d) *established industries of regional economic significance, including the Lakes Creek meatworks, Queensland Magnesium (Parkhurst industrial area), Hastings Deering (Port Curtis) and salt works near Bajool;***
  - (e) major industrial areas at Gracemere, Parkhurst and Bajool;
  - (f) Bajool explosives reserve;
  - (g) Rockhampton Base Hospital, the Rockhampton Mater Hospital and associated medical facilities; and
  - (h) CQUniversity.

**Complies.**

The Dwelling House will be located within the Special Management Area Overlay, which is a policy mechanism included to protect key, regionally significant, economic assets such as Lakes Creek Meatworks and Boral. The Dwelling House will be located approximately 175 metres from the Meatworks cattle holding yards, approximately 400 metres from their meat processing facilities and approximately 300 metres from Boral's asphalt manufacturing facility. The house's significant separation distance from these established High Impact Industry uses are anticipated to provide residents with an effective natural buffer. As a result, any air, light, noise or odour emissions that may be generated by the existing and future potential growth of these industrial uses, are not expected to unduly affect residents of the Dwelling House. Therefore, the development is not anticipated to be detrimental to the

continued protection of these industrial uses which are recognised as key, regionally significant, economic assets.

The performance assessment of the proposal demonstrates that the development will not compromise the *Rockhampton Region Planning Scheme 2015* (version 2.1) strategic outcomes.

### Rural Residential Zone

The subject site is situated within the Rural Residential Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Rural Residential Zone identifies that: -

1. The purpose of the rural residential zone code is to:
  - (a) recognise existing rural residential zoned areas;
  - (b) prevent the establishment of new rural residential areas, but facilitate subdivision within existing zoned areas;
  - (c) prevent the establishment of development which may limit the productive capacity of adjoining rural land.
  
2. The purposes of the zone will be achieved through the following outcomes:
  - (a) ***the zone provides for predominantly dwelling houses on large lots with ancillary small-scale uses that do not compromise the residential amenity of the area, such as animal keeping, cropping and home-based businesses;***
  - (b) roadside stalls and other sales of produce grown on the site are of a limited scale that is consistent with the rural residential lifestyle;
  - (c) non-residential uses occur within the zone where they:
    - (i) do not compromise the residential character and existing amenity of the surrounding area;
    - (ii) are small-scale and consistent with the surrounding urban form;
    - (iii) primarily function to service the needs of the immediate local residential community;
    - (iv) do not detract from the role and function of centres or the operation of rural uses in the vicinity; and
    - (v) do not result in the expansion of a centre zone;
  - (b) transport and freight uses, which do not meet the definition of a home-based business, are not established in the rural residential zone;
  - (c) ***rural residential development:***

does not occur beyond those areas zoned for this purpose;

    - (i) ***is buffered by appropriate setbacks and landscaping from rural land and incompatible land uses, so that amenity impacts from spray drift, noise and odour are avoided;***
    - (ii) enhances and responds to environmental features and topographical features of the site, including creeks, gullies, waterways, wetlands and vegetation and bushland;
    - (iii) ***does not adversely impact the safety and efficiency of the road network;***
    - (iv) maximises energy efficiency, water conservation and sustainable energy technologies; and
    - (v) ***is serviced by infrastructure that is commensurate with the needs of the use;***
  - (d) new subdivisions within rural residential areas must be serviced to an urban standard (including telecommunications, electricity, constructed roads and stormwater drainage); and
  - (e) the establishment of one (1) precinct within the zone where particular requirements are identified:
    - (i) Baree and Walterhall precinct.

The proposed development for a Dwelling House is a consistent land use in the Rural Residential Zone. The development will have a significant separation distance from incompatible industrial uses operating in the surrounding area such as the Lakes Creek Meatworks and Boral Asphalt Manufacturing Plant. This is anticipated to be an effective natural buffer for residents from any adverse noise and odour emissions that may be generated by the aforementioned industrial uses. The development is not anticipated to adversely affect the safety or efficiency of the road network and will have access to infrastructure including Council's road and water networks, as well electricity and telecommunications services. Therefore, the development is consistent with the purpose of the Zone.

### **Special Management Area Overlay Code**

The subject site is affected by the Special Management Area Overlay, the purpose of the Special Management Area Overlay Code Zone identifies that: -

- (1) *The purpose of the special management area overlay is to identify areas that may be impacted upon by industrial or landfill activities.***
- (2) *The purpose of the code will be achieved through the following overall outcomes:***
  - (a) *development does not compromise existing or future industrial development or existing landfill sites;***
  - (b) *development is designed and located to protect the health, well-being, amenity and safety of communities and individuals from the impacts of air, light, noise and odour emissions, and from the impacts of hazardous materials that could result from locating in proximity to industrial or landfill uses;***
  - (c) *the establishment of new or the further intensification (except for minor alterations or extensions) of existing sensitive land use(s) does not occur;* and**
  - (d) reconfiguring a lot does not increase the number of people residing permanently in the area on a long-term basis.**

The subject site is affected by the Special Management Area Overlay due to established industrial activities occurring in the surrounding area including the Lakes Creek Meatworks operating a cattle abattoir facility and Boral operating an asphalt manufacturing facility. The development will have a significant separation distance from these industrial uses and is not expected to be unduly impacted by air, light, noise or odour emissions that may be generated by these uses. Furthermore, the development is not expected to compromise the existing or future potential growth of these industrial uses. Despite this, the overlay code does not support the establishment of new sensitive land uses such as a Dwelling House within the Special Management Area Overlay. Therefore the development is not consistent with the purpose of the code.

### **Rockhampton Regional Planning Scheme Codes**

The following codes are applicable to this application:

- Rural Residential Zone Code;
- Acid Sulfate Soils Overlay Code;
- Airport Environs Overlay Code;
- Special Management Area Overlay Code;
- Steep Land Overlay Code;
- Access, Parking And Transport Code;
- Filling and Excavation Code;
- Landscape Code;

- Stormwater Management Code; and
- Water and Sewer Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance Outcomes and Acceptable Outcomes. An assessment of the Performance Outcome, which the application is in conflict with, is outlined below:

<b>Special Management Area Overlay Code</b>	
<b>Performance Outcome</b>	<b>Officer's Response</b>
PO1 Development does not involve the further intensification of sensitive land use(s).	<p><b>Does not comply</b></p> <p>The development does not comply with the recommendations included in Acceptable Outcome 1.2, which does not support the establishment of a new Dwelling House within the Special Management Area Overlay. The overlay is in place for High Impact Industry uses occurring in the surrounding area such as the Lakes Creek Meatworks operating a cattle abattoir and Boral operating an asphalt manufacturing facility.</p> <p>The Lakes Creek Meatworks cattle holding yards are located approximately 175 metres west of the site, while their meat processing facilities are located approximately 400 metres southwest of the development. Boral asphalt manufacturing plant is located approximately 300 metres east of the site. The development's significant separation distance from industrial uses is anticipated to provide residents with an effective natural buffer. Furthermore, any potential air, light, noise or odour emissions that may be generated by the industrial uses and experienced by residents of the dwelling, are anticipated to be minimal.</p> <p>However as the development results in the further intensification of sensitive land uses in the Special Management Area, the development cannot comply with the overarching Performance Outcome.</p>

Based on a performance assessment of the abovementioned codes, the proposal generally complies with the relevant Performance Outcomes, with the exception of the above Performance Outcome.

### **INFRASTRUCTURE CHARGES**

Adopted Infrastructure Charges Resolution (No. 5) 2015 applies to the application and it falls within Charge Area 3. However, Council resolves not to issue an Infrastructure Charges Notice for this development because the charges arising from the development are less than or equal to the credits applicable for the development.

Therefore, no infrastructure charges are payable and an Infrastructure Charges Notice is not required for the development.

### **CONSULTATION**

The proposal was the subject of public notification between 8 October 2020 and 28 October 2020, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.



During public notification, the applicant failed to comply with the requirements for giving public notice in accordance with the Development Assessment Rules and the *Planning Act 2016*. Specifically, the applicant did not provide the adjoining owner's with a notice designed in accordance with Schedule 3, Part 1, Section 1B of the Development Assessment Rules. This states that the adjoining owner's notice, is to be a reproduced version of the public notice on the premises, which has been rescaled to fit a single A4 page. Instead, the applicant has provided the adjoining owners with a letter describing the development and included contact details for Council should these owners require further information about the development.

Despite this non-compliance, Council has continued to assess and decide this application as it is satisfied that this non-compliance 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.

### **CONCLUSION**

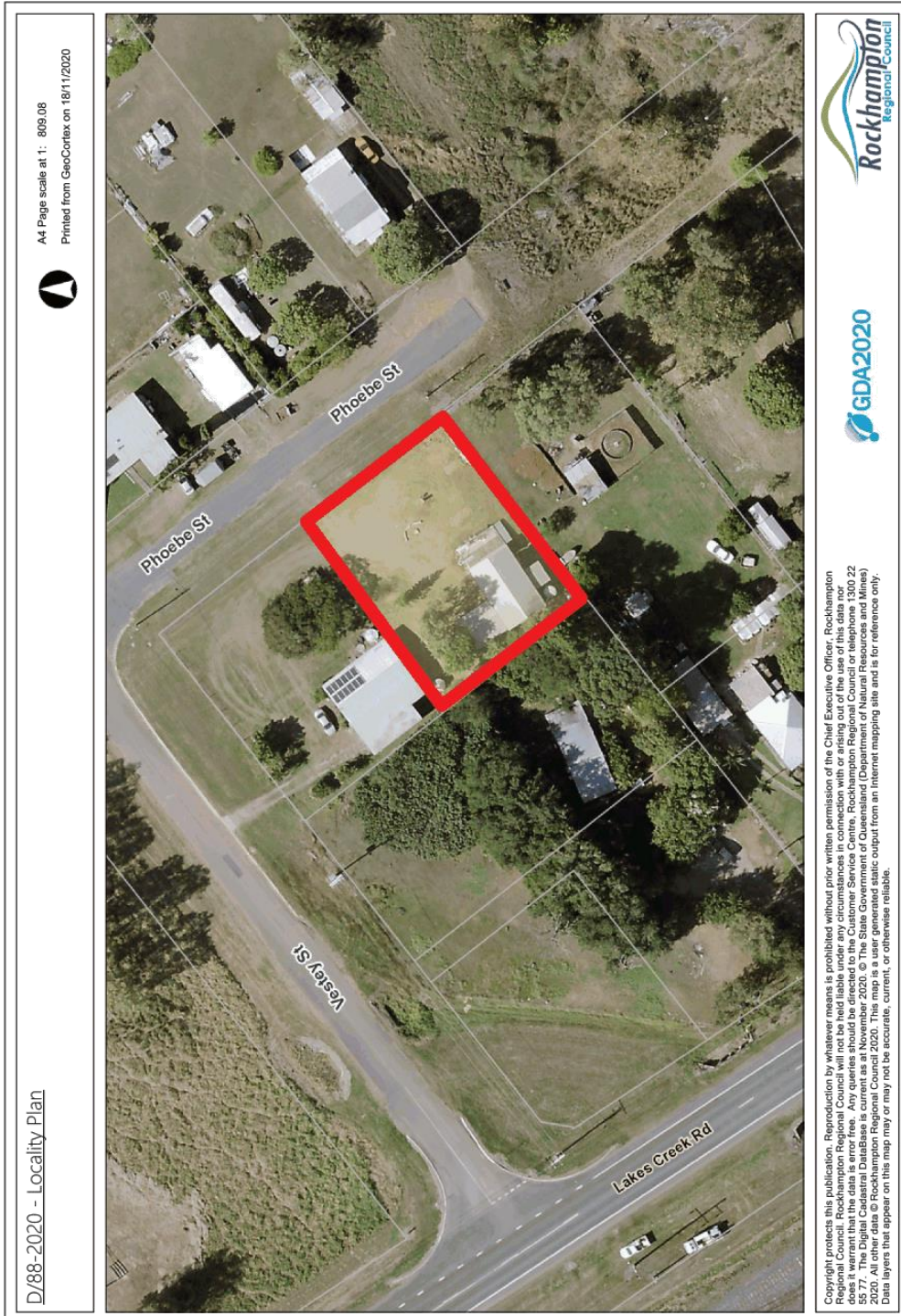
The proposed development is considered to be in keeping with the purpose of the Rural Residential Zone and is not anticipated to compromise the Strategic Framework of *Rockhampton Region Planning Scheme 2015* (version 2.1). Furthermore, the proposal generally complies with the provisions included in the applicable codes. The proposal is therefore, recommended for approval in accordance with the approved plans and subject to the conditions outlined in the recommendation.

**D/88-2020 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A DWELLING  
HOUSE**

**Locality Plan**

**Meeting Date: 8 December 2020**

**Attachment No: 1**



**D/88-2020 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A DWELLING  
HOUSE**

**Site Plan**

**Meeting Date: 8 December 2020**

**Attachment No: 2**

Issue	Description	Date
A	PRELIMINARY ISSUE	21/11/2019
B	CLIENT AMENDED	03/02/2020
C	CLIENT AMENDED	12/02/2020
D	CLIENT AMENDED	18/02/2020



PH: 4821 4444  
 E: DRAFTING@CWH.COM.AU  
 10/100 WILSON ROAD  
 CHERRY LAKE  
 QLD 4059  
 ABN: 99 106 019 878

CLIENT  
 DALE HALL

PROJECT ADDRESS  
 LOT 5 PHOEBE STREET, LAKES  
 CREEK

DESIGN  
 CUSTOM

PROJECT NUMBER  
 CWH-19106

SITE PLAN	
LOT	5
SP.	RP603370
PARISH	ARCHER
COUNTY	LIVINGSTONE
AREA	127.4m <sup>2</sup>
DWG No.	A-001
DRAWN BY	GGB
SCALE	As Indicated

SITE PLAN RPD	
LOT	5
SP.	RP603370
PARISH	ARCHER
COUNTY	LIVINGSTONE
AREA	127.4m <sup>2</sup>

1 SITE PLAN  
 1 : 200

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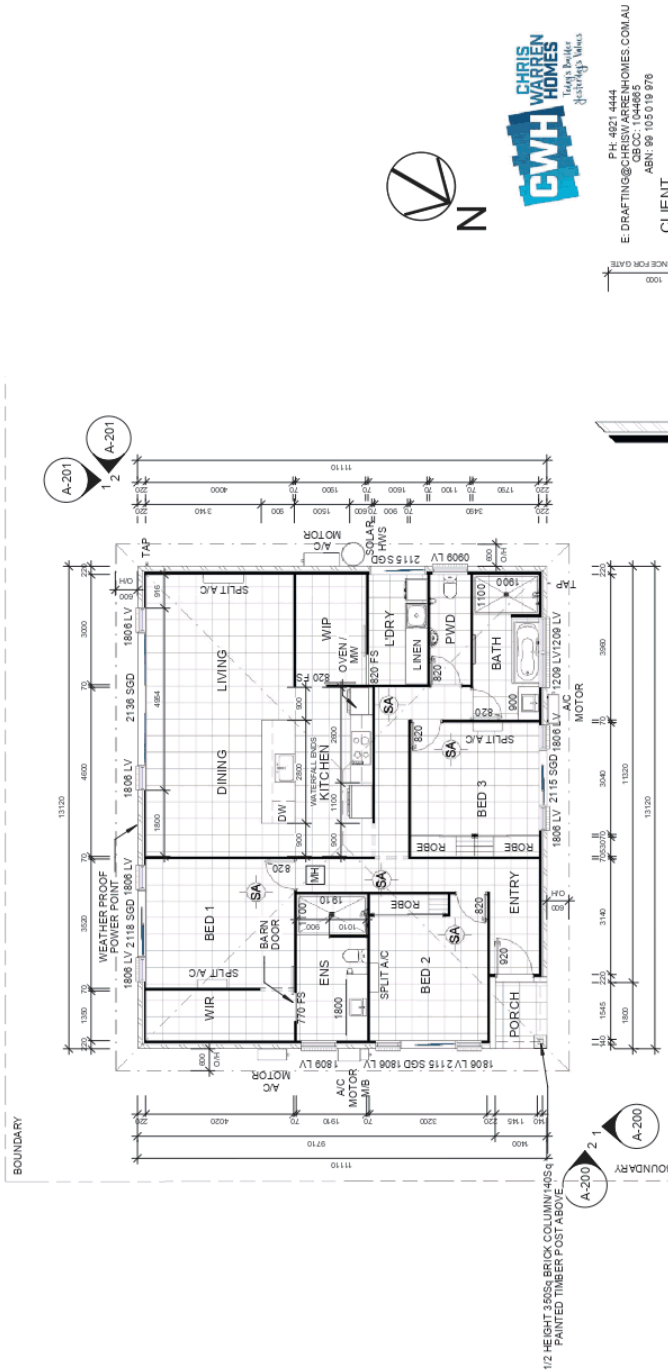
**D/88-2020 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A DWELLING  
HOUSE**

**Floor Plan**

**Meeting Date: 8 December 2020**

**Attachment No: 3**

Issue	Description	Date
A	PRELIMINARY ISSUE	21/11/2019
B	CLIENT AMENDED	03/02/2020
C	CLIENT AMENDED	12/05/2020
D	CLIENT AMENDED	18/02/2020



NOTE FLOOR TO CEILING TILES TO ENS AND BATH

112 HEIGHT 3555s BRICK COLUMNS AND PAINTED TIMBER POST AND RAIL

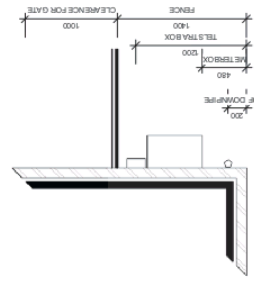


PH: 4821 4444  
 E: DRAFTING@CWH.COM.AU  
 PROJECT: 19106  
 CWC: 044861  
 ABN: 96 106 019 878

CLIENT  
 DALE HALL

PROJECT ADDRESS  
 LOT 5 SPOEBE STREET, LAKES CREEK  
 DESIGN CUSTOM  
 PROJECT NUMBER  
 CWH-19106

**FLOOR PLAN**  
 DWG No. A-100  
 DRAWN BY GGB  
 SCALE As Indicated



**SERVICES DETAIL**  
 2 1:40

AREA SCHEDULE

PORCH	2.63 m <sup>2</sup>
DWELLING	143.24 m <sup>2</sup>
<b>GRAND TOTAL</b>	<b>145.79 m<sup>2</sup></b>

**1 FLOOR PLAN**  
 1 1:100

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**D/88-2020 - DEVELOPMENT  
APPLICATION FOR A MATERIAL  
CHANGE OF USE FOR A DWELLING  
HOUSE**

**Elevation Plans**

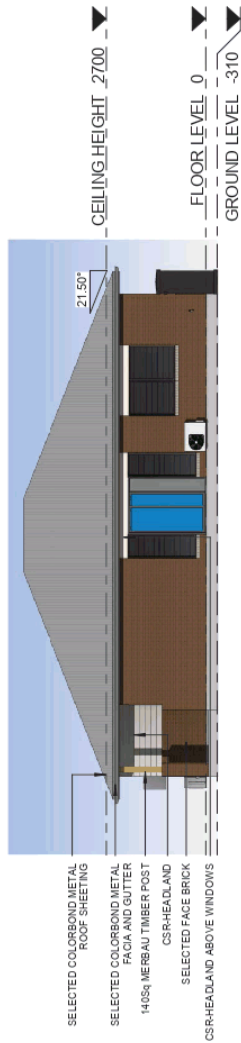
**Meeting Date: 8 December 2020**

**Attachment No: 4**



ALL WINDOWS TO BE FLASHED AS PER NCC. 3.5.4.5 - WEATHER PROTECTION OF OPENINGS

Issue	Description	Date
A	PRELIMINARY ISSUE	21/11/2019
B	CLIENT AMENDED	03/02/2020
C	CLIENT AMENDED	12/02/2020
D	CLIENT AMENDED	18/02/2020



1 ELEVATION 1  
1 : 100



2 ELEVATION 2  
1 : 100



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177777  
CRICOS: 1044868  
ABN: 99 106 019 878

CLIENT  
DALE HALL

PROJECT ADDRESS  
LOT 5 PHOEBE STREET, LAKES  
CREEK  
DESIGN  
CUSTOM  
PROJECT NUMBER  
CWH-18106

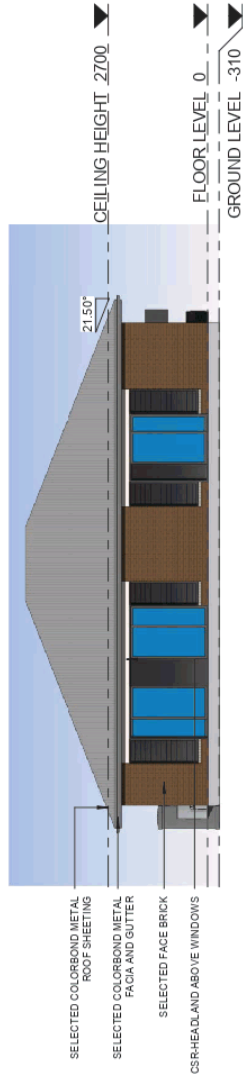
ELEVATIONS

DWG No: A-200  
DRAWN BY: GGB  
SCALE: 1 : 100 A3

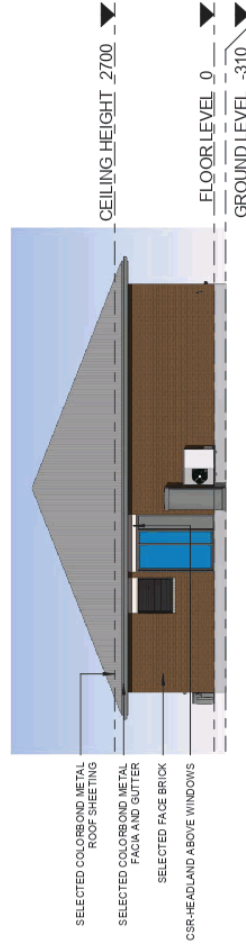
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ALL WINDOWS TO BE FLASHED AS PER NCC.3.5.4.5 - WEATHER PROTECTION OF OPENINGS

Issue	Description	Date
A	PRELIMINARY ISSUE	21/11/2019
B	CLIENT AMENDED	03/02/2020
C	CLIENT AMENDED	12/05/2020
D	CLIENT AMENDED	18/05/2020



1 ELEVATION 3  
1 : 100



2 ELEVATION 4  
1 : 100



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 EMAIL: SALES@CWHOMES.COM.AU  
 CWC: 104884  
 ABN: 99 106 019 878

CLIENT  
 DALE HALL

PROJECT ADDRESS  
 LOT 5 SHOEBE STREET, LAKES  
 CREEK  
 DESIGN  
 CUSTOM  
 PROJECT NUMBER  
 CWH-18106

ELEVATIONS

DWG No: A-201  
 DRAWN BY: GGB  
 SCALE: 1 : 100 A3

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**10.6 SURRENDERED AND UNCLAIMED ANIMALS POLICY**

<b>File No:</b>	<b>1464</b>
<b>Attachments:</b>	<b>1. Surrendered and Unclaimed Animals Policy</b> <a href="#">↓</a> <b>2. Final Draft Surrendered and Unclaimed Animals Policy - Tracked</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Doug Scott - Manager Planning and Regulatory Services</b> <b>Alicia Cutler - General Manager Community Services</b>
<b>Author:</b>	<b>Jon Buckenham - Supervisor Local Laws</b>

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**SUMMARY**

*The Manager Planning and Regulatory Services presents the report on the draft Animal Management – Surrendered and Unclaimed Animals Policy for adoption.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to adopt the Animal Management - Surrendered and Unclaimed Animals Policy.

**COMMENTARY**

The Animal Management – Surrendered and Unclaimed Animals Policy has undergone its scheduled review as required. A number of proposed updates have been placed before the Council table. The updates were to align the Policy with the amended Local Law and Animal Management Strategy.

Amendments were also introduced to reflect current operating practices including section 5, when it is appropriate to return an animal prior to taking the animal to the Animal Management Centre.

A Memorandum of Understanding with rescue groups is proposed as part of the process which will provide clear guidelines and ensure animals are treated humanely.

**BACKGROUND**

The policy is being reviewed in line with changes to legislation.

**PREVIOUS DECISIONS**

There are no previous decisions in relation to this amendment.

**BUDGET IMPLICATIONS**

There are no budget implications as a result of the changes to this policy.

**LEGISLATIVE CONTEXT**

The policy update aligns with the changes to the Local Laws and Animal Management Strategy

**LEGAL IMPLICATIONS**

There are no legal implication as a result of the changes to this policy.

**STAFFING IMPLICATIONS**

There are no staffing implication as a result of the changes to this policy.

**RISK ASSESSMENT**

The changes to this policy formalises the way Council deals with animal groups which reduces Council's risk of exposure to negative publicity.

**CORPORATE/OPERATIONAL PLAN**

There is no link to the Corporate or Operational plan.

---

**CONCLUSION**

This report presents the Animal Management – Surrendered and Unclaimed Animals Policy for Council's review and adoption.

# **SURRENDERED AND UNCLAIMED ANIMALS POLICY**

## **Surrendered and Unclaimed Animals Policy**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

## ANIMAL MANAGEMENT – SURRENDERED AND UNCLAIMED ANIMALS POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to surrendered and impounded animals which have not been reclaimed by their owner within the statutory prescribed periods.

#### 2 Purpose

The purpose of this policy is to minimise euthanasia rates and reduce the number of impounded animals within the Region.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Animal Management (Cats and Dogs) Act 2008*

*Local Law No. 2 (Animal Management) 2011*

*Subordinate Local Law No. 2 (Animal Management) 2011*

Animal Management – Rehoming and Rehoming Incentive Work Instruction

Australian Veterinary Association – Code of Professional Conduct

Cash Donation for Rehoming Impounded Animals Application Form

Dog Registration Amendment Form

Fees and Charges Schedule

Memorandum of Understanding

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Animal Welfare Agency	As defined in <i>Local Law no. 2 (Animal Management) 2011</i> : (a) The Royal Society for the Prevention of Cruelty to Animals (Queensland); (b) The Animal Welfare League of Queensland; and (c) Another incorporated association which: (i) Has objects similar to the objects of the corporation referred to in paragraph (a) or the incorporated association referred to in paragraph (b); and (ii) Is recognised as an animal welfare agency by a delegated officer.
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Animal Welfare Charity	An organisation that has the following characteristics: (a) It is a charity that is registered with the Australian Charities and Not-for-profit Commission; and (b) It is an institution whose principal activity is one or both of the following: (i) Providing short-term direct care to animals (but not only native wildlife) that have been lost, mistreated or are without owners; or (ii) Rehabilitating orphaned, sick or injured animals (but not only native wildlife) that have been lost, mistreated or are without owners. Unlike Animal Welfare Agencies, Animal Welfare Charities do not need to be incorporated associations.
Council	Rockhampton Regional Council
Delegated Officer	An employee appointed to a position with the relevant delegation under <i>Local Law No. 2 (Animal Management) 2011</i> .
Identifiable Animal	As defined in <i>Subordinate Local Law No. 2 (Animal Management) 2011</i> , an animal: (a) Wearing an identifying tag issued by the local government; or (b) Otherwise identified so that the local government is able to ascertain the owner of the animal.
Owner	As defined in <i>Local Law No. 2 (Animal Management) 2011</i> , owner, of an animal, means: (a) Its registered owner; (b) A person who owns the animal, in the sense of it being the person's personal property; (c) A person who usually keeps the animal, including through an agent, employee or anyone else; or (d) If a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.
PPID	As defined in the <i>Animal Management (Cats and Dogs) Act 2008</i> , a prescribed permanent identification device is a microchip or other electronic device that: (a) Is capable of being permanently implanted in a cat or dog; (b) Is designed to record information in a way that can be electronically retrieved; and (c) Complies with the requirements prescribed by regulation for the device.
Prescribed Period	Commences on the day a notice of impounding is given to a person, or if no notice is given to a person, on the day of the seizure and as defined in <i>Subordinate Local Law No. 2 (Animal Management) 2011</i> : (a) If the animal is a horse, cow, registered cat, registered dog or other identifiable animal – 5 days; or (b) If the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal – 3 days.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.

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Responsible Person	As defined in <i>Local Law No. 2 (Animal Management) 2011</i> , <i>responsible person</i> , for an animal, means: (a) The person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; (b) The parent or guardian of a minor who has immediate control or custody of the animal; or (c) The person who occupies the place at which the animal is usually kept, but does not include: (a) A person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or (b) A person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.
Surrendered	The owner of an animal has surrendered the animal to Council.

## 5 Policy Statement

Council is committed to minimising euthanasia rates and reducing the number of impounded animals within the Region.

Where possible, Council does not take a seized currently registered dog that also complies with section 14 of the *Animal Management (Cats and Dogs) Act 2008* directly to Council's Animal Management Centre if the owner can collect promptly within the field. Seized unregistered dogs (including identifiable unregistered dogs) or unidentifiable animals, are taken to Council's Animal Management Centre where they are retained for the prescribed period. Council makes every effort to identify the owner/responsible person of the impounded animal prior to the expiration of the prescribed period.

Surrendered and unclaimed animals which have not been reclaimed within the prescribed period may be suitable to be transferred to an animal welfare agency that has entered into a formal memorandum of understanding with Council.

Animal welfare charities seeking to receive surrendered and/or unclaimed animals are encouraged to partner with animal welfare agencies as a "portal" for their activities. Council is unable to transfer directly to animal welfare charities.

### 5.1 Transfer of Cats and Dogs

Surrendered and unclaimed cats and dogs are checked to determine their suitability for transfer having regard to:

- (a) Breed;
- (b) Size;
- (c) Age;
- (d) Health observations;
- (e) Behavioural and temperament observations;
- (f) Likelihood of rehoming;
- (g) Likelihood of surviving surgery to desex; and
- (h) Any other factors as applicable to a specific animal or breed.

Once the prescribed period has lapsed, registrations of surrendered and unclaimed dogs are transferred to Council.

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All cats and dogs suitable for transfer to an animal welfare agency will be:

- (a) Implanted with a PPID; and
- (b) If the animal is a dog, provided with free registration to the end of the current registration period.

Animal welfare agencies that are not in receipt of government funding may be eligible for a cash donation of \$100 per dog and \$50 per cat for each transferred dog/cat that has been successfully rehomed. To qualify, applicants must complete a Cash Donation for Rehoming Impounded Animals Application Form and submit to Council together with the following mandatory documentation:

For dogs:

- (a) Desexing certificate or written confirmation of desexing from a veterinary surgery,
- (b) Completed Dog Registration Amendment Form, and
- (c) Affirmation that the applicant is not currently receiving government funding.

For cats:

- (a) Desexing certification or written confirmation of desexing from a veterinary surgery,
- (b) Affirmation that the cat was successfully rehomed and not euthanised, and
- (c) Affirmation that the applicant is not currently receiving government funding.

A maximum of one cash donation is paid per animal.

**5.2 Other Domestic Animals, Including Livestock**

Surrendered and unclaimed domestic animals such as poultry, small domestic animals and livestock are offered to animal welfare agencies or another Council facility (for example the Heritage Village).

If the animal is not transferred to an animal welfare agency or another Council facility, the animal may be offered for sale or humanely euthanised.

**5.3 General Conditions for the Transfer of Animals**

Animal welfare agencies who have entered into a formal memorandum of understanding with Council must submit a written expression of interest if they wish to claim a surrendered or unclaimed animal. The memorandum of understanding will detail the general conditions for the transfer including but not limited to:

The animal welfare agency will:

- (a) Treat all animals received from Council humanely;
- (b) Desex entire cats or dogs before rehoming the animal, unless otherwise approved by Council; and
- (c) Adhere to all relevant legislation including Local Laws and Planning Schemes.

Council:

- (a) Is the sole arbitrator in all rehoming matters (all decisions made by Council are final); and
- (b) Accepts no liability concerning the health or behavioural status of animals transferred to an animal welfare agency.

**5.4 Euthanasia**

Circumstances where euthanasia may be considered acceptable include, but are not limited to, the following:

- (a) Animals that are surrendered for the purposes of euthanasia;
- (b) Where animals are vicious, dangerous, unmanageable, fearful or likely to cause harm due to their behaviour or temperament;

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- (c) Where the animal is a dog of a restricted breed type or has been declared to be a menacing or dangerous dog under the *Animal Management (Cats and Dogs) Act 2008*;
- (d) Where the animal is diseased, infant and/or feral as determined by the veterinarian; or
- (e) Unclaimed impounded animals unable to be transferred to an animal welfare agency.

Euthanasia is undertaken by an approved veterinarian in line with the Australian Veterinary Association – Code of Professional Conduct. The veterinarian determines the most appropriate method of euthanasia.

**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

**7 Document Management**

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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# **SURRENDERED AND UNCLAIMED ANIMALS POLICY**

## **Final Draft Surrendered and Unclaimed Animals Policy - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 2**

## ANIMAL MANAGEMENT – SURRENDERED AND UNCLAIMED ANIMALS POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to surrendered and impounded animals which have not been reclaimed by their owners within the statutory prescribed periods.

#### 2 Purpose

The purpose of this policy is to [minimise euthanasia rates and reduce the number of impounded animals within the Region](#) establish guidelines for the auction, transfer to an animal welfare agency or other disposal of surrendered and unclaimed impounded animals.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Animal Management (Cats and Dogs) Act 2008*

*Local Law No. 2 (Animal Management) 2011*

*Subordinate Local Law No. 2 (Animal Management) 2011*

Animal Management – Rehoming and Rehoming Incentive Work Instruction

[Animal Release Expression of Interest Form – Charity Animal Welfare Agency](#)

Australian Veterinary Association – Code of Professional Conduct

Cash Donation for Rehoming Impounded Animals Application Form – [Charity Animal Welfare Agency](#)

Dog Registration Amendment Form

Fees and Charges Schedule

[Memorandum of Understanding](#)

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Animal Welfare Agency	<p><a href="#">As defined in Local Law no. 2 (Animal Management) 2011</a> includes:</p> <p>(a) The <a href="#">Royal Society for the Prevention of Cruelty to Animals</a> (Queensland);</p> <p>(b) The Animal Welfare League of Queensland; and</p> <p>(c) Another incorporated association which:</p> <p>(i) Has objects similar to the objects of the corporation referred to in paragraph (a) or the incorporated association referred to in paragraph (b); and</p> <p>(ii) Is recognised as an animal welfare agency by <a href="#">Council</a> a <a href="#">delegated officer</a>.</p>
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#### LEGAL AND GOVERNANCE USE ONLY

Adopted/Approved:	<a href="#">Adopted, 8 December 2015 DRAFT</a>	Department:	Community Services
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<u>Charity Animal Welfare Agency/Charity</u>	An <u>animal welfare agency that is registered as a charity organisation that has the following characteristics:</u> <u>(a) It is a charity that is registered with the Australian Charities and Not-for-profit Commission; and</u> <u>(b) It is an institution whose principal activity is one or both of the following:</u> <u>(i) Providing short-term direct care to animals (but not only native wildlife) that have been lost, mistreated or are without owners; or</u> <u>(ii) Rehabilitating orphaned, sick or injured animals (but not only native wildlife) that have been lost, mistreated or are without owners.</u> <u>Unlike Animal Welfare Agencies, Animal Welfare Charities do not need to be incorporated associations.</u>
Council	Rockhampton Regional Council
<u>Delegated Officer</u>	An employee appointed to a position with the relevant delegation under <u>Local Law No. 2 (Animal Management) 2011.</u>
<u>Identifiable Animal</u>	As defined in <u>Subordinate Local Law No. 2 (Animal Management) 2011, an animal:</u> <u>(a) Wearing an identifying tag issued by the local government; or</u> <u>(b) Otherwise identified so that the local government is able to ascertain the owner of the animal.</u>
<u>Owner of an Animal</u>	As defined in <u>Local Law No. 2 (Animal Management) 2011, owner, of an animal, means:</u> <u>(a) Its registered owner;</u> <u>(b) A person who owns the animal, in the sense of it being the person's personal property;</u> <u>(c) A person who usually keeps the animal, including through an agent, employee or anyone else; or</u> <u>(d) If a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.</u>
<u>PPID</u>	As defined in the <u>Animal Management (Cats and Dogs) Act 2008, a prescribed permanent identification device is a microchip or other electronic device that:</u> <u>(a) Is capable of being permanently implanted in a cat or dog;</u> <u>(b) Is designed to record information in a way that can be electronically retrieved; and</u> <u>(c) Complies with the requirements prescribed by regulation for the device.</u>
<u>Prescribed Period</u>	<u>Commences on the day a notice of impounding is given to a person, or if no notice is given to a person, on the day of the seizure and as defined in Subordinate Local Law No. 2 (Animal Management) 2011:</u> <u>(a) If the animal is a horse, cow, registered cat, registered dog or other identifiable animal – 5 days; or</u> <u>(b) If the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal – 3 days.</u>
<u>Region</u>	<u>Rockhampton Regional Area defined by the Local Government Areas of Queensland Area defined by the electoral boundaries of Rockhampton Regional Council.</u>

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<p><u>Responsible Person</u></p>	<p><u>As defined in Local Law No. 2 (Animal Management) 2011, responsible person, for an animal, means:</u></p> <p><u>(a) The person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal;</u></p> <p><u>(b) The parent or guardian of a minor who has immediate control or custody of the animal; or</u></p> <p><u>(c) The person who occupies the place at which the animal is usually kept,</u> <u>but does not include:</u></p> <p><u>(a) A person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or</u></p> <p><u>(b) A person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.</u></p>
<p>Surrendered</p>	<p>The owner of an animal has surrendered the animal to Council.</p>

**5 Policy Statement**

Council is committed to minimising euthanasia rates and reducing the number of impounded animals within the Region.

Where possible, Council does not take a seized currently registered dog or identifiable animal that also complies with section 14 of the Animal Management (Cats and Dogs) Act 2008 directly to Council's Pound Facility/Animal Management Centre if the owner can collect promptly within the field. Seized unregistered dogs (including identifiable unregistered dogs) or unidentifiable animals, are taken to Council's Pound Facility/Animal Management Centre if; where they are retained for the prescribed period. Council makes every effort to identify the owner/responsible person of the impounded animal prior to the expiration of the prescribed period.

Surrendered and unclaimed animals which have not been reclaimed within the prescribed period may be suitable to be auctioned or transferred to an animal welfare agency after the statutory prescribed period that has entered into a formal memorandum of understanding with Council.

Animal welfare charities seeking to receive surrendered and/or unclaimed animals are encouraged to partner with animal welfare agencies as a "portal" for their activities. Council is unable to transfer directly to animal welfare charities.

**5.1 Transfer of Cats and Dogs**

Surrendered and unclaimed cats and dogs are checked to determine their suitability for rehoming transfer having regard to:

- (a) Breed;
- (b) Size;
- (c) Age;
- (d) Health observations;
- (e) Behavioural and temperament observations;
- (f) Likelihood of rehoming;
- (g) Likelihood of surviving surgery to desex; and
- (h) Any other factors as applicable to a specific animal or breed.

Once the prescribed period has lapsed, Registrations of surrendered and unclaimed dogs are transferred to Council after the dog is surrendered, if the dog is not reclaimed by the owner within the prescribed period.

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All cats and dogs ~~suitable for~~ transferred to an charity animal welfare agency ~~that is not supported by other government funding~~; will be:

~~(a) micro-chipped~~ Implanted with a PPID; and

~~(i)(b)~~ \_\_\_\_\_ If the animal is a dog, provided with free registration to the end of the current registration period; and

~~(j)(c)~~ \_\_\_\_\_ Qualify for a cash donation of \$100 per dog and \$50 per cat subject to evidence being supplied to Council that the animal was desexed/rehomed and not euthanized. A Cash Donation for Rehoming Impounded Animals Application Form – Charity Animal Welfare Agency must be accompanied by proof of desexing and a completed Dog Registration Amendment Form.

Animal welfare agencies that are not in receipt of government funding may be eligible for a cash donation of \$100 per dog and \$50 per cat for each transferred dog/cat that has been successfully rehomed. To qualify, applicants must complete a Cash Donation for Rehoming Impounded Animals Application Form and submit to Council together with the following mandatory documentation:

For dogs:

(a) Desexing certificate or written confirmation of desexing from a veterinary surgery,

(b) Completed Dog Registration Amendment Form, and

(c) Affirmation that the applicant is not currently receiving government funding.

For cats:

(a) Desexing certification or written confirmation of desexing from a veterinary surgery,

(b) Affirmation that the cat was successfully rehomed and not euthanised, and

(c) Affirmation that the applicant is not currently receiving government funding.

A maximum of one cash donation is paid per animal.

~~All cats and dogs transferred to a charity animal welfare agency supported by other government funding will:~~

~~(a) Be micro-chipped at the charity animal welfare agency's cost, as set in Council's Fees and Charges Schedule; and~~

~~(b) If the animal is a dog, provided with free registration to the end of the current registration period.~~

**5.2 Poultry and Small ~~Other~~ Domestic Animals, Including Livestock**

Surrendered and unclaimed domestic animals such as poultry, and small domestic animals and livestock are offered to animal welfare agencies or another Council's facility (for example the Heritage Village), ~~if the animal is not reclaimed by the owner within the prescribed period.~~

If the animal is not transferred to an animal welfare agency or another Council's facility/Heritage Village, the animal ~~is~~ may be offered for sale or humanely euthanised, ~~to a charity animal welfare agency.~~

~~If the animal is not transferred to a charity animal welfare agency, the animal is offered for sale in a local auction, if appropriate.~~

**5.3 Livestock**

~~Surrendered and unclaimed livestock are offered to Council Heritage Village if the livestock is not reclaimed by the owner within the prescribed period.~~

~~If the livestock is not transferred to Council's Heritage Village, the livestock is offered for sale in a local auction, if appropriate.~~

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**5.45.3 General Conditions for the Transfer of Animals**

~~Charity a~~Animal welfare agencies ~~who have entered into a formal memorandum of understanding with Council~~ must submit ~~an Animal Release Expression of Interest Form – Charity Animal Welfare Agency~~ a ~~written expression of interest~~ if they wish to claim a surrendered or unclaimed animal ~~and adhere to the following. The memorandum of understanding will detail the~~ general conditions for the transfer including but not limited ~~to~~of animals:

~~The animal welfare agency will:~~

- (a) Treat all animals received from Council humanely;
- (b) Desex entire cats or dogs before rehoming the animal, unless otherwise approved by Council; and
- (c) Adhere to all relevant legislation including Local Laws and Planning Schemes.

Council:

- (a) Is the sole arbitrator in all rehoming matters (all decisions made by Council are final); and
- (b) Accepts no liability concerning the health or behavioural status of animals ~~accepted transferred by to an~~ ~~charity~~ animal welfare agency.

**5.55.4 Euthanasia**

Circumstances where euthanasia may be considered acceptable include, but are not limited to, the following:

- (a) Animals that are surrendered for the purposes of euthanasia;
- (b) Where animals are vicious, dangerous, unmanageable, fearful or likely to cause harm due to their behaviour or temperament;
- (c) Where the animal is a dog of a restricted breed type or has been declared to be a menacing or dangerous dog under the *Animal Management (Cats and Dogs) Act 2008*;
- (d) Where the animal is diseased, infant and/or feral as determined by the veterinarian ~~surgeon. Diseased, infant and/or feral animals seized or surrendered to Council's Pound Facility are able to be destroyed prior to the statutory prescribed period;~~ or
- (e) Unclaimed impounded animals unable to be ~~transferred rehomed or not taken by any to an~~ animal welfare agency.

Euthanasia is undertaken by an approved veterinarian ~~surgeon~~ in line with the Australian Veterinary Association – Code of Professional Conduct. The veterinarian ~~any surgeon~~ determines the most appropriate method of euthanasia.

**6 Review Timelines**

This policy is reviewed when any of the following occur:

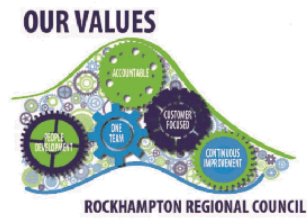
- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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**SPORTS, PARKS AND PUBLIC SPACES**  
*Councillor Portfolio – Councillor Rutherford*

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**10.7 EXTENSION OF CURRENT TRUSTEE LEASE - TENNIS ROCKHAMPTON LIMITED**

<b>File No:</b>	<b>374</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Aaron Pont - Manager Parks Alicia Cutler - General Manager Community Services</b>
<b>Author:</b>	<b>Justin Bulwinkel - Supervisor - Sports and Administration</b>
<b>Previous Items:</b>	<b>11.3 - Extension of Current Trustee Lease - Rockhampton Tennis Limited - Ordinary Council - 27 Oct 2020 9:00am</b>

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**SUMMARY**

*This matter was laid on the table at the Ordinary Council meeting on 27 October 2020.*

*Supervisor Sports & Administration reporting on the proposed renewal of the Trustee Lease and extension of the Operation Agreement to the Tennis Rockhampton Limited (TRL) for a period of 6 months for the purpose of re-tendering the Facility (Victoria Park Tennis Centre).*

**OFFICER'S RECOMMENDATION**

THAT pursuant to section 236(c)(iii) of the *Local Government Regulation 2012*:

1. Council approve a six (6) month renewal on the Trustee Lease held by Tennis Rockhampton Limited over part of Victoria Park Precinct (Lot 40 on SP240869);
2. Council approve a six (6) month extension on the Operation Agreement held by Tennis Rockhampton Limited over part of Victoria Park Precinct (Lot 40 on SP240869); and
3. Council authorises the Chief Executive Officer (Supervisor Sports & Administration) to negotiate the terms and conditions of the agreement with Tennis Rockhampton Limited in preparation for execution by the delegate officer.

**COMMENTARY**

Tennis Rockhampton Limited (TRL) have held a Trustee Lease accompanied by an Operation Agreement over Victoria Park Tennis Centre for the past 10 years. Both are due to expire on 31 December 2020.

Recognising the facilities potential, current and prospective operators are presented an opportunity to generate profit while increasing the visibility of Tennis across the region. Therefore Officers intend to re-tender both Agreements to ensure Council demonstrate transparency with equal opportunities provided to all potential tennis centre operators.

It is acknowledged that the current expiry of the Agreements falls at an inopportune time for a tender for the facility. Undertaking this process over the December period creates difficulties for the current operator, specifically associated with their operational planning ie securing and scheduling competitive events for the next 12 months.

Providing TRL with an extension on their existing Agreements will provide sufficient time to meet their operational obligations before participating in the re-tendering process.

Council officers met with TRL where they conveyed immense concern around the operational impacts a tendering process leading into the month of December would have on their organisation. Their position considers resourcing constraints such as staff security, along with uncertainty it places around their ability to effectively conduct operational planning for 2021.

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**PREVIOUS DECISIONS**

On 27 October 2020 Council resolved:

*“THAT the matter lay on the table pending further information, and a report be brought back to a future Ordinary Council meeting as soon as possible.”*

**BUDGET IMPLICATIONS**

The standard annual fee will be reduced to \$7,500 Inc GST (50%) to align with the 6 month term.

**LEGISLATIVE CONTEXT**

Under Section 236 of the *Local Government Regulation 2012* (Qld) Council has the ability to renew Leases to existing Tenants, provided that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

**LEGAL IMPLICATIONS**

There are no legal implications pertaining to this matter.

**STAFFING IMPLICATIONS**

Existing resources within Park and Property & Insurance can adequately manage the required legal documentation.

**RISK ASSESSMENT**

The granting of the renewal of lease and extension of operation agreement is considered appropriate in order to tender the facility at a more favorable time of year.

**CORPORATE/OPERATIONAL PLAN**

1.4 Healthy living and active lifestyles.

**CONCLUSION**

It is recommended that Council renews the term of the Tennis Rockhampton Trustee Lease and extends the Operation Agreement for six (6) months to 30 June 2021 to re-tender the facility.

**10.8 TRUSTEE LEASE RENEWAL FOR LEASE OF KIOSK AT BOTANIC GARDENS**

**File No:** 374  
**Attachments:** Nil  
**Authorising Officer:** Aaron Pont - Manager Parks  
Alicia Cutler - General Manager Community Services  
**Author:** Justin Bulwinkel - Supervisor - Sports and Administration

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**SUMMARY**

*Supervisor Sports and Administration reporting on the proposed renewal of the Trustee Lease to Marianne Williams for the kiosk at the Botanic Gardens.*

**OFFICER'S RECOMMENDATION**

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulations 2012 (Qld), Council approve the renewal of the Trustee Lease to Marianne Williams over Lease 'D' on SP290206 in Lot 521 on SP300242, for period of 3 years; and
2. Council authorises the Chief Executive Officer (Curator Botanic & Kershaw Gardens) to negotiate the terms and conditions of the agreements between Council and Marianne Williams in preparation for execution by the delegated officer.

**COMMENTARY**

Marianne Williams (Tenant) holds the Trustee Lease of the kiosk at the Botanic Gardens and this lease is due to expire 30 November 2020. The Tenant has been operating the Gardens Tearoom for the last 15 years. Council Officers have recently engaged with the Tenant to inform her that Council intends to undertake a refurbishment project in the near future as part of wider redevelopment of the Botanic Gardens.

Considering existing tenure over the site and project impacts, Officers want to ensure hospitality services provided by The Gardens Tearooms continue until such time project work commences. This action will best support the community and visitors to Botanic Gardens.

Council Officers and the Tenant both agreed that an extension of tenure for a period of 3 years would ensure food and dining services remained available within the Botanic Gardens, ceasing only at an appropriate time for the refurbishment work to be undertaken.

Marianne has agreed in principle to continue trading from the kiosk for an additional 3 years until Council refurbishment works commence.

**PREVIOUS DECISIONS**

There are no previous Council decisions to refer to on this matter.

**BUDGET IMPLICATIONS**

The current annual rent payable is \$22,611.36 pa (including GST), increased by CPI, will continue to be payable by the Lessee.

**LEGISLATIVE CONTEXT**

Section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)* allows a Local Government to renew a Lease to the existing tenant, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

**LEGAL IMPLICATIONS**

It is proposed that Council will enter in to a Trustee Lease with the Tenant which satisfies the requirements of the *Land Act 1994(Qld)*.

**STAFFING IMPLICATIONS**

Existing resources within Park and Property & Insurance can adequately manage the required legal documentation.

**RISK ASSESSMENT**

The granting of the renewal of lease is considered appropriate for both parties. The tenant understands that Council intends undertake a refurbishment project in the next few years and that an extension of lease from 1 December 2023 may not be offered.

**CORPORATE/OPERATIONAL PLAN**

1.2 Regional public places that meet our community's needs.

**CONCLUSION**

It is recommended that Council approve the renewal of the Trustee Lease to Marianne Williams for a period of 3 years over the Kiosk located within the Botanic Gardens.

**10.9 CEDRIC ARCHER PARK - TOUCH OF PARADISE STAGE 2 WORKS**

<b>File No:</b>	<b>7028</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Peter Kofod - General Manager Regional Services Alicia Cutler - General Manager Community Services</b>
<b>Author:</b>	<b>Jacob Weir - Senior Program Manager</b>

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**SUMMARY**

*Design works for Stage 2 of Touch of Paradise are complete and the project is ready to proceed into construction. This report summarises the scope, budget and schedule for the Stage 2 works, including civil, structural, landscaping, planting and irrigation works.*

**OFFICER'S RECOMMENDATION**

THAT Council:

1. Accepts this report as the latest status update for the project.
2. Accepts the amended scope of works for Stage 2 of Touch of Paradise.
3. Approves the transfer of \$375,000 from the Tree Planting Program for this project into the next Monthly Budget Review.

**COMMENTARY**

The scope of works for Touch of Paradise Stage 2 includes:

- Localised earthworks shaping for new/upgraded garden areas.
- Installation of an entrance arbour structure.
- Installation of three (3) shade structures.
- Removal of damaged/unsafe paved footpaths and replaced with concrete footpaths, including minor realignments to improve accessibility.
- Removal of aged bollards, benches and seats; and replace with new.
- Removal of dead and dying trees, and plant out with 10,000–11,000 new trees.
- Landscaping, including turf, lawn seeding and new top soil and mulch.
- Irrigation network for all the entirety of Touch of Paradise.
- 130,000L corrugated iron tank.
- Pump, including a pump shed.
- Timber slat enclosed fence and gate around the corrugated iron tank and pump.
- Utility works, such as power and water connections for the tank and pump.

The provision for a tank and pump was not planned for in the original scope of works. It has been identified through the design process that Cedric Archer Park is experiencing low water pressure, impacting the irrigation schedule. The introduction of the proposed Touch of Paradise irrigation system would exacerbate this issue and create inefficiencies in the schedule. The scope for Stage 2 had to be increased to cover the provision of a tank and pump facility to improve the water pressure across Cedric Archer Park.

Construction works for Stage 2 are scheduled to commence in mid-January 2021, with completion forecasted early June 2021.

Several options for scope items have been discussed through a workshop held on 18 November 2020, and via a site walkthrough held on 1 December 2020. Key items discussed include:

- Area 1: Converting the island into a useable space for gatherings and weddings. Scope includes earthworks to level the island, and planting out with large trees. Other items discussed include the potential future provision for a shade structure or structures on the island.
- Area 2: Installation of a shade structure in the centre of the island. Other items discussed included no provision for a shade structure at this location and reducing the overall number of shade structures to be installed as part of the Stage 2 works from three (3) to two (2) structures.
- Area 3: Investigation into the feasibility of a 'Zen' garden or similar.
- Tank and Pump Facility: Timber slat fence/screening around the facilities to reduce the visual amenity impact given its location and provide security for the assets. Other items such as steel mesh fencing, planting around the fence and underground tanks were discussed.



## BACKGROUND

The Touch of Paradise works forms part of the Cedric Archer Park master plan and Implementation Plan, adopted by Council on 13 October 2015. The Implementation Plan outlined two stages of works for Touch of Paradise.

Stage 1 included the restoration and remediation of the lagoon system and the installation of bridge structures. A design and construct contract was awarded in June 2017 and all works were completed in July 2019.

Stage 2 focuses on civil, structural, landscape and irrigation works throughout Touch of Paradise to complement and enhance the lagoon.

During the design process for Stage 2, it was identified that the broader Cedric Archer Park was experiencing low water pressure, impacting the current irrigation schedule. Through a series of investigations, it was determined that the irrigation network proposed for Touch of Paradise was not going to sufficiently function as a result of the existing lower water pressure. Consideration of suitable facilities, such as a tank and pump, was required to ensure that Cedric Archer Park, including the wet play area, pump track, gazebo area and Touch of Paradise, could all be suitably and efficiently irrigated. This has required an increase to the scope of works initially proposed for Touch of Paradise.

A concept and detail design for the Stage 2 works was prepared and presented to Council at a workshop held 18 November 2020. A key outcome from the workshop was to undertake a site walkthrough to discuss aspects of the scope of works. The site walkthrough was conducted on 1 December 2020.

### **PREVIOUS DECISIONS**

Council adopted the Cedric Archer Park Implementation Plan, which included the Touch of Paradise works, on 13 October 2015.

### **BUDGET IMPLICATIONS**

Council currently has \$1.0M allocated in the 2020/21 capital budget for the design and construction of Touch of Paradise Stage 2.

Given the increase in the projects scope to include a tank and pump facility for the broader Cedric Archer Park, it has caused a subsequent increase to the overall project budget as this was not foreseen at the time of preparing the original budget estimate.

To cover the increased scope, it is recommended to increase the budget to \$1.375M (\$375,000 increase) with funds allocated from the Tree Planting Program. Stage 2 works includes planting approximately 10,000 – 11,000 new plants, new topsoil and turfed areas through Touch of Paradise.

### **LEGISLATIVE CONTEXT**

Not applicable.

### **LEGAL IMPLICATIONS**

Not applicable.

### **STAFFING IMPLICATIONS**

The design and construction of the works is managed by Project Delivery.

The detail design has been completed by Infrastructure Planning.

Civil construction works are proposed to be delivered by Civil Operations.

Irrigation works are proposed to be delivered through a construct only contract.

Parks will undertake all planting and landscaping works.

### **RISK ASSESSMENT**

If the additional \$375,000 required to deliver the full scope of works is unable to be allocated towards this project, either through the recommended Tree Planting Program or elsewhere, scope will have to be removed from the project to ensure it can be delivered for its budget. Scope that would have to be removed would likely be the tree planting and landscaping works as it would not survive long-term without the irrigation system.

### **CORPORATE/OPERATIONAL PLAN**

The project aligns with the following Corporate Plan outcomes:

- Safe, accessible, reliable and sustainable infrastructure and facilities.
- Regional public places that meet community needs.
- Safe places for the community.



**CONCLUSION**

The Stage 2 works are ready to proceed into construction in early 2021. This report has summarised the outcomes from the 18 November 2020 workshop and 1 December 2020 site walkthrough and seeks to proceed with the project into construction, commencing in early 2021.

**WASTE AND WASTE TO RESOURCE IMPLEMENTATION***Councillor Portfolio – Councillor Latcham***10.10 WASTE TRANSFER STATION OPERATIONS**

<b>File No:</b>	<b>7284</b>
<b>Attachments:</b>	<b>1. Transaction Numbers for Waste Transfer Stations</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Peter Kofod - General Manager Regional Services</b>
<b>Author:</b>	<b>Michael O'Keeffe - Manager Rockhampton Regional Waste and Recycling</b>

**SUMMARY**

*The purpose of this report is to present a number of options to change the operational hours for Council's Waste Transfer Stations. The options aim to provide sufficient operating hours based on current patronage. The key objective being a reduction in the cost of the service, whilst providing sufficient access to the community.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve to undertake the following:

1. Amend the operational hours of the Waste Transfer Stations in line with Option 4 in the report, commencing from 1 February 2021;
2. A review of the operational hours for Bouldercombe, Bajool, Alton Downs, Bushley Waste Transfer Stations in 12 months;
3. As part of the review of operational hours, include a review on the feasibility of unstaffed Waste Transfer Stations; and
4. Options for cost recovery for this service be considered as part of the development of the annual budget.

**BACKGROUND**

The operation of Council's Waste Transfer Stations (WTSs) are undertaken under contract.

The current annual financial status for Council's WTSs are as follows:

Facility	Gracemere WTS	Mt Morgan WTS	Bouldercombe WTS	Bajool WTS	Alton Downs WTS	Bushley WTS	Totals
<b>Revenue</b>	(\$126,890)	(\$30,238)	(\$6,346)	(\$2,799)	(\$32,240)	(\$2,799)	\$201,312
<b>Expenses</b>	\$449,816	\$254,355	\$103,700	\$103,500	\$118,700	\$103,500	\$1,133,571
<b>Net (loss)</b>	\$322,926	\$224,117	\$97,354	\$100,701	\$86,460	\$100,701	\$932,259

The current annual net loss of \$932,259 is largely driven by the low revenue generated due to low customer numbers, free acceptance of recyclables and the expense associated with the operational hours of the WTSs.

**COMMENTARY**

During the budget process a number of operational areas were nominated for review with notional operational savings to be generated. Within RRWR, the operation of our WTSs were to be reviewed to ensure that the level of service provided was supported by the level of patronage at the WTSs.

A review of operational hours at each WTS and customer usage was undertaken and discussed at a Council Workshop. The operational Options are presented below:

- Option 1: Status Quo – current operational hours of service remain unchanged.
- Option 2: Gracemere WTS: reduced days of operation (operating - Monday, Wednesday, Friday, Saturday, Sunday, same hours per day as current / closed - Tuesday, Thursday)  
 Mt Morgan WTS; reduced days of operation (operating – Monday, Friday, Saturday, Sunday, same hours per day as current / closed - Tuesday, Wednesday, Thursday)  
 Bouldercombe, Bajool, Alton Downs, Bushley WTS's; reduced days of operation (operating – Wednesday, Saturday, Sunday, same hours per day as current / closed Monday, Tuesday, Thursday, Friday)
- Option 3: Gracemere WTS; as per Option 2  
 Mt Morgan WTS; as per Option 2  
 Bouldercombe, Bajool, Alton Downs, Bushley WTS's; reduced days and hours of operation (operating – Wednesday, Saturday, Sunday, reducing from 3 hours to 2 hours on Wednesday and from 6 hours to 3 hours on Saturday's and Sundays / closed Monday, Tuesday, Thursday, Friday)
- Option 4: Gracemere WTS; reduced hours of operation (Sunday to Friday - 9am to 3pm, Saturday 9am to 5pm)  
 Mt Morgan WTS; reduced days and hours of operation (Sunday to Saturday – 9am to 3pm, closed Tuesday and Thursday)  
 Bouldercombe, Bajool, Alton Downs, Bushley WTS's; as per Option 1, no change from current operation.

The current number of transactions for each WTS and projected number of transactions under each Option are presented in Attachment 1.

From Attachment 1, the projected average transactions per year for both the current operational hours (Option 1) and recommended Option 4 are presented below:

Option	Waste Transfer Station	Transactions / Hour
1 (current operational hours)	Gracemere	7
	Mt Morgan	2
	Alton Downs	6
	Bouldercombe, Bajool & Bushley	2
4 (recommended operational hours)	Gracemere	10
	Mt Morgan	4
	Alton Downs	6
	Bouldercombe, Bajool & Bushley	2

It is also recommended the following is undertaken:

1. Review of patronage and the operational hours for Bouldercombe, Bajool, Alton Downs, Bushley WTSs be undertaken after 12 months of operation;
2. As part of the review of operational hours, include a review on the feasibility of unstaffed Waste Transfer Stations; and
3. The approach to cost recovery for the provision of this service be considered in the development of the next budget.

**BUDGET IMPLICATIONS**

The annualised savings associated with each of the Options are presented below;

<b>Option</b>	<b>Saving (\$/Year)</b>
Option 1	\$57,736
Option 2	\$132,397
Option 3	\$189,808
Option 4	\$131,536

**LEGAL IMPLICATIONS**

Nil.

**CONSULTATION EXTERNAL/INTERNAL**

Consultation has been undertaken with the service provider. A notification program will be developed and undertaken to inform the community of the endorsed changes.

**CORPORATE/OPERATIONAL PLAN**

The key objectives of RRWR are to deliver commercially viable waste and recycling services that satisfy adopted customer service standards.

Action 4.1.1 of Operational Plan 2020-2021 states, 'Undertake a review of the facilities and service delivery to ensure future sustainability'.

**CONCLUSION**

This review looked at the current usage and operational hours across Councils WTSs. After considering the current operations it is recommended to change both Mount Morgan and Gracemere WTS operating hours (Option 4).

# **WASTE TRANSFER STATION OPERATIONS**

## **Transaction Numbers for Waste Transfer Stations**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

Attachment: Transaction Numbers for Waste Transfer Stations

## Option1

<b>Operating Hours</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Total</b>
Gracemere	9.5	9.5	9.5	9.5	9.5	9.5	9.5	66.5
Mount Morgan	8.0	8.0	8.0	8.0	8.0	8.0	8.0	56.0
Bouldercombe	-	3.0	-	3.0	-	6.0	6.0	18.0
Alton Downs	-	3.0	-	3.0	-	6.0	6.0	18.0
Bajool	-	3.0	-	3.0	-	6.0	6.0	18.0
Bushley	-	3.0	-	3.0	-	6.0	6.0	18.0
<b>Total</b>	<b>17.5</b>	<b>29.5</b>	<b>17.5</b>	<b>29.5</b>	<b>17.5</b>	<b>41.5</b>	<b>41.5</b>	<b>194.5</b>
<b>Trans per Month</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Total</b>
Gracemere	257	226	219	177	210	425	425	1,937
Mount Morgan	71	59	71	68	46	98	88	500
Bouldercombe	-	27	-	26	-	44	61	157
Alton Downs	-	54	-	52	-	133	203	442
Bajool	-	12	-	21	-	49	64	145
Bushley	-	24	-	11	-	25	40	100
<b>Total</b>	<b>328</b>	<b>400</b>	<b>289</b>	<b>354</b>	<b>256</b>	<b>773</b>	<b>881</b>	<b>3,279</b>
<b>Trans per Week</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Total</b>
Gracemere	59	52	50	41	48	98	98	447
Mount Morgan	16	14	16	16	11	23	20	115
Bouldercombe	-	6	-	6	-	10	14	36
Alton Downs	-	12	-	12	-	31	47	102
Bajool	-	3	-	5	-	11	15	33
Bushley	-	6	-	3	-	6	9	23
<b>Total</b>	<b>76</b>	<b>92</b>	<b>67</b>	<b>82</b>	<b>59</b>	<b>178</b>	<b>203</b>	<b>757</b>
<b>Trans per Hour</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>	<b>Avg</b>
Gracemere	6	5	5	4	5	10	10	7
Mount Morgan	2	2	2	2	1	3	3	2
Bouldercombe		2		2		2	2	2
Alton Downs		4		4		5	8	6
Bajool		1		2		2	2	2
Bushley		2		1		1	2	1
<b>Total</b>	<b>8</b>	<b>16</b>	<b>7</b>	<b>15</b>	<b>6</b>	<b>23</b>	<b>27</b>	<b>20</b>

## Option4

Operating Hours	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Gracemere	6.0	6.0	6.0	6.0	6.0	8.0	6.0	44.0
Mount Morgan	6.0	-	6.0	-	6.0	6.0	6.0	30.0
Bouldercombe	-	3.0	-	3.0	-	6.0	6.0	18.0
Alton Downs	-	3.0	-	3.0	-	6.0	6.0	18.0
Bajool	-	3.0	-	3.0	-	6.0	6.0	18.0
Bushley	-	3.0	-	3.0	-	6.0	6.0	18.0
<b>Total</b>	<b>12.0</b>	<b>18.0</b>	<b>12.0</b>	<b>18.0</b>	<b>12.0</b>	<b>38.0</b>	<b>36.0</b>	<b>146.0</b>

Transactions Mth	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Gracemere	257	226	219	177	210	425	425	1,937
Mount Morgan	71	59	71	68	46	98	88	500
Bouldercombe	-	27	-	26	-	44	61	157
Alton Downs	-	54	-	52	-	133	203	442
Bajool	-	12	-	21	-	49	64	145
Bushley	-	24	-	11	-	25	40	100
<b>Total</b>	<b>328</b>	<b>400</b>	<b>289</b>	<b>354</b>	<b>256</b>	<b>773</b>	<b>881</b>	<b>3,279</b>

Adj Trans per Mth	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Gracemere	257	226	219	177	210	425	425	1,937
Mount Morgan	96.20		95.70		71.20	123.20	113.20	500
Bouldercombe		27		26		44	61	157
Alton Downs		54		52		133	203	442
Bajool		12		21		49	64	145
Bushley		24		11		25	40	100
<b>Total</b>	<b>353</b>	<b>342</b>	<b>314</b>	<b>286</b>	<b>281</b>	<b>798</b>	<b>906</b>	<b>3,279</b>

Trans per Week	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total
Gracemere	59	52	50	41	48	98	98	447
Mount Morgan	22.20	-	22	-	16	28	26	115
Bouldercombe	-	6	-	6	-	10	14	36
Alton Downs	-	12	-	12	-	31	47	102
Bajool	-	3	-	5	-	11	15	33
Bushley	-	6	-	3	-	6	9	23
<b>Total</b>	<b>81</b>	<b>79</b>	<b>73</b>	<b>66</b>	<b>65</b>	<b>184</b>	<b>209</b>	<b>757</b>

Trans per Hour	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Avg
Gracemere	10	9	8	7	8	12	16	10
Mount Morgan	4		4		3	5	4	4
Bouldercombe		2		2		2	2	2
Alton Downs		4		4		5	8	6
Bajool		1		2		2	2	2
Bushley		2		1		1	2	1
<b>Total</b>	<b>14</b>	<b>18</b>	<b>12</b>	<b>15</b>	<b>11</b>	<b>27</b>	<b>35</b>	<b>25</b>

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**WATER AND SUPPORTING A BETTER ENVIRONMENT***Councillor Portfolio – Councillor Kirkland*

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No items for consideration.

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**BUDGET, GOVERNANCE AND OTHER MATTERS***Councillor Portfolio – Councillor Smith*

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**10.11 ANNUAL GOODS AND SERVICES SPEND ANALYSIS**

<b>File No:</b>	<b>5883</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Ross Cheesman - Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Drew Stevenson - Manager Corporate and Technology Services</b>

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**SUMMARY**

*Presenting details of the annual goods and services spend analysis for the twelve month period from 1 November 2019 to 31 October 2020.*

**OFFICER'S RECOMMENDATION**

THAT Council receives the annual goods and services spend analysis report.

**COMMENTARY**

Council's longstanding *Local Preference Policy* continues to benefit the region's economy by providing clear direction to buy local and support the local economy. The positive buy local results are influenced by the Policy's:

- 12% local preference weighting (reducing to 5% for projects greater than \$1M); and
- The Tenderer Local Content weighting of 10% for projects greater than \$150K in value. The full weighted score is awarded when the Tenderer nominates local suppliers and sub-contractors for goods and services for use in the project to a minimum value of 50% of the tendered sum.

**BACKGROUND**

The spend analysis detailed in this report is based on Council's expenditure on goods and services for the twelve month period from 1 November 2019 to 31 October 2020.

**Goods and Services Spend Analysis**

During the reporting period, Council spent **\$141.4M** on goods and services. Of that amount, **\$113.3M** has been spent within the RRC boundaries. That is, **80%** of Council's goods and services have been acquired from local businesses. An additional \$4.5M was spent with businesses established within the following Central Queensland Council areas:

- Banana Shire Council;
- Central Highlands Regional Council;
- Gladstone Regional Council;
- Livingstone Shire Council; and
- Woorabinda Aboriginal Shire Council.



Plant Hire, Trade Services and Roadmaking Materials

Further analysis of Council's goods and services expenditure in the areas of Hire of Construction Plant and Equipment, Trade Services and Roadmaking Materials shows that we have spent a total of \$22.5M, with **\$21.8M (97%)** spent on local businesses and locally supplied materials. These are the majority of our contracted small business operators.

Comparison with Previous Periods

Analysis Period	Total Goods / Services	Total Local Spend	% Local	CQ Spend	Plant Hire, etc. Total	Plant Hire, etc. Local	Plant Hire, etc. CQ
*Nov 14 – Oct 15	\$95.1M	\$63.8M	67%	\$5.4M	\$23.7M	\$21.8M (92%)	\$1.9M
Nov 15 – Oct 16	\$77.3M	\$59.6M	77%	\$2M	\$24.6M	\$23.7M (96%)	\$900K
Nov 16 – Oct 17	\$94.6M	\$71.8M	76%	\$2.9M	\$24.3M	\$23.3 (96%)	\$901K
Nov 17 – Oct 18	\$101M	\$74.7M	74%	\$1.4M	\$22.5M	\$21.6M (96%)	\$856K
Nov 18 – Oct 19	\$124M	\$96.4M	78%	\$5.9M	\$29.6M	\$27.1M (92%)	\$2.5M
Nov 19 – Oct 20	\$141.4M	\$113.3M	80%	\$4.5M	\$22.5M	\$21.8M (97%)	\$783K

\* NB: Results influenced by T.C. Marcia cleanup/recovery.

Breakdown and Analysis of Total Spend

Summary breakdown of the total good and services spend:

- Local (Rockhampton Region): \$113,260,392
- CQ (CQ ROC area): \$4,518,482
- Rest of QLD: \$12,482,418
- Interstate & O'Seas: \$11,135,240
- **Total Spend: \$141,396,532**

Some of the larger projects and suppliers making-up the Rest of QLD and interstate spend includes:

- Bulk supply of water treatment chemicals;
- Rockhampton Airport security and passenger / baggage screening equipment;
- Road pavement slurry seal program; and
- Water and waste water infrastructure supplies.

For the major projects awarded to principal contractors not based in the Rockhampton Region, the majority of local supplier and sub-contractor arrangements range from 30% to 50% of the contract sum. That is, 30% to 50% of the contract sum is awarded to local businesses.

**PREVIOUS DECISIONS**

Nil applicable.

**BUDGET IMPLICATIONS**

Nil applicable.

**LEGISLATIVE CONTEXT**

Nil applicable.

**LEGAL IMPLICATIONS**

Nil applicable.

**STAFFING IMPLICATIONS**

Nil applicable.

**RISK ASSESSMENT**

Nil applicable.

**CORPORATE/OPERATIONAL PLAN**

Action		Target
2.2.2	Council's procurement of goods and services are in line with the Local Preference Policy guiding purchasing decisions that encourage buying locally within the Region.	Annual local goods and services spend analysis is greater than <b>70%</b> local.

**CONCLUSION**

The goods and services spend analysis for the twelve months, November 2019 to October 2020, demonstrates Council's continued commitment to supporting the region's economy with \$113.3M (80%) spent locally; including \$21.8M (97%) on hire of construction plant and equipment, trade services and roadmaking material.

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**10.12 REVIEW OF AUDIT AND BUSINESS IMPROVEMENT COMMITTEE POLICY  
(INCLUDING TERMS OF REFERENCE)**

<b>File No:</b>	<b>5207</b>
<b>Attachments:</b>	1. <b>Final Draft - Audit and Business Improvement Committee Policy - Tracked</b> <a href="#">↓</a> 2. <b>Final Draft - Audit and Business Improvement Committee Policy - Clean</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Ross Cheesman - Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>John Wallace - Chief Audit Executive</b>

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**SUMMARY**

*The Audit and Business Improvement Committee Policy (and Terms of Reference) has been reviewed and updated and is being presented to Council for consideration and adoption.*

**OFFICER'S RECOMMENDATION**

THAT Council adopts the reviewed Audit and Business Improvement Committee Policy and Terms of Reference as attached to this report.

**LEGISLATIVE CONTEXT**

The *Local Government Act 2009 s150 (2)*, requires each large local government to establish an audit committee.

Additionally, the *Local Government Regulation* sections 208-211 provides details for how the audit committee is to operate, which is separate to those provided for other council committees under Chapter 8 Administration.

**COMMENTARY**

Owing to the basic information provided in the *Local Government Regulation* covering the running of the audit committee it is considered appropriate for the Audit and Business Improvement Committee to have a "terms of reference" to provide further guidance on how it is to operate, which council has.

With the appointment of 3 new members since this policy was last reviewed, it is timely to review the policy which includes the committee's terms of reference.

In compiling this revised document, attached, the *Local Government Regulation 2012* and the Institute of Internal Audit's *Model Audit Committee Charter (c2017)* have been consulted along with a sample from other council's documents, Queensland Audit Office, and the Queensland Treasury.

**CORPORATE/OPERATIONAL PLAN**

This policy supports council's objective 5.2 '*Strong Leadership that provides quality governance to support and service the community*'.

**CONCLUSION**

The Audit and Business Improvement Committee Policy (and Terms of Reference) having undergone a review, is presented for council's consideration and adoption.

**REVIEW OF AUDIT AND BUSINESS  
IMPROVEMENT COMMITTEE POLICY  
(INCLUDING TERMS OF REFERENCE)**

**Final Draft - Audit and Business  
Improvement Committee Policy -  
Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

## AUDIT AND BUSINESS IMPROVEMENT COMMITTEE POLICY

### ADMINISTRATIVE POLICY



#### 1 Scope

This policy and the attached terms of reference applies to Councillors, [and](#) external representatives ~~and employees~~ appointed to the Rockhampton Regional Council's Audit and Business Improvement Committee.

#### 2 Purpose

The purpose of this policy is to provide the framework in which Council's Audit and Business Improvement Committee operates.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

[Councillor Acceptable Request Guidelines Policy](#)

Internal Audit Charter Policy

#### 4 Definitions

To assist in interpretation, the following definitions apply:

<p>Audit <a href="#">and Business Improvement Committee</a></p>	<p><a href="#">Audit committee – a requirement under section 105 of the <i>Local Government Act 2009</i>.</a>  <del>A requirement under s105 of the <i>Local Government Act 2009</i>.</del>  <b>An <i>audit committee</i> is a committee that—</b>  <b>(a) Monitors and reviews—</b>  <b>(i) The integrity of financial documents; and</b>  <b>(ii) The internal audit function; and</b>  <b>(iii) The effectiveness and objectivity of the local government's internal auditors; and</b>  <b>(b)(a) Makes recommendations to the local government about any matters that the audit committee considers need action or improvement.</b></p>
<p>CAE</p>	<p>Chief Audit Executive  The <a href="#">head person in charge</a> of the internal audit function responsible for internal audit activity <a href="#">and including</a> the Enterprise Risk Management function.</p>

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CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Go-sourcing	<del>Provision of specialist services by a third party to assist with the audit, review or assurance services, not otherwise available in-house, and directly managed by the CAE.</del>
Council	Rockhampton Regional Council
Internal Audit Charter	The Council adopted document that gives the internal audit function its authority/delegated authority (to perform audits and reviews of Council and operations including review of staff/management performance). This defines the parameters of the operation of the internal audit function in more detail.

## 5 Policy Statement

Council is committed to an open and accountable system of governance. In accordance with section 105 of the *Local Government Act 2009*, Council must establish an audit committee which, in accordance with section 211(1)(a) of the *Local Government Regulation 2012*, must meet at least twice each financial year.

Council's audit committee is to be known as the Audit and Business Improvement Committee.

The Audit and Business Improvement Committee business will be conducted in accordance with the attached Terms of Reference and the relevant legislation.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

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

## 7 Responsibilities

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Audit Executive
Policy Quality Control	Legal and Governance



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**Subject:** Terms of Reference – Audit and Business Improvement Committee

**File Ref:** 8237

#### 1 Establishment of the Audit and Business Improvement Committee

The Audit and Business Improvement Committee (committee) is established in accordance with section 105 of the *Local Government Act 2009*.

This committee, having no delegated authority, is a source of independent advice to Council and the CEO. It does not replace the responsibilities of executive management. Accordingly, the committee is not responsible for supervising the performance of officers and it is not to become involved in the day-to-day operations, management functions, or decision making of Council.

The committee can make recommendations to Council for consideration, or where the CEO has approval authority for an item under discussion, the committee can make recommendations directly to the CEO for consideration.

#### 1.2 Purpose

The Audit and Business Improvement Committee is a formal advisory committee of Rockhampton Regional Council constituted under the *Local Government Act 2009*. It and provides direction and leadership on the functional responsibilities detailed in paragraph 3-4 Duties and Responsibilities.

#### 1.3 Scope and Limitations Objectives of the Committee

The Audit and Business Improvement Committee is an advisory committee appointed by, and is responsible to, Council, which provides. The overall objective of the committee is to assist Council with and the CEO to discharge their duties by providing specialist high level advice, oversight and recommendations with respect to matters of financial reporting, corporate governance, risk and control and internal and external audit functions.

The Audit and Business Improvement Committee has no delegated authority and will make recommendations to Council for deliberation and adoption.

The main functions of the committee are to:

Monitor and review:

The integrity of financial documents;

The internal audit function;

The effectiveness and objectivity of the local government's internal auditors; and

The Terms of Reference for the Audit and Business Improvement Committee.

Make recommendations to Council about any matters that the committee considers need action or improvement.

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**34 Duties and Responsibilities**

The [committee has a key role in strengthening the control environment and ascertaining the establishment of an appropriate ethical culture. The main responsibilities following is a list of functions assigned to of the committee are to:](#)

**(a) Monitor and review:**

- [\(i\) The integrity of financial documents;](#)
- [\(ii\) The internal audit function; and](#)
- [\(iii\) The effectiveness and objectivity of the local government's internal auditors.](#)

[This will be achieved by the following activities.](#)

**4.1 Financial Reporting**

[The financial reporting activities include:](#)

- [\(a\) Review with management and the external auditors the results of audit engagements, including any difficulties encountered, significant accounting and reporting issues, and recent professional and regulatory changes, and understand their impact on the financial statements.](#)
- [\(b\) Understand strategies, assumptions and estimates that management has made in preparing financial statements, budgets and investment plans.](#)
- [\(c\) Understand how management develops interim financial information and the nature and extent of internal and external auditor involvement in the process.](#)
- [\(d\) Review, for the preceding financial year, the draft Financial Statements, before the statement is certified, and the Auditor General's report about Council's financial statements and consider whether they are complete and consistent with the information known to the committee members.](#)

**4.2 Audit**

[The audit activities include:](#)

- [\(a\) Ascertain that the activities undertaken by the Internal Audit function are in accordance with relevant charters, international standards, professional practices etc. through the annual and periodic Quality Assurance and Improvement Program process.](#)
- [\(b\) Ascertain the objectivity and independence of both the internal and external audit functions.](#)
- [\(c\) Monitor cooperation levels of management with the relevant audit functions.](#)
- [\(d\) Monitor and review, providing input for consideration to, Internal and External Audit's annual risk-based plans, which may include providing possible areas for inclusion and input to the scope.](#)
- [\(e\) Review the results of the internal audit reports.](#)
- [\(f\) At least twice during the year, review and track the recommendations, and the actions in response, to address the results of the audit engagements and improve the control environment.](#)
- [\(g\) Review the progress report for the internal audit recommendations and actions for the preceding financial year.](#)
- [\(h\) Monitor and review results of periodic surveys undertaken on the effectiveness of Internal Audit.](#)
- [\(a\)\(i\) The committee may meet with Internal and External Audit independent of management as determined necessary.](#)

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**4.3 Other**

Other activities include:

- (a) To obtain reasonable assurance with respect to Council's governance processes, the committee will monitor and provide advice on the processes and procedures established and maintained to ascertain they are operating as intended.
  - (b) Consider the effectiveness of Council's control environment including information technology, security, and the status of any significant breaches.
  - (c) Receive reports on all matters of significance arising from work performed by other providers.
  - (d) Review the effectiveness of risk management through monitoring of the Enterprise Risk Management risk registers, and Fraud and Corruption Risk Checklist.
  - (e) Ascertain that management has appropriate antifraud programs and controls in place and investigations are undertaken if fraud is detected.
  - (f) Monitor the standard of corporate conduct, for example conflicts of interest, and take an interest in ethical considerations regarding Council policies and practices.
  - (g) Monitor the quality and scope of Council's insurance cover.
  - (h) Monitor significant litigation issues.
  - (i) Review any other matters referred to it by the CEO.
  - (j) The committee will self-assess annually and confirm that all responsibilities outlined in the Terms of Reference (this document) have been carried out.
- (b) ~~Review each of the following matters:~~
- (i) ~~The internal audit plan for the internal audit for the current financial year;~~
  - (ii) ~~The internal audit progress report for internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;~~
  - (iii) ~~A draft of the local government's financial statements for the preceding financial year before the statements are certified and given to the auditor-general under section 212 of the *Local Government Regulation 2012*; and~~
  - (iv) ~~The auditor-general's audit report and auditor-general's observation report about the local government's financial statements for the preceding financial year.~~
- (c) ~~Monitor the effectiveness of:~~
- (v) ~~The risk management and internal control framework;~~
  - (vi) ~~The corporate risk management system/risks;~~
  - (vii) ~~Key governance processes; and~~
  - (viii) ~~Asset management.~~
- (d) ~~Review reports on the activities and investigations of any significant fraud prevention and security related matters;~~
- (e) ~~Review and monitor whether the audit process is effective;~~
- (f) ~~Ensure the objectivity and independence of the audit functions;~~
- (g) ~~Critically review timely and reasonable implementation of management's agreed upon responses to audit's recommendations, findings and advice;~~
- (h) ~~The Audit and Business Improvement Committee will self-assess annually; and~~
- (i)(b) ~~Review any other matters referred to it by the Chief Executive Officer.~~

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**45 Composition and Membership**

In accordance with section 210 of the *Local Government Regulation 2012*;

1. The audit committee of a local government must:
  - (a) consist of at least 3 and no more than 6 members; and
  - (b) include:
    - (i) 1, but no more than 2, councillors appointed by the local government; and
    - (ii) at least 1 member who has significant experience and skills in financial matters.
2. The chief executive officer can not be a member of the audit committee but can attend meetings of the committee.

The membership of the committee is to be as follows:

- (a) 2 Councillors; and
- (b) 3 independent external members with appropriate qualifications and experience.

**5.1 Appointments**

Councillors will be appointed by resolution to the committee for the full Council term unless otherwise determined by the Council.

Independent external members will be recruited through expressions of interest, publicly advertised, and appointed based on merit for a two year term. Council will appoint members to the committee by Council resolution. Upon completion of the term, the position would be declared vacant and expressions of interest may be sought. An outgoing external member may be re-appointed by the CEO without the position being declared vacant, however, the maximum period an external member can serve is for three consecutive terms being a maximum of six years.

In accordance with section 210(3) of the *Local Government Regulation 2012*, the local government must appoint one member of the audit committee as chairperson.

Best practice indicates the chairperson should be one of the independent external members. The committee will discuss and recommend to Council one member to be the chairperson. The appointment of the chairperson will be approved through formal Council resolution.

In accordance with section 266 of the Local Government Regulation 2012, an audit committee Council may appoint one person a Councillor as to be an alternate member of the committee. An alternate member is a person who attends meetings of the committee and acts as a member of the committee only if another Council member of the committee is absent. Other elected members of Council may participate in committee meetings, with approval from the Committee Chair or a majority vote of committee members in attendance, however, will not be a member and will not have voting rights.

In accordance with section 210(2) of the Local Government Regulation 2012, the CEO cannot be a member of an audit committee but can attend meetings of the committee.

Representatives from external audit will be invited to attend the meetings, however, will not be a member and will not have voting rights.

**56 Role of Chairperson**

The committee chairperson will assume overall responsibility for:

- (a) The good governance and order of the committee;
- (b) Providing assurance that the committee responsibilities as per the Terms of Reference (this document) have been met;
- (c) Acting as the chairperson of each committee meeting; and
- (a)(d) Providing leadership in promoting and supporting appropriate committee culture.

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**67 Voting**

Motions are decided on by a majority of the votes of the members present.

If the votes are equal, the [committee chairperson](#) will have a casting vote.

**78 Quorum**

A quorum of the committee is a majority of its members. However, if the number of members is an even number, one half of the number is the quorum.

**89 Meetings**

The committee will meet at least twice each financial year in accordance with section 211 of the *Local Government Regulation 2012*. [The CEO in conjunction with the CAE will determine the number of meetings, meeting dates and venue \(i.e. a site or teleconference meeting\).](#)

Meetings, including reports, will be closed to the public, unless resolved by the committee.

[The committee may invite others to attend. Invitees are not members of the committee and have no voting rights. Permanent invitees include:](#)

(a) [Councillors;](#)

(b) [General managers;](#)

(c) [Chief Financial Officer;](#)

(d) [Representatives from internal audit and risk management; and](#)

(a)(e) [Representatives from external audit.](#)

**8.19.1 Agendas for Meetings**

The CEO [and CAE](#) will determine the agenda presented to a committee meeting.

~~At a minimum, the agenda will be distributed at least 2 working days before the meeting. The agenda will be distributed in accordance with section 258 (Notice of meetings) of the *Local Government Regulation 2012*.~~

[The agenda with attachments are designed for internal reporting purposes only and shall not be released to the general public.](#)

[The minutes of the committee meetings will be provided to Council as soon as practicable after each meeting and upon adoption by Council, extracts will be distributed to relevant officers for information and action.](#)

**9.2 Administrative Support**

~~Administrative functions to the committee will be provided by the Governance Support unit.~~

[The CEO will make administrative arrangements so that an agenda, supported by the relevant explanatory documentation, is circulated to all committee members and any other invitees, as well as providing secretarial functions to the meetings and preparation of the minutes.](#)

**10 Access to Information**

[The committee has the authority to seek information it deems necessary to fulfil its duties and responsibilities. All requests are to be submitted through the CEO in line with the Councillor Acceptable Request Guidelines Policy.](#)

**EVAN PARDON**

**CHIEF EXECUTIVE OFFICER**

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**REVIEW OF AUDIT AND BUSINESS  
IMPROVEMENT COMMITTEE POLICY  
(INCLUDING TERMS OF REFERENCE)**

**Final Draft - Audit and Business  
Improvement Committee Policy - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 2**

## AUDIT AND BUSINESS IMPROVEMENT COMMITTEE POLICY

### ADMINISTRATIVE POLICY



#### 1 Scope

This policy and the attached terms of reference applies to Councillors and external representatives appointed to the Rockhampton Regional Council's Audit and Business Improvement Committee.

#### 2 Purpose

The purpose of this policy is to provide the framework in which Council's Audit and Business Improvement Committee operates.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Local Government Act 2009*

*Local Government Regulation 2012*

Councillor Acceptable Request Guidelines Policy

Internal Audit Charter Policy

#### 4 Definitions

To assist in interpretation, the following definitions apply:

Audit and Business Improvement Committee	Audit committee – a requirement under section 105 of the <i>Local Government Act 2009</i> .
CAE	Chief Audit Executive The person in charge of the internal audit function responsible for internal audit activity and the Enterprise Risk Management function.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Council	Rockhampton Regional Council
Internal Audit Charter	The Council adopted document that gives the internal audit function its authority/delegated authority (to perform audits and reviews of Council and operations including review of staff/management performance). This defines the parameters of the operation of the internal audit function in more detail.

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**5 Policy Statement**

Council is committed to an open and accountable system of governance. In accordance with section 105 of the *Local Government Act 2009*, Council must establish an audit committee which, in accordance with section 211(1)(a) of the *Local Government Regulation 2012*, must meet at least twice each financial year.

Council's audit committee is to be known as the Audit and Business Improvement Committee.

The Audit and Business Improvement Committee business will be conducted in accordance with the attached Terms of Reference and the relevant legislation.

**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

**7 Responsibilities**

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Audit Executive
Policy Quality Control	Legal and Governance



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**Subject:** Terms of Reference – Audit and Business Improvement Committee

**File Ref:** 8237

## 1 Establishment of the Audit and Business Improvement Committee

The Audit and Business Improvement Committee (committee) is established in accordance with section 105 of the *Local Government Act 2009*.

This committee, having no delegated authority, is a source of independent advice to Council and the CEO. It does not replace the responsibilities of executive management. Accordingly, the committee is not responsible for supervising the performance of officers and it is not to become involved in the day-to-day operations, management functions, or decision making of Council.

The committee can make recommendations to Council for consideration, or where the CEO has approval authority for an item under discussion, the committee can make recommendations directly to the CEO for consideration.

## 2 Purpose

The Audit and Business Improvement Committee is constituted under the *Local Government Act 2009*. It provides direction and leadership on the functional responsibilities detailed in paragraph 4 Duties and Responsibilities.

## 3 Objectives of the Committee

The overall objective of the committee is to assist Council and the CEO to discharge their duties by providing specialist high level advice, with respect to matters of financial reporting, corporate governance, risk and control and internal and external audit functions.

## 4 Duties and Responsibilities

The committee has a key role in strengthening the control environment and ascertaining the establishment of an appropriate ethical culture. The main responsibilities of the committee are to:

(a) Monitor and review:

- (i) The integrity of financial documents;
- (ii) The internal audit function; and
- (iii) The effectiveness and objectivity of the local government's internal auditors.

This will be achieved by the following activities.

### 4.1 Financial Reporting

The financial reporting activities include:

- (a) Review with management and the external auditors the results of audit engagements, including any difficulties encountered, significant accounting and reporting issues, and recent professional and regulatory changes, and understand their impact on the financial statements.
- (b) Understand strategies, assumptions and estimates that management has made in preparing financial statements, budgets and investment plans.

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- (c) Understand how management develops interim financial information and the nature and extent of internal and external auditor involvement in the process.
- (d) Review, for the preceding financial year, the draft Financial Statements, before the statement is certified, and the Auditor General's report about Council's financial statements and consider whether they are complete and consistent with the information known to the committee members.

**4.2 Audit**

The audit activities include:

- (a) Ascertain that the activities undertaken by the Internal Audit function are in accordance with relevant charters, international standards, professional practices etc. through the annual and periodic Quality Assurance and Improvement Program process.
- (b) Ascertain the objectivity and independence of both the internal and external audit functions.
- (c) Monitor cooperation levels of management with the relevant audit functions.
- (d) Monitor and review, providing input for consideration to, Internal and External Audit's annual risk-based plans, which may include providing possible areas for inclusion and input to the scope.
- (e) Review the results of the internal audit reports.
- (f) At least twice during the year, review and track the recommendations, and the actions in response, to address the results of the audit engagements and improve the control environment.
- (g) Review the progress report for the internal audit recommendations and actions for the preceding financial year.
- (h) Monitor and review results of periodic surveys undertaken on the effectiveness of Internal Audit.
- (i) The committee may meet with Internal and External Audit independent of management as determined necessary.

**4.3 Other**

Other activities include:

- (a) To obtain reasonable assurance with respect to Council's governance processes, the committee will monitor and provide advice on the processes and procedures established and maintained to ascertain they are operating as intended.
- (b) Consider the effectiveness of Council's control environment including information technology, security, and the status of any significant breaches.
- (c) Receive reports on all matters of significance arising from work performed by other providers.
- (d) Review the effectiveness of risk management through monitoring of the Enterprise Risk Management risk registers, and Fraud and Corruption Risk Checklist.
- (e) Ascertain that management has appropriate antifraud programs and controls in place and investigations are undertaken if fraud is detected.
- (f) Monitor the standard of corporate conduct, for example conflicts of interest, and take an interest in ethical considerations regarding Council policies and practices.
- (g) Monitor the quality and scope of Council's insurance cover.
- (h) Monitor significant litigation issues.
- (i) Review any other matters referred to it by the CEO.
- (j) The committee will self-assess annually and confirm that all responsibilities outlined in the Terms of Reference (this document) have been carried out.

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## 5 Composition and Membership

In accordance with section 210 of the *Local Government Regulation 2012*:

1. The audit committee of a local government must:
  - (a) consist of at least 3 and no more than 6 members; and
  - (b) include:
    - (i) 1, but no more than 2, councillors appointed by the local government; and
    - (ii) at least 1 member who has significant experience and skills in financial matters.
2. The chief executive officer can not be a member of the audit committee but can attend meetings of the committee.

The membership of the committee is to be as follows:

- (a) 2 Councillors; and
- (b) 3 independent external members with appropriate qualifications and experience.

### 5.1 Appointments

Councillors will be appointed by resolution to the committee for the full Council term unless otherwise determined by the Council.

Independent external members will be recruited through expressions of interest, publicly advertised, and appointed based on merit for a two year term. Council will appoint members to the committee by Council resolution. Upon completion of the term, the position would be declared vacant and expressions of interest may be sought. An outgoing external member may be re-appointed by the CEO without the position being declared vacant, however, the maximum period an external member can serve is for three consecutive terms being a maximum of six years.

In accordance with section 210(3) of the *Local Government Regulation 2012*, the local government must appoint one member of the audit committee as chairperson.

Best practice indicates the chairperson should be one of the independent external members. The committee will discuss and recommend to Council one member to be the chairperson. The appointment of the chairperson will be approved through formal Council resolution.

Council may appoint a Councillor to be an alternate member of the committee. An alternate member is a person who attends meetings of the committee and acts as a member of the committee only if another Council member of the committee is absent. Other elected members of Council may participate in committee meetings, however, will not be a member and will not have voting rights.

## 6 Role of Chairperson

The committee chairperson will assume overall responsibility for:

- (a) The good governance and order of the committee;
- (b) Providing assurance that the committee responsibilities as per the Terms of Reference (this document) have been met;
- (c) Acting as the chairperson of each committee meeting; and
- (d) Providing leadership in promoting and supporting appropriate committee culture.

## 7 Voting

Motions are decided on by a majority of the votes of the members present.

If the votes are equal, the chairperson will have a casting vote.

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**8 Quorum**

A quorum of the committee is a majority of its members. However, if the number of members is an even number, one half of the number is the quorum.

**9 Meetings**

The committee will meet at least twice each financial year in accordance with section 211 of the *Local Government Regulation 2012*. The CEO in conjunction with the CAE will determine the number of meetings, meeting dates and venue (i.e. a site or teleconference meeting).

Meetings, including reports, will be closed to the public, unless resolved by the committee.

The committee may invite others to attend. Invitees are not members of the committee and have no voting rights. Permanent invitees include:

- (a) Councillors;
- (b) General managers;
- (c) Chief Financial Officer;
- (d) Representatives from internal audit and risk management; and
- (e) Representatives from external audit.

**9.1 Agendas for Meetings**

The CEO and CAE will determine the agenda presented to a committee meeting.

At a minimum, the agenda will be distributed at least 2 working days before the meeting.

The agenda with attachments are designed for internal reporting purposes only and shall not be released to the general public.

The minutes of the committee meetings will be provided to Council as soon as practicable after each meeting and upon adoption by Council, extracts will be distributed to relevant officers for information and action.

**9.2 Administrative Support**

The CEO will make administrative arrangements so that an agenda, supported by the relevant explanatory documentation, is circulated to all committee members and any other invitees, as well as providing secretarial functions to the meetings and preparation of the minutes.

**10 Access to Information**

The committee has the authority to seek information it deems necessary to fulfil its duties and responsibilities. All requests are to be submitted through the CEO in line with the Councillor Acceptable Request Guidelines Policy.

**EVAN PARDON**

**CHIEF EXECUTIVE OFFICER**

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**10.13 RISK REGISTERS - QUARTERLY UPDATE AS AT 26 OCTOBER 2020**

<b>File No:</b>	<b>8780</b>
<b>Attachments:</b>	<ol style="list-style-type: none"><li><b>1. Corporate Risk Register - Quarterly Update as at 23 October 2020</b><a href="#">↓</a></li><li><b>2. Operational Risk Register - Quarterly Update as at 26 October 2020</b><a href="#">↓</a></li><li><b>3. Potential and Current Risk Exposure Profile as at 26 October 2020</b><a href="#">↓</a></li></ol>
<b>Authorising Officer:</b>	<b>John Wallace - Chief Audit Executive Ross Cheesman - Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Kisane Ramm - Senior Risk and Assurance Advisor</b>

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**SUMMARY**

*Submission of the quarterly risk register updates, as at 23 October 2020, for adoption by Council.*

**OFFICER'S RECOMMENDATION**

THAT Council adopts the quarterly risk register updates, provided by management as at 23 October 2020, as presented in the attachments to this report.

**LEGISLATIVE CONTEXT**

*The Local Government Regulation 2012, Chapter 5, s164 requires...(1) a local government must keep a written record stating (a) the risks the local government's operations are exposed to...; and (b) the control measures adopted to manage the risks.*

**CORPORATE/OPERATIONAL PLAN**

The Corporate/Operational Plans document Council's objectives for the period in which the Plan covers.

Council's commitment to risk management is outlined in the Enterprise Risk Management Framework and the Enterprise Risk Management Policy.

The 2020-2021 Operational Plan states that it will be implemented in accordance with the Enterprise Risk Management Process Procedure.

The purpose for doing risk management is to assist in decision making and improve the chances of an objective being realised. This requires management to identify, treat and monitor the risks to the organisation, to ensure the stated objectives are met. Therefore there is a strong link between the Corporate/Operational Plans and the enterprise risk management process. It is not about whether, overall, Council is risk averse or wishes to take risks. It is about considering all the available information at that time and making a well-informed decision to achieve the best outcome.

**COMMENTARY**

The Enterprise Risk Management Framework requires management to review and update the Corporate, and Operational Risk Registers. It also provides guidance on how these registers are reported to Council.

The following tables highlight some of the changes in this quarterly update.

Owing to an earlier organisation restructure there were some changes made to who is recognized as the risk owner. These minor changes have not been included below.

RISK NUMBER	CHANGE	RISK OWNER
<b>Corporate Risk Register</b>		
2	Non-existent or inadequate business continuity initiatives.  Treatments have been identified as completed. This risk will be removed from the Risks Requiring Further Treatment Summary Report next quarter.	CEO
9	Council's financial operations fail to support and sustain Council's service provision, financial sustainability and the community's expectations.  An additional existing Causation to be added: Natural disaster involving pandemics. Existing Controls to be added: Regular credit reviews undertaken by Qld Treasury Corporation; and Monthly budget reviews.	DCEO

One new risk has been added this reporting period.

RISK NUMBER	CHANGE	RISK OWNER
<b>Operational Risk Register</b>		
385	New Risk  A natural disaster event during COVID-19 challenging the ability to respond and the need to balance immediate harm risks with longer term pandemic control. This could result in increased impact to the community and inability to meet customer expectations.  Management have determined the Potential Risk Rating to be 4. Major and the Current Risk Rating as 3 C Moderate 5.	Manager Infrastructure Planning
109	Treatment has been completed. This risk will be removed from the Risks Requiring Further Treatment Summary Report next quarter.	Executive Manager Advance Rockhampton
111	Changed from Accept to Treat Risk. Future treatment listed as Industry Engagement and Stakeholder Management process under review.	Executive Manager Advance Rockhampton
244	Treatment date extended to 20/6/21.	Manager Airport
245	Previous future treatment was not effective so are looking into an alternative solution, changing 90% complete to 10% and completion date from 2/4/18 to 30/5/21.	Manager Airport
248	Treatments have been identified as completed. This risk will be removed from the Risks Requiring Further Treatment Summary Report next quarter.	Manager Airport
250	Treatment identified as completed. This risk will be removed from the Risks Requiring Further Treatment Summary Report next quarter	Manager Airport
307	Treatment date extended from 31/10/20 to 28/2/21.	Manager Civil Operations

RISK NUMBER	CHANGE	RISK OWNER
324	Future control has been added with a completion date of 31/12/20 changing this from Accept Risk (ALARP) to Treat Risk.	Manager FRW
402	Failure to achieve earned income targets resulting. Additional causation and existing control added: Event capacity restrictions (pandemic related); Monitor budget.	Manager Communities and Culture
403	Insufficient appropriate human resources (staff and volunteers) to manage and operate sites. Additional causations and existing controls identified: Pandemic impacts to staff availability due to infection / suspected infection; Patron behaviour impact on maintaining staff numbers; and Conditions of entry and procedures, meeting isolation requirements, instituted.	Manager Communities and Culture
414	Council fails to maintain, train and supervise adequate numbers of volunteers to assist with operations. Additional existing control added: Volunteer management software and processes implemented.	Manager Communities and Culture
433	Treatment identified as completed. This risk will be removed from the Risk Requiring Further Treatment Summary Report next quarter.	Manager Community Assets and Facilities
P382	South Rockhampton Flood Levee Project. This project has been paused owing to lack of available funding.	General Manager Regional Services.

The following table provides an analysis of the risks undergoing treatment, in terms of elapsed time, from the originally nominated completion date. Note: Council's process allows for the date to be extended. While these are the oldest dates listed, they may no longer be the current nominated completion dates.

OP RISK REG		CORP RISK REG
<b>31</b>	<b>NUMBER OF RISKS</b> being treated	<b>1</b>
<b>70</b>	<b>LONGEST ELAPSED TIME</b> (in months) for those being treated	<b>51</b>
<b>22</b>	<b>AVERAGE ELAPSED TIME</b> (in months) for those being treated	<b>51</b>
<b>*31/12/2014</b>	<b>OLDEST DATE</b>	<b>**30/06/2016</b>
<b>125</b>	<b># of ACCEPT (ALARP)</b>	<b>12</b>

\* Risk numbers:

325: *Failure of Water Treatment Plant...*

429: *Inconsistent regulation and enforcement of local laws and legislation...*

\*\* Risk number 2: *Non-existent or inadequate business continuity initiatives leading to prolonged service/process disruptions...*

**CONCLUSION**

The risk registers, having undergone their quarterly review conducted by the respective managers, are now presented for Council's consideration and adoption.

# **RISK REGISTERS - QUARTERLY UPDATE AS AT 26 OCTOBER 2020**

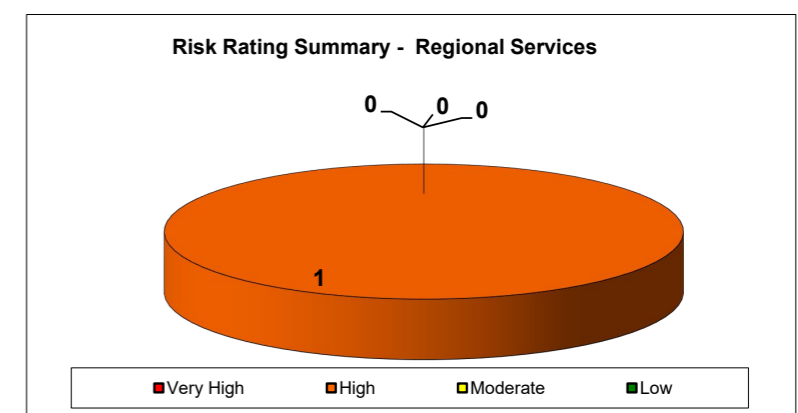
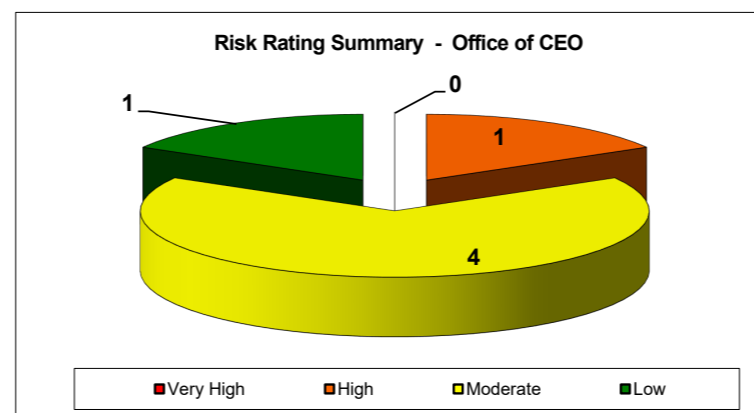
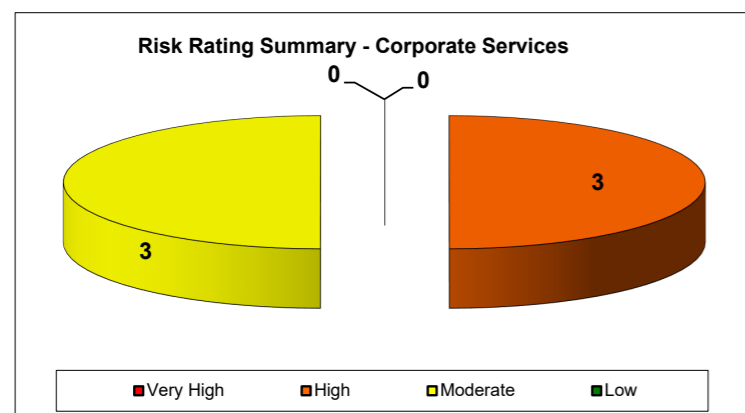
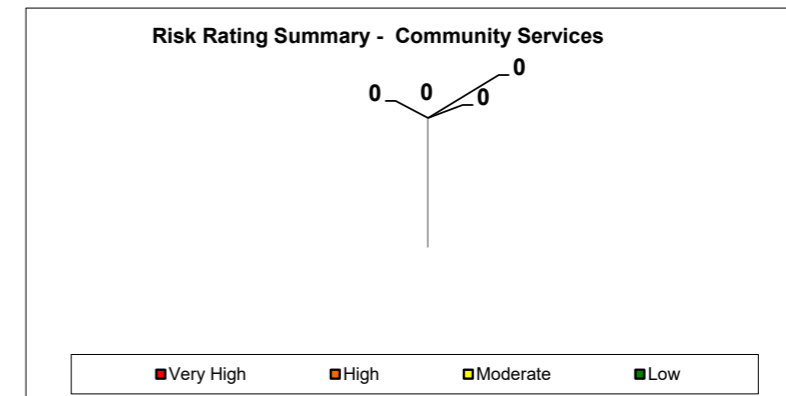
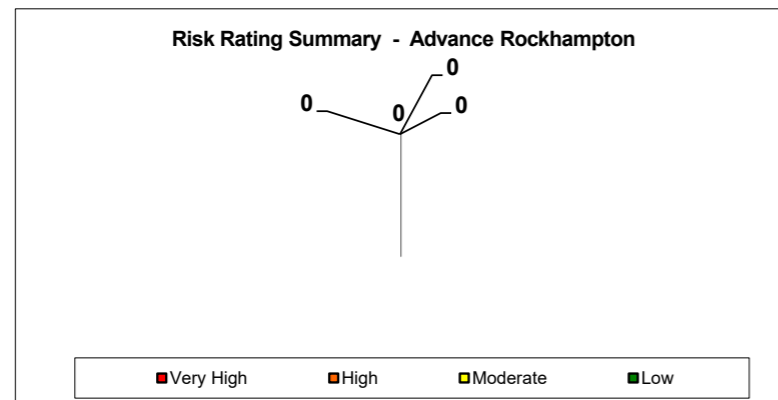
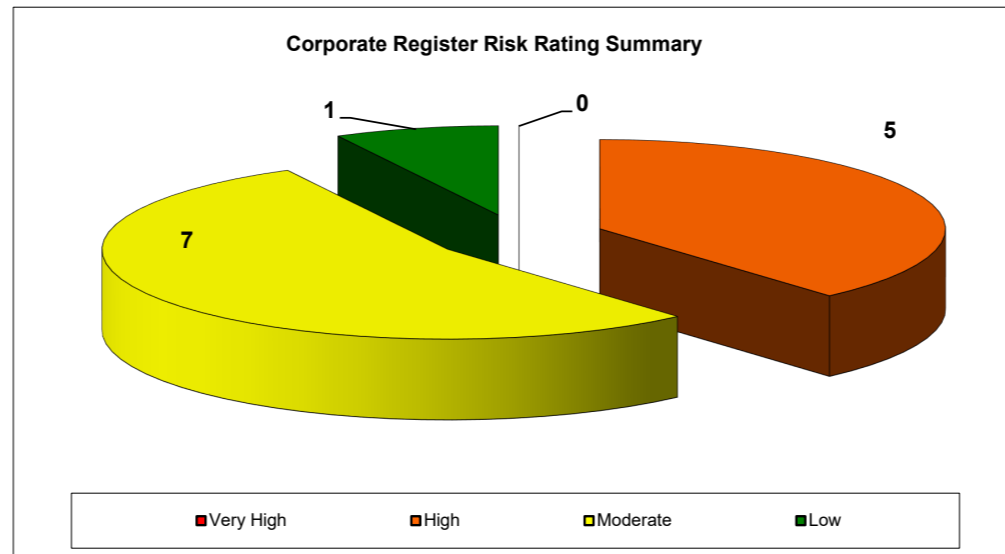
## **Corporate Risk Register – Quarterly Update as at 23 October 2020**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

# ERM RISK SUMMARY REPORT

## Corporate Current Risk Rating Profile as at 23/10/2020





**CORPORATE RISKS**

Very High' and 'High' Current Risk Ratings as at 23/10/2020

Risk Category	Risk Identification No.	Link to Planning (Objective)	Risk/Failure (including consequence/s)	Current Risk Rating	Existing Controls Implemented By Risk Owner	Risk Evaluation	Risk Owner	Management's Comments
02. Business Process Management	1	5.2 Strong leadership that provides quality governance to support and service the community	Council processes and services are provided without due recognition of economy, efficiency and effectiveness (value for money) exposing Council to increased costs, loss in reputation and ratepayer confidence and impacting service delivery.	High 5	(1) Established Asset Management plans. (2) Non-priced based selection criteria included in the tender / quote assessment process to assist in the value for money assessment. (3) Tender evaluation plans with weighted selection criteria assessment that does not rely on price as having the highest weighting. (4) Capital Projects evaluation process includes whole of life cycle cost considerations. (4) Fleet asset assessment utilises a whole of life cost model as part of the acquisition and operations process. (5) Long term financial forecasts based around asset management plans adopted.	Accept Risk (ALARP)	Deputy CEO	23/10/20: No change
04. Disasters; Business Continuity; & Disaster Recovery	8	1.3 Safe places for our community	Identified Disaster Mitigation Strategies not actioned resulting in increased impact/effect of disaster events on the community and potential for increased costs to Council in recovery and restoration costs.	High 5	(2) Identified disaster mitigation strategies implemented where possible within disaster management budget. (2) Appropriate funding opportunities identified and sourced to implement identified disaster mitigation strategies. 19/2/16: (1) Disaster mitigation strategies reviewed and reported on annually. (2) Forward works program for disaster mitigation strategies developed and considered through Council's Capital Project budget evaluation by 1 July each year. (2) Funding is pursued under Natural Disaster Relief, or similar program, if and when State Government make the funding available.	Accept Risk (ALARP)	GM Regional Services	23/10/20:
08. Fiscal Environment	9	5.3 Financially sustainable organisation	Council's financial operations fail to support and sustain Council's service provision, financial sustainability and the community's expectations resulting in revenue shortfalls, increased debt, reduced service levels, loss of reputation and community discontent.	High 5	(1) Council's Long Term Financial Forecast includes forecasts from asset management plans. (2) Long Term Financial Forecasts are reviewed annually. (3) Asset Management Plans reviewed regularly. (4) Finance staff are adequately qualified as per the respective Position Descriptions. (5) Council lobbies other levels of government for appropriate grants and subsidies. (5) Council financially operates in a surplus position. (6) Financial controls are monitored. Finance also works closely with Internal and External Audit in regards to internal controls. (7) Project Delivery procedure developed.	Accept Risk (ALARP)	Deputy CEO	23/10/20: Existing risk causation to be added: (8) Natural disaster involving pandemics. Additional Existing Controls to be added (8) Regular credit reviews undertaken by Qld Treasury Corporation. (9) Monthly budget reviews.
10. Legal, Regulatory & Compliance	10	5.2 Strong leadership that provides quality governance to support and service the community	Actions of Council, Councillors or employees that fail to meet the standards of behaviour outlined in the Local Government Act and other Legislation, Council's Code of Conduct and other associated policies or procedures resulting in damage to Council's reputation, complaints, investigations, financial losses and regulatory breaches against Council or individuals.	High 4	(1-4) Policy implemented. (3) Controls within Local Government Act and policy. (2-3) Training in obligations undertaken. 30/1/15: (4) Management's ongoing review/update of authorisations and delegations (including signing of correspondence) 2/10/15: (1) Fraud and Corruption risk assessment undertaken annually by managers. 19/2/16: (5) Complaints Management Process adopted by Council. (5) Industrial Relations and Investigations Unit investigate and monitor administrative action complaints. (2, 4, 3) Councillors and staff are regularly reminded of obligations under LGA and Council's Code of Conduct along with other relevant legislation and policies.	Accept Risk (ALARP)	CEO	23/10/20: No change
06. Environmental	13	3.2 Sustainable and innovative environmental practices	Failure to appropriately prepare for, or respond to, local climate change impacts on Council's and the Community's interests resulting in: disruption to service delivery; damage to: infrastructure and assets; community; economy; environment; staff and council reputation.	High 5	1. Operational Plan 2. Environmental Sustainability Strategy 3. Waste Strategy 4. Increased budget for Tree Canopy 5. Fleet Vehicle Greenhouse Gas Emissions Reduction Policy 6. Planning Scheme 7. Disaster Management Plan 8. Energy Action Plan 9. Clean Growth Choices 10. Purchasing Policy 11. Bringing Back Nature Program 12. Queensland Climate Resilient Council's Program 13. Sustainability Unit established within Council who work with staff to identify local climate change risks and opportunities and embed response measure within Council's Operational Plan, associated strategies and normal operating activities. 14. Managers and key decision makers have ready access to climate change related information and resources. 15. Current legislative requirements are monitored. 16. Emerging national and state strategic frameworks are recognised, and best practice guidance is considered.	Accept Risk (ALARP)	Deputy CEO	23/10/20: No change

**CORPORATE RISKS**

**Corporate Risks Requiring Further Treatment as at 23/10/2020**

Risk Category	Risk Identification No.	Link to Planning (Objective)	Risk/Failure (including consequence/s)	Current Risk Rating	Future Risk Control(s)	% Complete	Completion Date	Risk Owner	Management's Comments
04. Disasters; Business Continuity; & Disaster Recovery	2	5.2 Strong leadership that provides quality governance to support and service the community	Non-existent or inadequate business continuity initiatives leading to prolonged service / process disruptions resulting in adverse community reactions and possible financial loss.	Moderate 5	1. Additional continuity plans to be implemented across the organisation. 2. Regular review and testing required.	23/10/20: 100% <del>14/10/19: 60%</del> <del>(30/1/15: 80%)</del>	<del>14/10/19-30/06/2020</del> 30/06/2016	CEO	23/10/20: This risk is now considered ALARP. Treatments 100% completed. Review and enactment occurred as part of COVID-19. Add to existing treatments "Regular review and testing occurring." Leadership Team considers appropriate BCPs in place.

# **RISK REGISTERS - QUARTERLY UPDATE AS AT 26 OCTOBER 2020**

## **Operational Risk Register – Quarterly Update as at 26 October 2020**

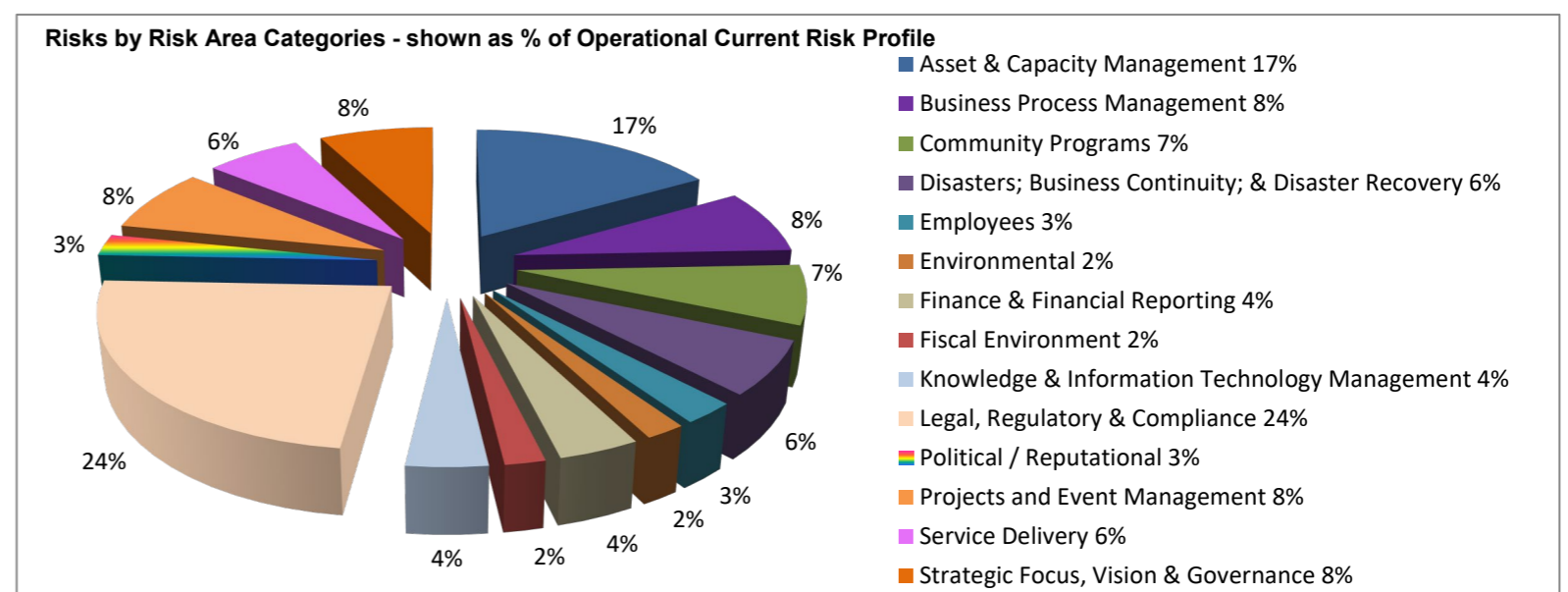
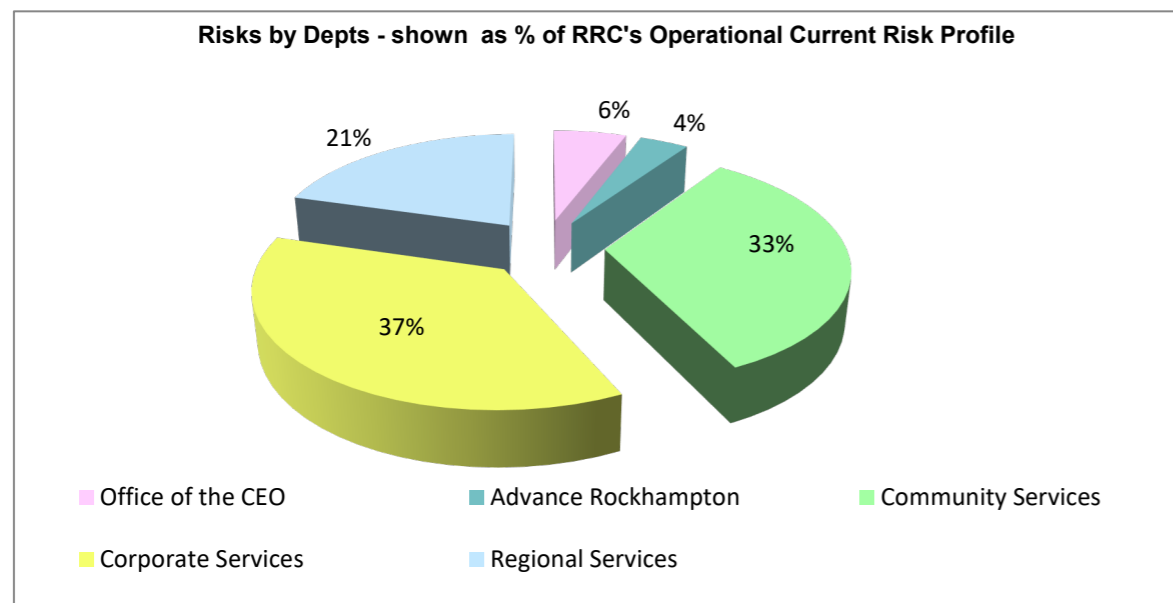
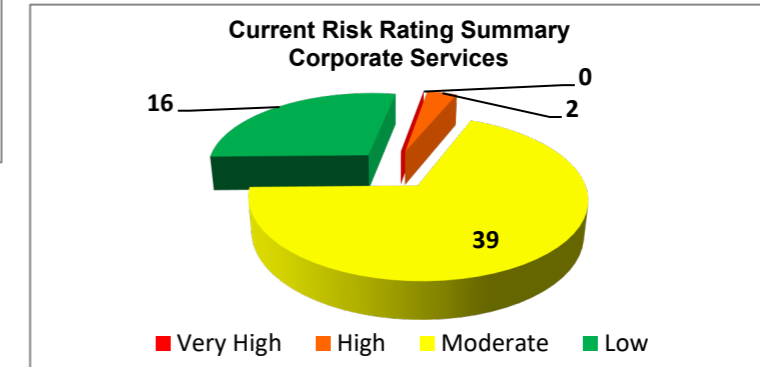
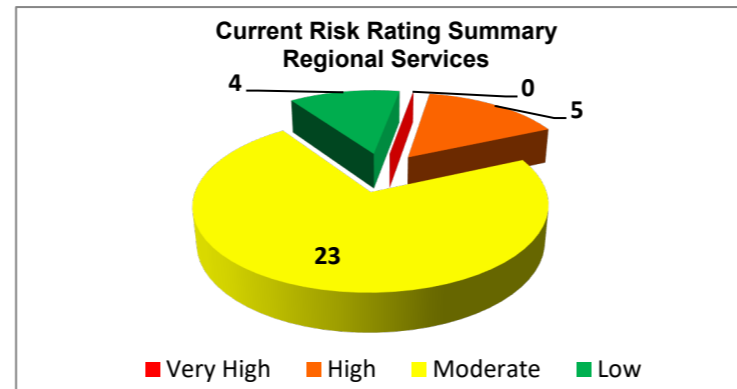
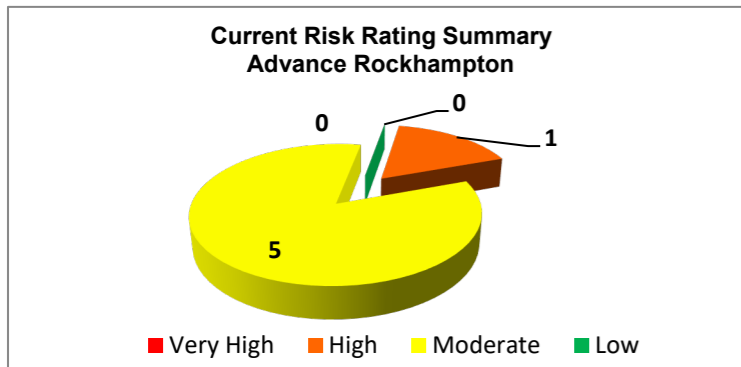
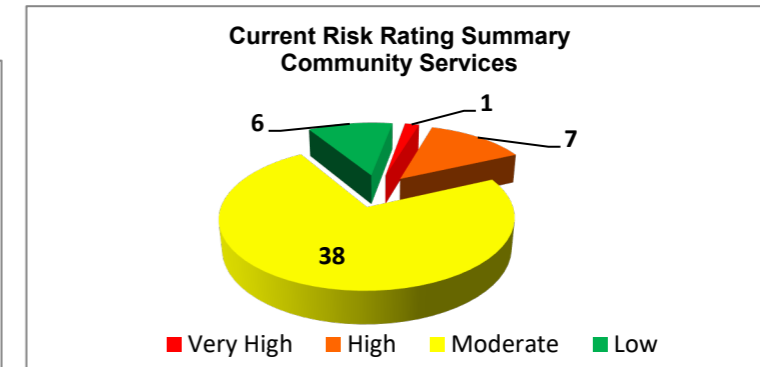
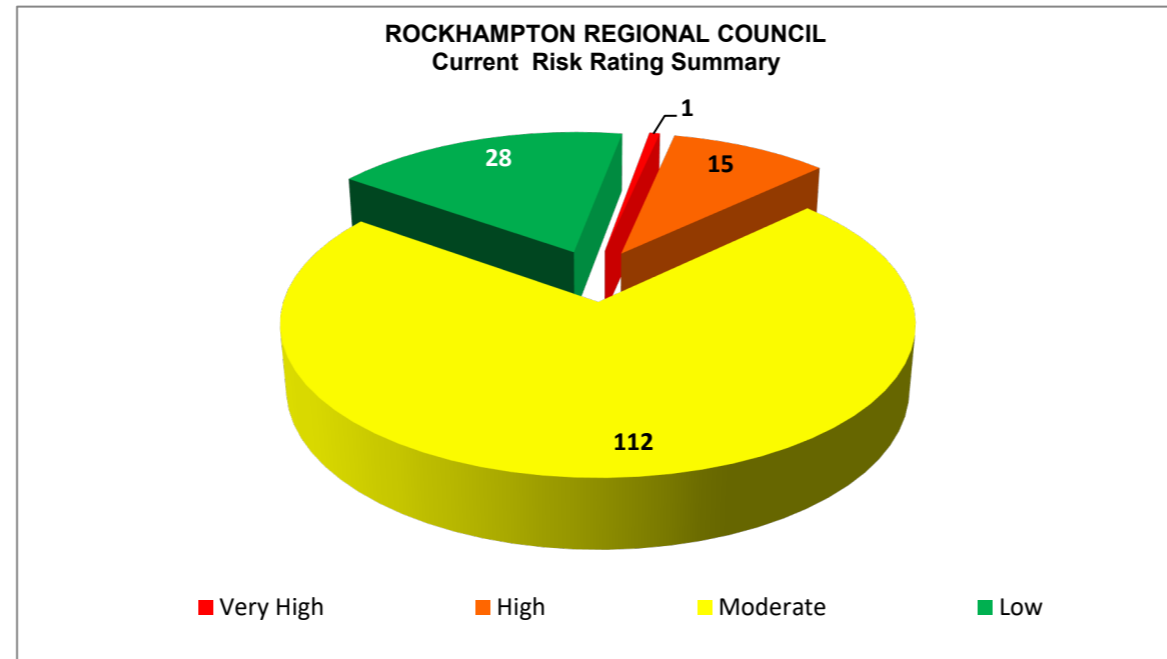
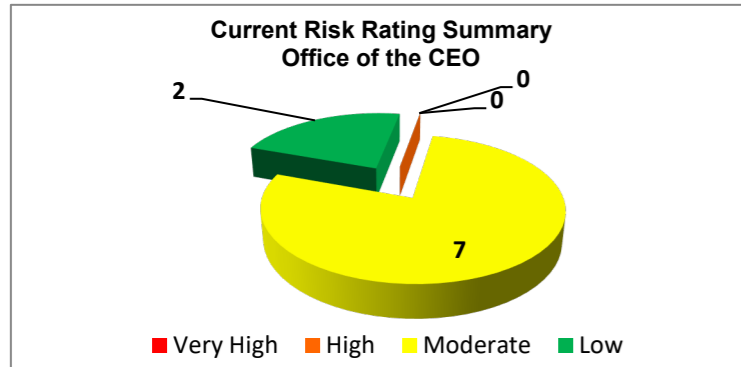
**Meeting Date: 8 December 2020**

**Attachment No: 2**

# ERM RISK SUMMARY REPORT

## Rockhampton Regional Council's Current Risk Rating Profile

based on the Operational Register as at 26/10/2020



ROCKHAMPTON REGIONAL COUNCIL  
 RISK REGISTER - Operational - 2020  
 Reporting Copy as at 26/10/20  
 (To be adopted by Council xx/11/2020)

IDENTIFY RISKS and EXISTING CONTROL EFFECTIVENESS										RISK ANALYSIS		RISK EVALUATION & FURTHER RISK TREATMENT	FUTURE CONTROL & RISK TREATMENT PLANS					Section / Unit		Risk Owner	Dept
Risk Categories	Risk Identification	OBJECTIVE <u>Links to Planning (Corp Plan 2017-22 OR other documentation)</u>	Risk/Failure (including consequence/s)	Risk Causations [Source]	Potential Exposure Rating	Existing Controls Implemented By Risk Owner	Control Effectiveness	Control Owner/s	Rate the Consequence	Rate the Likelihood	CURRENT RISK RATING	Risk Evaluation (don't proceed to Column N if risk is accepted as per results of ACTION TABLE and/or Cost-Benefit Analysis)	Future Risk Control/s	Control Implementation / Monitoring	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Section / Unit	Risk Owner	Dept
NEW RISKS LISTED BELOW HERE																					
04. Disasters, Business Continuity, & Disaster Recovery	385	1.3 Safe places for our community	A natural disaster event during COVID-19 challenging the ability to respond and the need to balance immediate harm risks with longer term pandemic control. This could result in increased impact to the community and the inability to meet customer expectations.	1. Disaster Management Plans and Community Safety Management Plans are misaligned. 2. Limitation on availability of resources. 3. Unclear responsibilities - Disaster Management Framework and State Health.	4. Major	1. State Health proving guidelines to manage within COVID environment. 2. Plans are reviewed in consideration of expert advice. 3. Training / Exercises at Local Disaster Management Group and District Disaster Management Group level.	4. Substantially Effective	Coordinator Disaster Management	3	C	Moderate 5	Accept Risk (ALARP)							Infrastructure Planning / Disaster Management	Manager Infrastructure Planning	Regional Services

ROCKHAMPTON REGIONAL COUNCIL

Very High and High Current Risk Ratings as at 26/10/20

Risk Category	Risk Identification No.	Objectives (Links To Planning - Corp Plan 2017-22 or other documentation)	Risk/Failure (including consequence/s)	Existing Controls Implemented By Risk Owner	CURRENT RISK RATING	Risk Evaluation (don't proceed to Column N if risk is accepted as per results of ACTION TABLE and/or Cost-Benefit Analysis)	Risk Owner	MANAGEMENT COMMENT
01. Asset & Capacity Management	312	5.3 Financially sustainable organisation	Inadequate Developer Contributions for Infrastructure resulting in a cost impost on ratepayers and reduction in funds available for other projects.	Failure to develop and implement adequate Infrastructure Charge Schedules under Planning Act 2016.	High 4	Accept Risk (ALARP)	Manager Infrastructure Planning	26/10/20: No Change
01. Asset & Capacity Management	315	1.1 Safe, accessible, reliable and sustainable infrastructure	Failure to maintain accuracy and value of the forward works program and adequately provide for the annual capital program resulting in projects nominated for delivery being deferred to accommodate increased costs within annual capital program and the Long Term Financial Strategy (LTFS).	1. Regional Services not providing the appropriate control framework. 2. Inadequate scoping of the project and inaccurate estimates of cost. 3. Failure to provide reasonable cost estimates initially and then increasing forward estimates annually to account for wages, plant and materials cost growth.	High 4	Treat Risk	Manager Infrastructure Planning	26/10/20: No Change
01. Asset & Capacity Management	458	1.1 Safe, accessible, reliable and sustainable infrastructure	Damage or failure of Council's Open Space Facilities resulting in injury to public and potential litigation.	1. Adequate service levels not established to maintain facilities. 2. Aging facilities where maintenance plans have not been implemented. 3. Insufficient resources to cater for adequate ongoing programmed maintenance. 4. Some open space facilities do not meet current standards.	Very High 3	Treat Risk	Manager Community Assets and Facilities	26/10/20: No Change
03. Community Programs	414	1.4 Healthy living and active lifestyles	Council fails to maintain, train and supervise adequate numbers of volunteers to assist with operations across its sites resulting in inability to deliver some services, or injury to volunteers or public.	1. Societal changes impacting number of people volunteering. 2. Inadequate processes for engagement, induction and training of volunteers. 3. Insufficient staff resource to monitor WHS compliance.	High 4	Accept Risk (ALARP)	Manager Communities and Culture	26/10/20: Additional control added with selection and implementation of Volunteer management software and processes
03. Community Programs	417	1.6 Our sense of place, diverse culture, history and creativity are valued and embraced	Grant and sponsorship programs not delivered in accordance with regulations, policy and procedures resulting in loss of reputation for Council with community concerns about disbursement of funds, and withdrawal of matching funding from other levels of government meaning grant is unable to be offered.	1. Policies and procedures not applied to all applications to allow for consistent and transparent decision making process. 2. Council or management decision not in line with policy and procedure.	High 4	Accept Risk (ALARP)	Manager Communities and Culture	26/10/20: No Change

Risk Category	Risk Identification No.	Objectives (Links To Planning - Corp Plan 2017-22 or other documentation)	Risk/Failure (including consequence/s)	Existing Controls Implemented By Risk Owner	CURRENT RISK RATING	Risk Evaluation (don't proceed to Column N if risk is accepted as per results of ACTION TABLE and/or Cost-Benefit Analysis)	Risk Owner	MANAGEMENT COMMENT
08. Fiscal Environment	251	5.3 Financially sustainable organisation	The loss of revenue impacting on Council's financial position potentially resulting in higher future rate rises, additional borrowings or service level reductions.	<ol style="list-style-type: none"> <li>1. Change of Council direction or decision.</li> <li>2. Legislation changes resulting in reduced revenue.</li> <li>3. Government funding ceases.</li> <li>4. Commercial Unit dividends lower than expected.</li> <li>5. Regional growth rates lower than estimated resulting in less rate revenue.</li> <li>6. Development lower than expected resulting in reduced developer contributions.</li> <li>7. Higher rainfall received than expected resulting in lower water consumption revenue.</li> </ol>	High 5	Accept Risk (ALARP)	Chief Financial Officer	26/10/20: No Change
10. Legal, Regulatory & Compliance	332	5.2 Strong leadership that provides quality governance to support and service the community	Failure to collect revenue, as dictated by legislation, results in less funds available and lack of confidence in Council business practices.	<ol style="list-style-type: none"> <li>1. Insufficient business processes; and</li> <li>2. Insufficient management oversight.</li> </ol>	High 5	Accept Risk (ALARP)	Manager Planning and Regulatory Services	26/10/20: No change
10. Legal, Regulatory & Compliance	422	1.3 Safe places for our community	Inability to comply with regulatory obligations and conservation of heritage assets, asbestos inspections and treatment, resulting in facilities being non-compliant and deemed unsafe and unusable, with loss of service to community, possible injury to staff and public, and damage to reputation of Council.	<ol style="list-style-type: none"> <li>1. Insufficient resourcing to provide conservation management plans, asbestos inspections, other regulatory inspections.</li> <li>2. Aging facilities where maintenance plans have not been implemented over a long period of time.</li> <li>3. Inadequate resourcing to undertake maintenance and conservation works.</li> <li>4. Forward budget submissions annually presented.</li> </ol>	High 4	Accept Risk (ALARP)	Manager Community Assets and Facilities	26/10/20: No Change
10. Legal, Regulatory & Compliance	427	4.2 Practical and values based compliance frameworks	Council does not meet its legislative and service delivery responsibilities for Local Laws' community compliance leading to the possibility of legal action, significant damage to Council's reputation with multiple complaints, and general public dissatisfaction.	<ol style="list-style-type: none"> <li>1. Lack of resources (Human and Financial) provided by Council.</li> <li>2. Poor or non-existent infringement financial management systems.</li> <li>3. Non-compliance with existing infringement financial management controls.</li> </ol>	High 4	Accept Risk (ALARP)	Manager Planning and Regulatory Services	26/10/20: No change
10. Legal, Regulatory & Compliance	429	4.2 Practical and values based compliance frameworks	Inconsistent regulation and enforcement of local laws and legislation resulting in poor service and considerable public dissatisfaction.	<ol style="list-style-type: none"> <li>1. Inadequate Local Laws and procedures.</li> <li>2. Implementation disconnect due to legislative interpretation.</li> <li>3. Adverse external intervention.</li> <li>4. Lack of staff knowledge.</li> </ol>	High 4	Treat Risk	Manager Planning and Regulatory Services	26/10/20: No Change

Risk Category	Risk Identification No.	Objectives (Links To Planning - Corp Plan 2017-22 or other documentation)	Risk/Failure (including consequence/s)	Existing Controls Implemented By Risk Owner	CURRENT RISK RATING	Risk Evaluation (don't proceed to Column N if risk is accepted as per results of ACTION TABLE and/or Cost-Benefit Analysis)	Risk Owner	MANAGEMENT COMMENT
11. Political / Reputational	304	1.1 Safe, accessible, reliable and sustainable infrastructure	Failure of operation asset (roads, drainage, etc.) leading to: injury or death of public/staff; damage to property/equipment - resulting in legal outcomes, financial impacts and negative publicity for Council.	1. Poor maintenance of assets . 2. Lack of safety provision on job site.	High 4	Accept Risk (ALARP)	Manager Civil Operations	26/10/20: Civil Operations has program inspections of all rural culverts over 900mm to 1500mm in size. These culverts were identified as not part of an existing inspection program and owing to resource restrictions will not be part of an annual inspection program. Expect completion by end of January 2021.
12. Projects and Event Management	P 382	1.3 Safe places for our community	South Rockhampton Flood Levee Project - not being constructed and /or not constructed fit for purpose, resulting in negative publicity and damage to Council's reputation, economic losses for the community, possible increase in financial liability and time delays.	1. Lack of political / community support resulting in full funding not obtained. 2. Full approvals not obtained. 3. Ineffective project planning - commencement of works during peak flooding season. 4. Contract documentation inadequate - deadlines stipulated for works to be completed by.	High 4	Accept Risk (ALARP)	General Manager Regional Services	26/10/20: Project has been paused owing to lack of available funding.
13. Service Delivery	308	1.1 Safe, accessible, reliable and sustainable infrastructure	Landslip and/or rocks on road along Pilbeam Drive at Mt Archer - poses a threat to safety of road users resulting in public liability.	Unstable and unrestrained soil and rock.	High 4	Accept Risk (ALARP)	Manager Civil Operations	26/10/20: No change
13. Service Delivery	331	5.3 Financially sustainable organisation	Availability of staff to undertake essential Council Services, i.e.: Development Assessment, is impacted by changes made to State Legislation resulting in less capacity to provide planning services, requiring supplemental funding from other sources, eg: increased rates.	State legislators.	High 4	Accept Risk (ALARP)	Manager Planning and Regulatory Services	26/10/20: No change
14. Strategic Focus, Vision & Governance	110	2.4 Infrastructure services are driven to deliver future economic growth	Failure to assist developers through the development application process, which can result fewer developments coming to fruition.	Complexity of the development application process poses a significant challenge for many developers.	High 4	Accept Risk (ALARP)	Executive Manager Advance Rockhampton	26/10/20:
14. Strategic Focus, Vision & Governance	330	4.4 Plan for future population and economic growth giving consideration to a diverse range of industries and services	Failure to address general long term planning needs for the community will result in lower quality development, less development overall, continued poor economic and community performance indicators, and lost opportunities in pursuit of achieving elevation of Rockhampton's reputation to an exceptional regional city.	1. Insufficient and underqualified staff. 2. Insufficient funds to train staff to take on new planning functions. 3. Distraction by inconsequential short term issues. 4. State government limitations on powers to respond to local needs. 5. Lack of support from the business and general community.	High 4	Accept Risk (ALARP)	Manager Strategy and Planning	26/10/20: Change dept to Corporate Services



**ROCKHAMPTON REGIONAL COUNCIL**  
**Risks Requiring Further Treatment as at 26/10/2020**

Risk Category	Risk Identification No.	Links To Planning (Objectives)	Risk/Failure (including consequence/s)	CURRENT RISK RATING	Future Risk Control/s	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Risk Owner	MANAGEMENT'S COMMENTS/NOTES ON ANY CHANGES TO BE MADE TO DETAILS IN COLUMNS B - Q, T and/or U - W
14. Strategic Focus, Vision & Governance	109	2.5 Promote, foster and embrace growth opportunities, strategic investment and international exports	Failure to take advantage of Rockhampton Region's economic development opportunities which can result in limited growth of Council's rate base.	Moderate 5	Appoint Executive Manager Advance Rockhampton				30/11/2020	Executive Manager Advance Rockhampton	26/10/20: Executive Manager appointed and commenced October 2020. This will be changed to Accept Risk next reporting period.
10. Legal, Regulatory & Compliance	106	5.2 Strong leadership that provides quality governance to support and service the community	Improper release of confidential information resulting in: complaints; investigations; and sanctions.	Moderate 5	(1) Internal awareness training programs to be developed and delivered.		9/8/19: Councillor workshop training session planned for 20/8/19 re: Complaint Management Framework. Employee training has been developed - method and timing of delivery of the sessions to be confirmed.	30%	29/5/20: 31/12/2020 <del>26/4/19-</del> <del>31/12/2019</del> 30/06/2018	Executive Manager Workforce and Governance	26/10/20: Training delivered to all Managers week ending 15/10/20
14. Strategic Focus, Vision & Governance	111	2.3 The redevelopment and activation of major urban places to attract investment and improved lifestyles	Failure to collaborate with Rockhampton Region's business groups and businesses, which could lead to initiatives failing to attain their true potential, and/or possible business closures, resulting in limited growth of Council's rate base and Council's reputation affected.	Moderate 5	Industry Engagement and Stakeholder Management process under review.						26/10/20: Change from Accept to Treat Risk. Industry Engagement and Stakeholder Management processes under review.
01. Asset & Capacity Management	244	2.4 Infrastructure services are driven to deliver future economic growth	Aircraft accident, incident or malfunction occurs within the Rockhampton airport precinct resulting in possible death or injury, financial loss, interruption to airline service delivery, damage to infrastructure and reputation damage to the airport.	Moderate 6	Upgrade airport lighting system.		24/8/18: Airport lighting system was commissioned 5/6/17 - rectification works ongoing as part of the extension of the defect liability period.		26/10/20: 30/6/2021  26/2/18: 6/06/2018  3/3/17: 31/07/2017  19/2/2016: 90% 2/12/16: 31/3/2017  2/10/2015:- 85% 26/8/16:- 30/11/2016  17/7/2015:- 80% 27/5/16:- 31/07/2016  (17/4/2015:- 70%) 19/2/16:- 30/06/2016  17/7/15:- 31/12/2015 - (Stage 3:- 30/6/2016)	Manager Airport	26/10/20: Runway Guard Lighting (RGL) still under warranty and conversations ongoing with Safegate regarding rectification of defects.

Risk Category	Risk Identification No.	Links To Planning (Objectives)	Risk/Failure (including consequence/s)	CURRENT RISK RATING	Future Risk Control/s	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Risk Owner	MANAGEMENT'S COMMENTS/NOTES ON ANY CHANGES TO BE MADE TO DETAILS IN COLUMNS B - Q, T and/or U - W
01. Asset & Capacity Management	245	2.4 Infrastructure services are driven to deliver future economic growth	Security breach or threat at the airport resulting in possible death or injury, reputation damage to the airport, additional costs, disruption to airline services due to airport closure, infrastructure damage, fines in relation to a regulatory breach.	Moderate 6	Replace hard key system on all gates and access points with proxcard electronic card system so lost cards can have access withdrawn.	Budget has been provided under Security upgrade	24/8/18: Construction of the automatic vehicle gate at Airside Security Gate 1 has been completed. Transition to amalgamate with Council's Cardax system ongoing.	26/10/2020: 10% 19/2/2016:- 90% 2/10/2015:- 85% 17/7/2015:- 75% (17/4/2015:- 60%)	26/10/10: 30/5/2021 26/2/18: 2/04/2018 2/12/16:- 31/07/2017 19/2/16:- 30/06/2016 17/7/15:- 31/12/2015 (17/11/14:- 30/06/2015)	Manager Airport	26/10/20: Electronic system did not provide any reliability, have now gone back to a normal padlock system and looking at a whole new master key system with Abloy with the Terminal Redevelopment. Please revise % complete from 90% to 10%.  Please change completion date to be May 2021. This date will be reviewed in May 2021.
14. Strategic Focus, Vision & Governance	247	2.4 Infrastructure services are driven to deliver future economic growth	Airport revenue decreases over a sustained period resulting in the airport performance KPI's not being met, budgetary impacts, reduced availability of funds for capital programs.	Moderate 5	Consultant engaged to provide airline data analysis (26/2/18)  Obtain, analyse and evaluate airline data to guide future negotiations and potential revenue (26/4/19)			10%	01/09/2020	Manager Airport	26/10/20: Ongoing with a focus on regaining pre-Covid schedules over the next 12 months.
01. Asset & Capacity Management	248	2.4 Infrastructure services are driven to deliver future economic growth	Airport assets not maintained, upgraded, inspected or monitored effectively in accordance with regulatory requirements resulting in possible death or injury, reputational damage, compliance failure, reduced service delivery, WH&S fine.	Moderate 6	Facility maintenance and condition assessment inspection schedules are in the process of being completed and detailed in conquest.  Consultant engaged to identify critical infrastructure and to load into Conquest to ensure regular maintenance is performed.	Facilities Co-ordinator providing resources.  Budget funds are available over next few years for consultant to complete critical infrastructure assets in Conquest.	8/12/17: AMP completed and is to be worked through by Airport Facilities Team.	26/10/2020: 100% 2/12/16:- 80% 2/10/2015:- 80% 17/4/2015:- 80% (21/1/15:- 80%)	8/12/17:- 01/06/2018 17/7/15:- 30/6/2017 (17/11/14: Stage 1:- 30/06/2015)	Manager Airport	26/10/20: Risk treatments 100% completed. Risk is Accepted. Additional Existing Treatment (4) to be reflected: 'Maintenance and Condition schedules have been developed and implemented and occurring on a monthly basis.'
10. Legal, Regulatory & Compliance	250	1.1 Safe, accessible, reliable and sustainable infrastructure	A safe environment is not effectively provided for Airport workers, passengers and the public resulting in possible death or injury, compliance breaches, safety breaches, reputational damage, insurance claims, legal action.	Moderate 5	Online inductions provided to airport staff and contractors (26/2/18).			26/10/20: 100%  0%	01/07/2019	Manager Airport	26/10/2020: Online inductions have been in place since March 2020. This will be on a continuous review of procedures and manuals for all staff, stakeholders and contractors.  Change to 'Accept Risk'; and 100% completed. Existing Control 7 to reflect 'Online Inductions for all staff, stakeholders and contractors.'
06. Environmental	307	1.1 Safe, accessible, reliable and sustainable infrastructure	Environmental damage from infrastructure works leading to: legislative non-compliance; tarnished reputation and fines.	Moderate 6	1. Third party review of Civil Operations environmental checklists and processes to be undertaken.  2. Civil Operations environmental procedure to be developed by third party.				26/10/20: 28/02/2021 31/10/2020	Manager Civil Operations	26/10/20: Third party review is nearly done with draft updated version being supplied to Civil Operations. Civil Operations expects the updated process/procedure to be completed by February 2021.

Risk Category	Risk Identification No.	Links To Planning (Objectives)	Risk/Failure (including consequence/s)	CURRENT RISK RATING	Future Risk Control/s	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Risk Owner	MANAGEMENT'S COMMENTS/NOTES ON ANY CHANGES TO BE MADE TO DETAILS IN COLUMNS B - Q, T and/or U - W
09. Knowledge & Information Technology Management	313	4.3 Accountable and motivated organisation	Poor records and information management retrieval and storage capabilities (hardcopy and electronic) resulting in an inability to find and retrieve critical infrastructure planning information resulting in reduced productivity, inadequate infrastructure, risk to the general public and workers and financial loss for Council.	Moderate 6	1. Plan and implement completion and population of central registry for planning studies. 2. <del>(1.) Continued population of drawing register database and scanning and loading of engineering drawings into GIS.</del> 3. <del>(2.) Retrieval of historical development plans to be scanned and loaded into GIS.</del> 4. <del>Identify and acquire (if necessary) appropriate storage areas for records.</del>	Require dedicated Project Admin/technical librarian support	Lack of a plan and resources.	14/12/18: 70% 3/3/17: 60% 26/8/16: 50% 30/1/15: 30%	7/08/20: 30/6/2021 <del>14/12/18: 30/06/2020</del> 30/06/2018	Manager Infrastructure Planning	26/10/20: No Change
01. Asset & Capacity Management	315	1.1 Safe, accessible, reliable and sustainable infrastructure	Failure to maintain accuracy and value of the forward works program and adequately provide for the annual capital program resulting in projects nominated for delivery being deferred to accommodate increased costs within annual capital program and the Long Term Financial Strategy (LTFS).	High 4	1. Continued refinement of forward works program. 2. (2. & 3.) Development of indicative estimating tool. 3. Develop Network specific prioritisation processes.	Budget, IT Support, Software.	3/3/17: Draft 10 year Capital Program has been developed. Availability of personnel to do this work.	29/5/20: 90% 17/7/15: 75% (50%)	07/08/20: 01/07/2021 <del>14/12/18: 01/07/2020</del> 3/3/17: 01/07/2018 01/07/2016	Manager Infrastructure Planning	26/10/20: No Change
01. Asset & Capacity Management	324	1.1 Safe, accessible, reliable and sustainable infrastructure	Inadequate physical security resulting in disruption or loss of critical services and supply, serious injury or death, damage to assets, theft; and damage to reputation.	Moderate 5	<del>Swipe card access for improved physical security currently being installed at the Glenmore Water Treatment Plant site to limit access to the FRW Operations Control Room.</del>				31/12/2020	Manager FRW	26/10/20: Change from Accept to Treat. Future control to be added: Swipe card access for improved physical security current being installed at the Glenmore WTP site to limit access to the FRW Operations Control Room.
10. Legal, Regulatory & Compliance	325	1.1 Safe, accessible, reliable and sustainable infrastructure	Failure of Water Treatment Plant resulting in loss of supply for extended period, financial loss, loss of reputation, public health risk, safety risk; and breach of license conditions.	Moderate 6	1. Security cameras and equipment to be installed and monitored via SCADA software. 2. <del>FRW Maintenance Strategy to be finalised (note: implementation is occurring as components are developed) [Completed 8/6/18].</del> 3. <del>Investigate backup power options. (14/12/18)</del> 4. Complete electrical renewal of GWTP [fire suppression systems, etc.] 8/6/18.	(1, 2 & 3) Staff (1, 4) Budget	(1) Awaiting budget approval. (2 & 3) Staff availability.	8/6/18: 30% 17/7/15: 50% (30/1/15: 20%)	7/8/20: 31/08/2022 8/9/19: 31/12/2020 <del>8/6/18: 30/6/2019</del> 3/03/17: 30/06/2017 2/10/15: 30/06/2016 17/7/15: 31/12/2015 (31/12/2014)	Manager FRW	26/10/20: No change
10. Legal, Regulatory & Compliance	326	1.1 Safe, accessible, reliable and sustainable infrastructure	Failure of Sewage Treatment Plant resulting in breach of EPA license; serious disruption of services; serious litigation and financial loss; loss of reputation.	Moderate 5	7/8/20: As part of the Sewerage Treatment Plants Strategy the NRSTP and GSTP augmentation projects are proceeding to delivery stage to ensure long term compliant operation of the STPs.				31/12/2022	Manager FRW	26/10/20: No change
04. Disasters, Business Continuity & Disaster Recovery	328	1.1 Safe, accessible, reliable and sustainable infrastructure	Fire in FRW buildings resulting in injury to staff; loss of plant and equipment.	Moderate 6	16/6/17: Additional controls to reduce the risk of fire in FRW buildings being implemented as per Audit Recommendations (minor capital upgrades and administrative improvements)		14/12/18: Fire suppression and fire detection systems installed at NRSTP as part of the complete electrical renewal project. Similar upgrades planned for the GWTP which will commence in 2019.	9/8/19: 50% 20%	7/8/20: 31/08/2022 9/8/19: 31/12/2020 <del>8/6/18: 30/06/2019</del> 26/2/18: 31/12/2018	Manager FRW	26/10/20: No change

Risk Category	Risk Identification No.	Links To Planning (Objectives)	Risk/Failure (including consequence/s)	CURRENT RISK RATING	Future Risk Control/s	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Risk Owner	MANAGEMENT'S COMMENTS/NOTES ON ANY CHANGES TO BE MADE TO DETAILS IN COLUMNS B - Q, T and/or U - W
01. Asset & Capacity Management	420	1.1 Safe, accessible, reliable and sustainable infrastructure	Damage or failure of Council facilities, plant and equipment resulting in injury to staff or public, potential litigation, and inability to deliver services.	Moderate 5	26/2/18: Initiatives in place to assist staff with statutory maintenance requirements. 26/4/19: Review venue hire contract/agreement(s) to include clause allowing cancellation of event due to unsafe environmental conditions with no liability on Council.			10%	26/4/19: 31/8/2019 30/06/2019	Manager Community Assets and Facilities	26/10/20: No change
10. Legal, Regulatory & Compliance	429	4.2 Practical and values based compliance frameworks	Inconsistent regulation and enforcement of local laws and legislation resulting in poor service and considerable public dissatisfaction.	High 4	1. Reviews to be completed - 1a) Internal Audit Process Review; 1b) Legal review of Local Laws. 2. Membership subscription to LGAQ's Legislation Compliance Service.	1a) Existing staff and resources. 1b - 2) Review of budget required.	19/2/16 : (1a) Review of Council's Animal Management function currently being undertaken - scheduled to be completed by May 2016. 19/2/16: (1b) Additional project officer employed to conduct legal review of Local Laws - to be completed June 2017. Constraint: Available budget	14/12/18: 90% 24/8/18: 85% 8/6/18: 75% 16/6/17: 65% 5%	8/6/18: 31/12/2018 16/6/17: 31/3/2018 27/5/16: 31/04/2017 (17/4/15: 30/12/2016) 31/12/2014	Manager Planning and Regulatory Services	26/10/20: No Change
10. Legal, Regulatory & Compliance	431	1.2 Regional public places that meet the community's needs	Animal housing at the Zoo does not meet the required standard (inclusive of; animal husbandry, record keeping, staffing & asset renewal) resulting in: Loss of zoo licences / closure of facility; Injury or death to an animal; Negative public perception; Staff turnover; Injury or death to zookeepers.	Moderate 6	4. Develop Zoo Master Plan and associated business plans and implement (14/12/18)	Annual Budget External contractors to be used. Staff time and management overview.		14/12/18: 10%	14/12/18: 31/12/2019	Manager Parks	26/10/20:
04. Disasters; Business Continuity; & Disaster Recovery	432	1.3 Safe places for our community	Parks is not adequately prepared to implement disaster recovery and restoration activities through poor internal systems and staff deployment arrangements resulting in increased impacts on Council budget including lost funding opportunities, delayed restoration of assets and reputation damage.	Moderate 6	Training gap analysis to be undertaken and relevant training sought. (9/8/19)	Budget to be sourced		0%	30/06/2020	Manager Parks	26/10/20:
09. Knowledge & Information Technology Management	433	1.2 Regional public places that meet the community's needs	Loss of information and critical cemetery records (paper/electronic) resulting in poor service delivery through: inability to provide information to families/funeral directors for future/past burial information and replace historical records - some information lost forever; and reliance on data with inefficient communication networks.	Moderate 7	Investigate use of NBN technologies to improve network connectivity			26/10/20: 100% 0%	31/12/2018	Manager Community Assets and Facilities	26/10/20: Change Existing Control (3) to read: Connected to the NBN. Treatment is 100% completed. Next period this will reflect Accept Risk.

Risk Category	Risk Identification No.	Links To Planning (Objectives)	Risk/Failure (including consequence/s)	CURRENT RISK RATING	Future Risk Control/s	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Risk Owner	MANAGEMENT'S COMMENTS/NOTES ON ANY CHANGES TO BE MADE TO DETAILS IN COLUMNS B - Q, T and/or U - W
01. Asset & Capacity Management	434	1.2 Regional public places that meet the community's needs	Insufficient interment space for future burials leading to damage to council's reputation and loss of revenue.	Moderate 6	1. 24/8/18: Planning for future growth of Gracemere Cemetery 2. 26/4/19: Expansion of Mt Morgan Cemetery 3. 26/4/19: Memorial Gardens future burials to be investigated 4. 7/8/20: Engineering solution to be looked into for water table/ingress at Memorial Gardens for future expansion.		Lack of budget	0%	31/12/2023	Manager Community Assets and Facilities	26/10/20: No Change
04. Disasters; Business Continuity; & Disaster Recovery	439	1.3 Safe places for our community	Lack of fire management planning resulting in: possible injury or loss of life; damage to Council's reputation; possible litigation.	Moderate 5	Renegotiate expired MOU with QPWS (9/8/19).					Manager Parks	26/10/20:
03. Community Programs	440	1.2 Regional public places that meet the community's needs	Tree fails resulting in: injury/death; damage to property; damage to Council's reputation; negative financial impact.	Low 7	1. Tree inventory (capture of assets) commenced [possibly 5 year project] (14/12/18)	Staff time and management overview, possible external review and update	Tree inventory currently paused waiting for implementation of RAMP (9/8/19)	14/12/18: 20%	14/12/18: 31/12/2023	Manager Parks	26/10/20:
01. Asset & Capacity Management	442	1.2 Regional public places that meet the community's needs	Failures of play equipment resulting in: injury/ death; and financial compensation claims. (The level of negligence increases where there has been an inspection but no action.)	Moderate 6	1. Create future lifecycle strategies with Community Assets (9/8/19)				30/06/2021	Manager Community Assets and Facilities	26/10/20: No Change
06. Environmental	443	1.2 Regional public places that meet the community's needs	Loss of significant/ historic/ iconic botanical collections resulting in negative publicity and loss of: reputation; region's "green" status; iconic material; and research opportunities.	Moderate 6	1. Review, update and implement existing land & conservation management & succession plans. 2. Complete the identification of the current collection as part of the succession plan. 3. Rockhampton Botanic Gardens Master Plan in final draft. 4. Plant Pathogen Management Plan to be prepared and implemented.	Staff time and management overview.		8/6/18: 50% 26/8/16: 80% (40%)	8/6/18: 31/12/2023 <del>16/6/17- 31/12/2017</del> <del>26/8/16- 30/06/2017</del> (30/06/2016)	Manager Parks	26/10/20:
13. Service Delivery	444	1.2 Regional public places that meet the community's needs	Inadequate/ inappropriate open space does not meet the community's requirements/ expectations resulting in lack of: standardised infrastructure charges; consistency and quality of the asset including land; lack of benchmark for Council/ developer Standards; unwanted contributed assets; leading to reputational damage; social problems and; financial impacts.	Moderate 5	1. Develop & implement a Parks Infrastructure Strategy for conditioning of new development. 2. Develop a local parks contribution policy. 3. Complete & implement Landscape Guidelines (as part of CMDG). 4. Open Space Strategy to be adopted by Council and implemented (inc service levels).		26/8/16: Sport, Parks, Active Recreation and Community (SPARC) Strategy currently in preparation awaiting Council consideration.	8/6/18: 80% 70%	8/6/18: 31/12/2019 <del>16/6/17- 31/03/2018</del> <del>26/8/16- 30/04/2017</del> (31/12/2016)	Manager Planning and Regulatory Services	26/10/20: No change
01. Asset & Capacity Management	445	5.2 Strong leadership that provides quality governance to support and service the community	Loss of property (including Council property, cash/revenue and exhibits) due to theft/fraud resulting in: negative publicity; loss of reputation; and monetary loss.	Moderate 6	1. CCTV [8/6/18]	Budget required.			30/06/2020	Manager Parks	26/10/20:

Risk Category	Risk Identification No.	Links To Planning (Objectives)	Risk/Failure (including consequence/s)	CURRENT RISK RATING	Future Risk Control/s	Resource / Budget Needed	Performance / Constraints	% Complete	Completion Date	Risk Owner	MANAGEMENT'S COMMENTS/NOTES ON ANY CHANGES TO BE MADE TO DETAILS IN COLUMNS B - Q, T and/or U - W
01. Asset & Capacity Management	446	1.2 Regional public places that meet the community's needs	Integrity of land-fill caps, where Council is now using the space for public use (eg: parks), is impacted through an event occurring causing exposure of toxins, hazards etc (eg: TC Marcia causing tree fall and erosion) resulting in: public health and safety; financial; and environmental repercussions.	Moderate 7	1. Continuous review and updating of Site Management Plan. 2. Site remediation priorities to be determined, planned and implemented.	To be determined per event and site. (Kershaw Remediation is now estimated at \$8.4m. The amount for other sites is hard to assess generically.)	(Note: Remediation Plan for Kershaw Gardens in effect)  Public perception  Funding	8/6/18: 0% 25/8/17: 60% 16/6/17: 50% 02/10/2015: 15% 2%	8/6/18: Timely post event. 16/6/17-30/06/2018 19/2/16-30/06/2017 01/12/2015	Manager Parks	26/10/20:
01. Asset & Capacity Management	458	1.1 Safe, accessible, reliable and sustainable infrastructure	Damage or failure of Council's Open Space Facilities resulting in injury to public and potential litigation.	Very High 3	Develop lifecycles to show resource allocation to tasks, along with criticality rating, so detail budget forecasting can occur [26/4/19]	Identify additional resources that are required through lifecycle maintenance strategies. [26/4/19]	No forecasting has occurred from strategies, resulting in response actions being ad hoc and reactive. [26/4/19]	0%	30/06/2019	Manager Community Assets and Facilities	26/10/20: No change
12. Projects and Event Management	607	1.2 Regional public places that meet the community's needs	Rockhampton Agricultural Show has low attendance or is cancelled, resulting in loss of revenue and reputational damage.	Moderate 6	1. Follow through on Cash Audit recommendations 2. Implement Finance Services recommendations				7/08/20: 1/6/2021 01/06/2020	Manager Tourism Events and Marketing	26/10/20: No change
10. Legal, Regulatory & Compliance	463	4.2 Practical and values based compliance frameworks	Council does not meet it legislative and service delivery requirements for building, plumbing and development compliance resulting in potential legal action against Council, damage to Councils reputation and public dissatisfaction	Moderate 5	(1.) Continued development of electronic systems to support staff (2.) Enforcement training for staff (4.) Develop a public awareness program			40%	31/12/2021	Manager Planning and Regulatory Services	26/10/20: No change

# **RISK REGISTERS - QUARTERLY UPDATE AS AT 26 OCTOBER 2020**

## **Potential and Current Risk Exposure Profile as at 26 October 2020**

**Meeting Date: 8 December 2020**

**Attachment No: 3**

**POTENTIAL EXPOSURE RISK RATINGS as at 26 October 2020**

(Management's rating considering the maximum plausible level of consequence for a risk, assuming controls fail or there are no controls in place)

	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic	Dept Totals
Corporate Risks	0	0	2	8	3	13
Advance Rton	0	2	3	1	0	6
Community Services	0	4	25	23	0	52
Corporate Services	0	3	11	41	2	57
Office of the CEO	0	3	4	2	0	9
Regional Services	0	1	11	18	2	32
	<b>0</b>	<b>13</b>	<b>56</b>	<b>93</b>	<b>7</b>	<b>169</b>

Risk Rating	Number of Risks This Period	Number of Risks Last Period	This Period's % of Total
Catastrophic	7	7	4.14%
Major	93	92	55.03%
Moderate	56	57	33.14%
Minor	13	13	7.69%
Insignificant	0	0	0.00%
<b>Total number of risks</b>	<b>169</b>	<b>169</b>	

**CURRENT RISK RATINGS as at 26 October 2020**

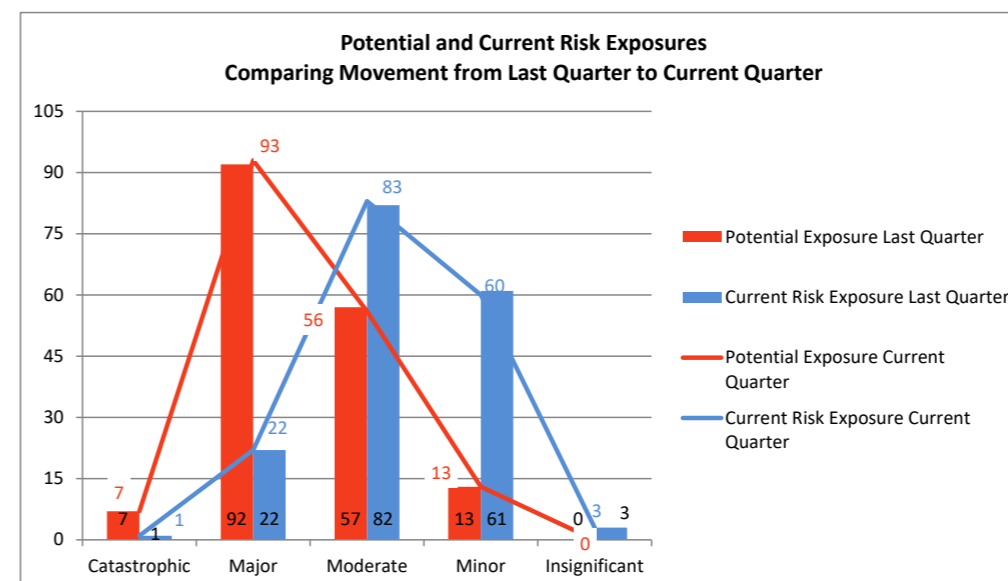
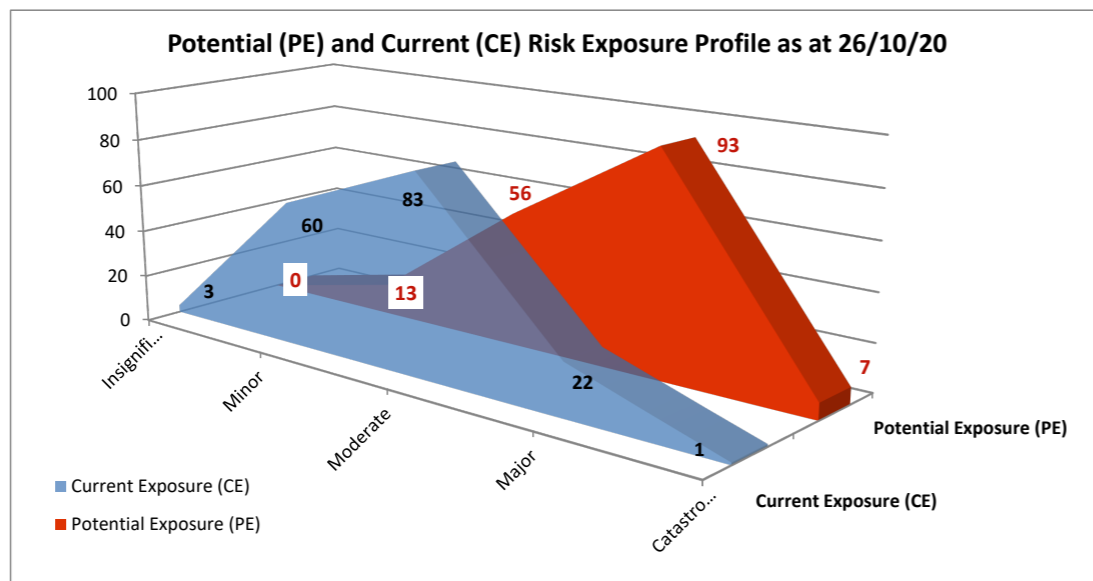
(Management's rating after considering any Existing Controls and the severity and likelihood of the consequence) \*

	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic	Dept Totals
Corporate Risks	0	3	5	5	0	13
Advance Rton	0	2	4	0	0	6
Community Services	0	16	31	5	0	52
Corporate Services	1	30	24	2	0	57
Office of the CEO	0	3	6	0	0	9
Regional Services	2	6	13	10	1	32
	<b>3</b>	<b>60</b>	<b>83</b>	<b>22</b>	<b>1</b>	<b>169</b>

Risk Rating	Number of Risks This Period	Number of Risks Last Period	This Period's % of Total
Catastrophic	1	1	0.59%
Major	22	22	13.02%
Moderate	83	82	49.11%
Minor	60	61	35.50%
Insignificant	3	3	1.78%
<b>Total number of risks</b>	<b>169</b>	<b>169</b>	

\* To get a Current Risk Rating the Risk Owner has also considered the effectiveness of the existing controls to mitigate against the consequence and likelihood of the risk event occurring.

Tip on interpreting this graph: The numbers in the Bars relate to last quarter's data and the numbers outside relate to the Lines which represent the current quarter's data. The gap between the two points shows the movement (if any).





**10.14 MONTHLY BUDGET REVIEW**

**File No:** 8785  
**Attachments:** 1. [October Monthly Budget Review](#)  
**Authorising Officer:** Ross Cheesman - Deputy Chief Executive Officer  
**Author:** Michael Clerc - Chief Financial Officer

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**SUMMARY**

*Acting Chief Financial Officer presenting updated budget estimates to 31 October 2020.*

**OFFICER'S RECOMMENDATION**

THAT the report be received and the budget estimate changes be endorsed.

**COMMENTARY**

The Monthly Budget Review to 31 October 2020 comprises a small number of changes to the Operating Budget. The Capital Budget review is mainly comprised of budget reallocations between projects as well as a number of new grants and new projects.

**Operational Budget Estimate Changes**

The majority of changes proposed to the Operating Budget are fully offsetting. The two main exceptions are:

- The transfer of \$600k grant funding under the Local Roads and Community Infrastructure Program from Parks operating budget to Civil Operations capital budget. This grant was transferred to Civil Operations as acquittal procedures against multiple planting sites would be cumbersome. The same level of funding remains allocated toward the tree planting program.
- An increase in Bulk Water sales revenue of \$190k due to pricing under a new contract.

Total Operational Budget adjustments result in the net operating deficit increasing by \$346k (from \$6.2M to \$6.5M).

A listing of the Operating Budget changes is attached for information.

**Capital Budget Estimate Changes**

The Capital Budget has been updated to reflect budget reallocations between projects, the timing of projects across the current and next two financial years and the transfers of responsibility for various projects within Council. There are also a number of new projects. The net budget impact across the three financial years is a decrease of \$523k.

A listing by Section of the proposed Capital Budget changes is attached for information. The major movements from the September Monthly Budget Review are:

**Corporate and Technology**

Fleet Services has recorded a net reduction of \$25k. The Fleet Renewal Program budget has been reduced by \$65k to transfer funding to Facilities for construction of Dooley St Depot electric car charging facility. There is an additional item of Plant for \$40k in 20/21; Parks' operating budget has been reduced by \$40k to provide funding.

**Civil Operations**

Civil Operations revenue has increased by \$3.1M across the three financial years. This includes the transfer of \$600k grant funding under the Local Roads and Community Infrastructure Program from Parks operating budget.

Civil Operations has increased its capital expenditure budget by \$2.5M across the three financial years to match new grant funding. There are various reallocations between capital projects and across financial years.

### FRW

FRW has submitted a small budget increase of \$15k – funding has been reallocated from Waste and Recycling's budget.

### Waste and Recycling Services

Waste and Recycling has submitted a small number of budget reallocations with the net result being a saving of \$15k. This amount has been utilised to fund the new project in FRW's budget.

### Community Services Department

The Community Services Department has undertaken a review of their capital program and submitted a number of changes for reallocation of budgets between existing projects and also a number of new projects. Community Services' budget is proposed to increase by \$101k across the three financial years. Facilities budget includes the transfer of \$65k from Fleet Renewal Program for construction of Dooley St Depot electric car charging facility. Other proposed changes are shown under the respective Section in the attached listing and have also been grouped as follows:

#### Projects that are complete – budget can be reallocated

Project Description	Section	20/21		
		Previous Estimate	New Estimate	Movement
[N] Seating & Benches - State High Schools & Mt Archer (Pilbeam Dr)	CA&F	2,000	0	(2,000)
[R] Walter Reid Cultural Centre - Unit	P&RS	107,283	0	(107,283)
[U] Office Fitout - Unit 2 Walter Reid	P&RS	19,727	0	(19,727)
[N] Beautification of the GIA Gracemere	Parks	5,000	0	(5,000)
[N] Equipment for All Blacks Park (dog off leash area)	Parks	2,124	0	(2,124)
[N] Janet Pajolas Park All-Abilities Pathway's Park Bench Seating	Parks	5,000	0	(5,000)
[N] Janet Pajolas Park for materials required for walkway/Orchard project	Parks	12,175	0	(12,175)
[U] Gracemere Industrial Area landscaping	Parks	2,120	0	(2,120)
[R] Playground Equipment	Parks	3,025	0	(3,025)
Nursery - automate roller doors	Parks	12,000	0	(12,000)
[R] Rod Laver Area - Steps Improvements	Parks	10,000	0	(10,000)
[U] Janet Pajolas Park - Proposed Orchard & All Abilities Pathways	Parks	5,070	0	(5,070)
[R/U] Zoo - Public Seating	Parks	1,714	0	(1,714)
<b>Totals</b>		<b>187,238</b>	<b>0</b>	<b>(187,238)</b>

**Projects that are complete – budget changed to reflect actual costs**

Project Description	Section	20/21		Movement
		Previous Estimate	New Estimate	
Floral clock - Botanic Gardens	Parks	34,422	50,000	15,578
[R] Kershaw Gardens - Waterfall - Renewal of facade pumping	Parks	141,951	95,000	(46,951)
[N] Portable Cricket Pitch	Parks	30,000	35,000	5,000
<b>Totals</b>		<b>206,373</b>	<b>180,000</b>	<b>(26,373)</b>

**Aged projects – no current scope of works**

Project Description	Section	20/21		Movement
		Previous Estimate	New Estimate	
[R] TCM - Rock. Botanical Gardens - Fernery & Visitor Centre	Parks	239,085	0	(239,085)
[R] TCM RBG - Road Pathways Bridges and carparks restoration	Parks	64,480	0	(64,480)
<b>Totals</b>		<b>303,565</b>	<b>0</b>	<b>(303,565)</b>

**Projects deferred pending further investigation and planning**

Project Description	Section	20/21		Movement
		Previous Estimate	New Estimate	
Pilbeam Theatre Auditorium Lighting	Communities & Culture	75,000	0	(75,000)
Pilbeam Theatre Foyer Lighting	Communities & Culture	40,000	0	(40,000)
[N] Tyre bath & wash down bay - Pathogens	Parks	99,550	0	(99,550)
Upgrade Botanic Gardens Irrigation Network	Parks	108,465	50,000	(58,465)
[N] Botanic Gardens - Improvements in Planting/Horticultural Displays	Parks	50,000	0	(50,000)
Soil Spreader	Parks	60,000	0	(60,000)
Showgrounds Irrigation	Parks	29,642	0	(29,642)
<b>Totals</b>		<b>462,657</b>	<b>50,000</b>	<b>(412,657)</b>

**New projects / priorities**

Project Description	Section	20/21		
		Previous Estimate	New Estimate	Movement
[N] CAF Solar Program	CA&F	0	200,000	200,000
[R] Hugo Lassen Fernery W4Q	Parks	0	250,000	250,000
[R] Yeppen Roundabout Landscape - Stage 2	Parks	0	300,000	300,000
<b>Totals</b>		<b>0</b>	<b>750,000</b>	<b>750,000</b>

**PREVIOUS DECISIONS**

The budget for 2020/21 was adopted on 14 July 2020 and the September 2020 Monthly Budget Review was received and endorsed on 27 October 2020.

**BUDGET IMPLICATIONS**

This report provides estimated budget changes for the current financial year. The impact of these changes on future financial years has not been modelled at this stage.

**LEGISLATIVE CONTEXT**

Nil - this Report is not a budget amendment in accordance with the *Local Government Regulation 2012, section 170 Adoption and amendment of budget.*

**LEGAL IMPLICATIONS**

No related issues.

**STAFFING IMPLICATIONS**

No related issues.

**RISK ASSESSMENT**

The control of monthly oversight and reporting of expenditure against budget significantly reduces the risk of unplanned expenditure impacting on Council's financial position.

**CORPORATE/OPERATIONAL PLAN**

The Operational Plan outlines activities and actions Council will undertake for the financial year in accordance with the adopted budget. This report provides estimated budget changes for the current and two future financial years for Council's endorsement.

**CONCLUSION**

Total Operational Budget adjustments result in the net operating deficit increasing by \$346k (from \$6.2M to \$6.5M).

The Capital Budget has been updated to reflect budget reallocations between projects, the timing of projects across the current and next two financial years and the transfers of responsibility within Council for various projects. There are also a number of new projects. The net budget impact across the three financial years is a decrease of \$523k.

# **MONTHLY BUDGET REVIEW**

## **October Monthly Budget Review**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

BUDGET ESTIMATE CHANGES		
FOR THE MONTH OF OCTOBER 2020		
	Unit	2020-21 Movement
<b>OPERATIONAL ESTIMATES</b>		
OPERATING BUDGET (SURPLUS) / DEFICIT - 20/21 ADOPTED BUDGET		\$5,432,409
ESTIMATED OPERATING (SURPLUS) / DEFICIT - SEPTEMBER REVIEW		\$6,157,906
<b>1. CEO Department</b>		
Media and Communications - transfer of advertising budget to specific units	Media and Communication	(\$116,321)
Reallocated advertising budget from Media & Communications	Mayors Office	\$14,320
<b>Sub-Total</b>		<b>(\$102,001)</b>
<b>2. Corporate Services</b>		
Reallocated advertising budget from Media & Communications	Customer Service	\$5,000
Reallocated advertising budget from Media & Communications	Rates & Revenue	\$15,000
<b>Sub-Total</b>		<b>\$20,000</b>
<b>3. Community Services</b>		
Transfer of materials costs to Fleet Capital for purchase of new vehicle	Parks Operations	(\$40,000)
Transfer of Local Roads and Community Infrastructure (LCRI) funding from Parks Operations to Civil Operations Capital	Parks Operations	\$600,000
Reallocated advertising budget from Media & Communications	Health & Environment	\$10,000
Reallocated advertising budget from Media & Communications	Local Laws	\$12,500
Reallocated advertising budget from Media & Communications	Communitites Management	\$10,000
Reallocated advertising budget from Media & Communications	Library & Childcare Services	\$15,000
Reallocated advertising budget from Media & Communications	Parks Management	\$14,500
Reallocated advertising budget from Media & Communications	Rockhampton Zoo	\$20,000
Increase to RADF grant funding	Art Gallery	(\$33,560)
Decrease in subsidy	Art Gallery	\$1,500
Decrease in service fees	Art Gallery	\$1,000
Increase in contractor costs due to quantity of cultural gifts (\$300 per valuation x 2 valuations)	Art Gallery	\$7,000
<b>Sub-Total</b>		<b>\$617,940</b>
<b>4. Regional Services</b>		
Water Sales revenue increased to pricing of new contract	FRW Management	(\$189,739)
<b>Sub-Total</b>		<b>(\$189,739)</b>
<b>TOTAL OPERATIONAL ADJUSTMENTS - OCTOBER 2020</b>		<b>\$346,200</b>
<b>NEW ESTIMATED OPERATING (SURPLUS) / DEFICIT</b>		<b>\$6,504,106</b>
<b>MOVEMENT IN OPERATING RESULT - ADOPTED BUDGET TO OCTOBER REVIEW</b>		<b>\$1,071,697</b>

	A	D	E	F	G	H	I	J	K	L	M
1	<b>BUDGET ESTIMATE CHANGES</b>										
2	<b>FOR THE MONTH OF OCTOBER 2020</b>										
3	<b>Project Description</b>	<b>Previous Estimate</b>	<b>20/21 New Estimate</b>	<b>Movement</b>	<b>Previous Estimate</b>	<b>21/22 New Estimate</b>	<b>Movement</b>	<b>Previous Estimate</b>	<b>22/23 New Estimate</b>	<b>Movement</b>	<b>Three Year Movement</b>
6	<b>CAPITAL ESTIMATES</b>										
8	<b>CAPITAL REVENUE TOTAL - CARRYOVER BUDGET</b>			(63,062,870)			(114,169,455)			(36,628,655)	
9	<b>CAPITAL REVENUE TOTAL - SEPTEMBER REVIEW</b>			(63,269,870)			(114,169,455)			(36,628,655)	
11	[R] Local Roads and Community Infrastructure Program	(883,455)	(1,483,455)	(600,000)	0	0	0	0	0	0	(600,000)
12	Boongary Road - Halfpenny Road to Kabra Road	0	(377,500)	(377,500)	0	(600,000)	(600,000)	0	0	0	(977,500)
13	BRPS-Macquarie Street - Lot 62 - Lot 96 (Gracemere Creek Culvert)	0	(649,000)	(649,000)	0	0	0	0	0	0	(649,000)
14	HVSP Glenmore Road Haynes St to Kluver	0	(443,625)	(443,625)	0	(443,625)	(443,625)	0	0	0	(887,250)
16	<b>NEW ESTIMATED CAPITAL REVENUE</b>			(65,339,995)			(115,213,080)			(36,628,655)	(3,113,750)
18	<b>MOVEMENT IN CAPITAL REVENUE - SEPTEMBER TO OCTOBER REVIEW</b>			(2,070,125)			(1,043,625)			0	(3,113,750)
20	<b>MOVEMENT IN CAPITAL REVENUE - CARRYOVER BUDGET TO OCTOBER REVIEW</b>			(2,277,125)			(1,043,625)			0	(3,320,750)
24	<b>CAPITAL EXPENDITURE TOTAL - CARRYOVER BUDGET</b>			176,936,889			173,140,937			103,998,322	
25	<b>CAPITAL EXPENDITURE TOTAL - SEPTEMBER REVIEW</b>			177,862,080			173,140,937			103,998,322	
27	<b>Corporate &amp; Technology</b>										
28	[R] Fleet Renewal Program - RRRRC	6,247,480	6,182,480	(65,000)	5,370,000	5,370,000	0	4,700,040	4,700,040	0	(65,000)
29	[N] Mitsubishi Triton4X2 Scab	0	40,000	40,000	0	0	0	0	0	0	40,000
31	<b>Subtotal</b>	<b>6,247,480</b>	<b>6,222,480</b>	<b>(25,000)</b>	<b>5,370,000</b>	<b>5,370,000</b>	<b>0</b>	<b>4,700,040</b>	<b>4,700,040</b>	<b>0</b>	<b>(25,000)</b>
33	<b>TOTAL - Corporate &amp; Technology</b>	<b>6,247,480</b>	<b>6,222,480</b>	<b>(25,000)</b>	<b>5,370,000</b>	<b>5,370,000</b>	<b>0</b>	<b>4,700,040</b>	<b>4,700,040</b>	<b>0</b>	<b>(25,000)</b>
35	<b>Civil Operations</b>										
36	Old Capricorn Highway - Scrubby Creek Bridge	100,000	0	(100,000)	1,152,000	600,000	(552,000)	0	552,000	552,000	(100,000)
37	Boongary Road - Halfpenny Road to Kabra Road	0	755,000	755,000	0	1,200,000	1,200,000	1,127,500	0	(1,127,500)	827,500
38	Glenmore Road Park St to Tung Yeen	825,000	1,000,000	175,000	0	0	0	0	0	0	175,000
39	Glenmore Road Haynes St to Kluver	0	0	0	510,000	685,000	175,000	290,000	290,000	0	175,000
40	Somerset Road - Somerset OLC to MacQuarie Street (117 to 31 Somerset)	0	0	0	1,660,000	1,720,000	60,000	1,540,000	1,480,000	(60,000)	0
41	[N] -UCC- NC- River Rose Drive	50,000	50,000	0	800,000	1,000,000	200,000	0	0	0	200,000
42	Medcraf St - Twigg St to #62 Medcraf St	0	0	0	580,000	0	(580,000)	0	0	0	(580,000)
43	Robinson Street - Digger Lane to Dean St Kerb	0	0	0	0	0	0	0	160,000	160,000	160,000
44	Stewart Park Road Alton Downs- development agreement	0	0	0	0	140,000	140,000	0	0	0	140,000
45	Boongary Road - Stewart Street to Halfpenny Road	0	0	0	0	0	0	0	907,100	907,100	907,100
46	Glenroy Road - Ch 8.50 to 19.90 , bitumen seal	0	0	0	0	0	0	0	430,000	430,000	430,000
47	Gross Pollutant trap - Riverside	200,000	40,000	(160,000)	0	0	0	0	0	0	(160,000)
48	Stormwater - Minor Capital Program	100,000	0	(100,000)	100,000	100,000	0	100,000	100,000	0	(100,000)
49	North Rickhampton Flood Mitigation Stormwater Drainage	0	0	0	0	400,000	400,000	400,000	0	(400,000)	0
50	Quay St and Wood St - 1500mm Fibre Pipe replacement	0	350,000	350,000	0	0	0	0	0	0	350,000
51	Yewdale Drive (Richardson Rd to Feez st traffic lights)	0	0	0	0	550,000	550,000	0	0	0	550,000
52	Bulk Allocation	0	0	0	0	0	0	460,000	0	(460,000)	(460,000)
54	<b>TOTAL - Civil Operations</b>	<b>1,275,000</b>	<b>2,195,000</b>	<b>920,000</b>	<b>4,802,000</b>	<b>6,395,000</b>	<b>1,593,000</b>	<b>3,917,500</b>	<b>3,919,100</b>	<b>1,600</b>	<b>2,514,600</b>
57	<b>FRW</b>										
58	[N] G W Main 150mm extension 215 Lucas St Gce	0	15,293	15,293	0	0	0	0	0	0	15,293
60	<b>TOTAL - FRW</b>	<b>0</b>	<b>15,293</b>	<b>15,293</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,293</b>
62	<b>Waste &amp; Recycling Services</b>										
63	[N] Capping & Closure of Stage 1 & 2 - Gracemere Landfill	1,335,725	1,320,432	(15,293)	0	0	0	0	0	0	(15,293)
64	Lakes Creek Road Upgrades	635,045	404,995	(230,050)	0	0	0	246,100	246,100	0	(230,050)
65	[N] Stage 1 Drainage to Wetlands Lakes Creek Road Landfill	0	139,100	139,100	0	0	0	0	0	0	139,100
66	[N] LCRL Entrance Road - Pull-off Area	0	90,950	90,950	0	0	0	0	0	0	90,950
68	<b>TOTAL - Waste &amp; Recycling Services</b>	<b>1,970,770</b>	<b>1,955,477</b>	<b>(15,293)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>246,100</b>	<b>246,100</b>	<b>0</b>	<b>(15,293)</b>

	A	D	E	F	G	H	I	J	K	L	M
3	Project Description	Previous Estimate	New Estimate	Movement	Previous Estimate	New Estimate	Movement	Previous Estimate	New Estimate	Movement	Three Year Movement
70	<b>Community Services</b>										
71											
72	<b>Communities &amp; Culture</b>										
73	Pilbeam Theatre Auditorium Lighting	75,000	0	(75,000)	0	0	0	0	0	0	(75,000)
74	Pilbeam Theatre Foyer Lighting	40,000	0	(40,000)	0	0	0	0	0	0	(40,000)
76	<b>Subtotal</b>	<b>115,000</b>	<b>0</b>	<b>(115,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
77											
78	<b>Community Assets &amp; Facilities</b>										
79	[N] CAF Solar Program	0	200,000	200,000	0	200,000	200,000	300,000	300,000	0	400,000
80	[R] Schotia Place - undertake structural rectification works	0	120,000	120,000	0	0	0	0	0	0	120,000
81	[R] Air-conditioner Replacement Program	313,533	203,510	(120,000)	105,600	105,600	0	105,600	105,600	0	(120,000)
82	[N] Seating & Benches - State High Schools & Mt Archer (Pilbeam Dr)	2,000	0	(2,000)	0	0	0	0	0	0	(2,000)
83	[N] Dooley Street Depot Electric Car Charging Facility	0	65,000	65,000	0	0	0	0	0	0	65,000
85	<b>Subtotal</b>	<b>315,533</b>	<b>588,510</b>	<b>263,000</b>	<b>105,600</b>	<b>305,600</b>	<b>200,000</b>	<b>405,600</b>	<b>405,600</b>	<b>0</b>	
86											
87	<b>Planning &amp; Regulatory Services</b>										
88	[R] Walter Reid Cultural Centre - Unit	107,283	0	(107,283)	0	0	0	0	0	0	(107,283)
89	[R] Noise Meter	13,985	0	(13,985)	0	0	0	0	0	0	(13,985)
90	[U] Office Fitout - Unit 2 Walter Reid	19,727	0	(19,727)	0	0	0	0	0	0	(19,727)
91	[R] Vector Management	40,000	20,000	(20,000)	0	0	0	20,000	20,000	0	(20,000)
93	<b>Subtotal</b>	<b>180,995</b>	<b>20,000</b>	<b>(160,995)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20,000</b>	<b>20,000</b>	<b>0</b>	
94											
95	<b>Parks</b>										
96	[N] Tyre bath & wash down bay - Pathogens	99,550	0	(99,550)	0	0	0	0	0	0	(99,550)
97	[R] Hugo Lassen Fernery W4Q	0	250,000	250,000	0	0	0	0	0	0	250,000
98	[R] TCM - Rock Botanical Gardens - Fernery & Visitor Centre	239,085	0	(239,085)	0	0	0	0	0	0	(239,085)
99	[R] TCM RBG - Road Pathways Bridges and carparks restoration	64,480	0	(64,480)	0	0	0	0	0	0	(64,480)
100	Floral clock - Botanic Gardens	34,422	50,000	15,578	0	0	0	0	0	0	15,578
101	Upgrade Botanic Gardens Irrigation Network	108,465	50,000	(58,465)	500,000	550,000	50,000	200,000	200,000	0	(8,465)
102	[N] Botanic Gardens - Improvements in Planting/Horticultural Displays	50,000	0	(50,000)	50,000	50,000	0	50,000	50,000	0	(50,000)
103	Nursery - automate roller doors	12,000	0	(12,000)	0	0	0	0	0	0	(12,000)
104	Soil Spreader	60,000	0	(60,000)	0	0	0	0	0	0	(60,000)
105	[R] Kershaw Gardens - Waterfall - Renewal of facade pumping	141,951	95,000	(46,951)	0	0	0	0	0	0	(46,951)
106	[N] Beautification of the GIA Gracemere	5,000	0	(5,000)	0	0	0	0	0	0	(5,000)
107	[N] Equipment for All Blacks Park (dog off leash area)	2,124	0	(2,124)	0	0	0	0	0	0	(2,124)
108	[N] Janet Pajolas Park All-Abilities Pathway's Park Bench Seating	5,000	0	(5,000)	0	0	0	0	0	0	(5,000)
109	[N] Janet Pajolas Park for materials required for walkway/Orchard project	12,175	0	(12,175)	0	0	0	0	0	0	(12,175)
110	[U] Gracemere Industrial Area landscaping	2,120	0	(2,120)	0	0	0	0	0	0	(2,120)
111	[N] Portable Cricket Pitch	30,000	35,000	5,000	0	0	0	0	0	0	5,000
112	[R] Playground Equipment	3,025	0	(3,025)	0	0	0	0	0	0	(3,025)
113	[R] Rod Laver Area - Steps Improvements	10,000	0	(10,000)	0	0	0	0	0	0	(10,000)
114	[R] Yeppen Roundabout Landscape - Stage 2	0	300,000	300,000	0	0	0	0	0	0	300,000
115	[U] Janet Pajolas Park - Proposed Orchard & All Abilities Pathways	5,070	0	(5,070)	0	0	0	0	0	0	(5,070)
116	[R/U] Zoo - Public Seating	1,714	0	(1,714)	0	0	0	0	0	0	(1,714)
117	Showgrounds Irrigation	29,642	0	(29,642)	0	0	0	0	0	0	(29,642)
119	<b>Subtotal</b>	<b>915,823</b>	<b>780,000</b>	<b>(135,823)</b>	<b>550,000</b>	<b>600,000</b>	<b>50,000</b>	<b>250,000</b>	<b>250,000</b>	<b>0</b>	
120											
122	<b>TOTAL - Community Services</b>	<b>1,527,351</b>	<b>1,388,510</b>	<b>(148,818)</b>	<b>655,600</b>	<b>905,600</b>	<b>250,000</b>	<b>675,600</b>	<b>675,600</b>	<b>0</b>	<b>101,182</b>
123											
124	<b>NEW ESTIMATED CAPITAL EXPENDITURE</b>			<b>178,608,263</b>			<b>174,983,937</b>			<b>103,999,922</b>	<b>2,590,782</b>
125											
126	<b>MOVEMENT IN CAPITAL EXPENDITURE - SEPTEMBER TO OCTOBER REVIEW</b>			<b>746,182</b>			<b>1,843,000</b>			<b>1,600</b>	<b>2,590,782</b>
127											
128	<b>MOVEMENT IN CAPITAL EXPENDITURE - CARRYOVER BUDGET TO SEPTEMBER REVIEW</b>			<b>1,671,373</b>			<b>1,843,000</b>			<b>1,600</b>	<b>3,515,973</b>
129											
130	<b>NET BUDGET - OCTOBER REVIEW</b>			<b>113,268,268</b>			<b>59,770,857</b>			<b>67,371,267</b>	<b>(522,968)</b>
131											
132	<b>NET CHANGE OF CAPITAL ESTIMATE - SEPTEMBER TO OCTOBER REVIEW</b>			<b>(1,323,943)</b>			<b>799,375</b>			<b>1,600</b>	<b>(522,968)</b>
133											
134	<b>NET MOVEMENT FINANCED THROUGH CASH HOLDINGS</b>			<b>(1,323,943)</b>			<b>799,375</b>			<b>1,600</b>	<b>(522,968)</b>



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**10.15 HOUSING CONSTRUCTION GRANT - EXTENSION OF TIME FOR PAYMENT**

<b>File No:</b>	<b>1291</b>
<b>Attachments:</b>	<b>1. Amended Housing Construction Grant Policy - Tracked Changes Version</b> <a href="#">↓</a> <b>2. Amended Housing Construction Grant Policy - Clean Version</b> <a href="#">↓</a>
<b>Authorising Officer:</b>	<b>Ross Cheesman - Deputy Chief Executive Officer</b>
<b>Author:</b>	<b>Damon Morrison - Manager Office of the Mayor</b>

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**SUMMARY**

*The Housing Construction Grant program introduced by Council provides for payments of approved applications upon completion of construction of new homes by 31 March 2021. This report summarises a number of identified capacity constraints in the local construction industry and other circumstances which may impact the delivery of payments by 31 March 2021 and presents an amended policy for consideration and adoption.*

**OFFICE R'S RECOMMENDATION**

THAT Council adopt amendments to the Housing Construction Grant Policy as outlined within the report.

**COMMENTARY**

Council officers have recently received a request from a pre-approved applicant under the Housing Construction Grant program for an extension of time for provision of a Form 21 – Final Inspection Certificate citing COVID 'related delays in supply and trades' which will prevent completion of construction of the applicant's new home by 31 March 2021 as required by the policy.

The provision of a Form 21 – Final Inspection Certificate by 31 March 2021 is a pre-condition for applicants to receive payment of the housing construction grant.

Inquiries have been undertaken with the Master Builders Association and Housing Industry Association who have confirmed that a number of factors currently exist influencing the local construction industry which are likely to impact a number of pre-approved applicants from completing construction of their new homes by 31 March 2021 including:

- COVID-19 Pandemic – resulting in disruption and delays to the supply of building materials including:
  - Aluminium
  - Glazing
  - Plumbing fixtures
  - Carpet
  - Tiling
  - Screws
- Hail Storms – the April 2020 hail storm in Rockhampton and the recent October 2020 hail storm in southeast Queensland have led to increased demands for sub-contractors undertaking urgent repair works resulting in labour supply shortages locally in the construction of new homes.
- HomeBuilder Program – In June 2020, in response to the COVID-19 pandemic, the Federal Government introduced the HomeBuilder program, providing for \$25,000 grants to build new houses or renovate existing homes. The Federal Government has already extended the scheme beyond its initially proposed December 2020 expiry date due to demand. The demand for this program locally has created additional capacity constraints on the construction industry.

As a result of the above, it is anticipated that a number of pre-approved applicants for the Home Construction Grant program will not be in a position to provide Council with a Form 21 – Final Inspection Certificate by 31 March 2021.

The industry associations consulted by officers have recommended Council's consideration of allowing applicants to request a 3 month extension of time for provision of Form 21 – Final Inspection Certificates. The proposal requiring an application for an extension of time was preferred over Council providing a universal three month extension to all applicants.

The attached Housing Construction Grant Policy has been amended to reflect this proposed change. Minor changes to the definition of Key Management Personnel have also been made due to recent changes in Council's organisational structure.

### **BACKGROUND**

The Housing Construction Grant program was approved by Council on 24 July 2019 providing for a \$5,000 grant to eligible local residents building new homes in the Rockhampton Local Government Area with the aim of:

- (a) increasing the number of new homes within the Region;
- (b) stimulating activity across the building and construction industries; and
- (c) facilitating future population growth in the Region.

167 applications were approved under the program by 30 June 2020 with 55 of those applications now being finalised with construction of applicants' new homes completed and payment of the housing grant issued. 112 pre-approved applications remain pending for payment before 31 March 2021.

### **PREVIOUS DECISIONS**

At Council's Special General Meeting on 24 July 2019, it was resolved that:

...

- (b) Council approve the implementation of the Resource Industry Relocation Incentive Program of up to \$2,500.00 per eligible applicant as outlined in the report;
- (c) Council approve a Housing Construction Incentive Grant Program for local residents and relocating resource industry workers of up to \$5,000.00 per applicant; and
- (d) Council authorise the Chief Executive Officer to finalise, approve and monitor the terms and conditions for the abovementioned incentives.

At its Ordinary Meeting of 20 August 2019, Council resolved to adopt the draft Housing Construction Policy.

### **BUDGET IMPLICATIONS**

There are no budget implications from the proposal before Council with payments for pre-approved applications already being provided for in the 2020-2021 operational budget.

### **LEGISLATIVE CONTEXT**

There is no relevant legislation to Council applicable.

### **LEGAL IMPLICATIONS**

There are no identified legal implications to Council relevant to this matter.

### **STAFFING IMPLICATIONS**

There will be no implications to Council permanent staffing levels if Council adopts the proposed amendments to the Housing Construction Grant Policy.

### **RISK ASSESSMENT**

In accordance with the provisions of the current policy, a number of pre-approved applicants will forfeit payment of the Housing Construction Grant if a Form 21 – Final Inspection Certificate is not provided by 31 March 2021.

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Such an outcome would impact the efficacy of the Housing Construction Grant program and intended objectives Council sought when first introducing the program. There also exists a low risk that a number of pre-approved applicants may not be in a position to complete the purchase of their new homes if payment of Council's grant is forfeited due to these previously unforeseen delays.

**CORPORATE/OPERATIONAL PLAN**

Corporate Plan 2017-2022 – section 2.2 - Value add to the strengths of industry to deepen regional economic activity.

**CONCLUSION**

After consultation with relevant industry associations a number of factors have been identified and confirmed as likely to impact the ability of pre-approved applicants for housing construction grants to receive their payments by the due date of 31 March 2021. A proposal to allow for pre-approved applicants to request a three (3) month extension for completion of construction of their new homes is recommended to ensure the intended objectives of the program are realised.

# **HOUSING CONSTRUCTION GRANT - EXTENSION OF TIME FOR PAYMENT**

## **Amended Housing Construction Grant Policy - Tracked Changes Version**

**Meeting Date: 8 December 2020**

**Attachment No: 1**

## HOUSING CONSTRUCTION GRANT POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to residents living and constructing new homes in the Region.

#### 2 Purpose

The purpose of this policy is to provide residents in the Region an incentive and support to build a new home in the Region with the aim of:

- (a) Increasing the number of new homes within the Region;
- (b) Stimulating activity across the building and construction industries; and
- (c) Facilitating future population growth in the Region.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Building Act 1975*

*Local Government Act 2009*

*Local Government Regulations 2012*

Housing Construction Grant Procedure

Rockhampton Region Planning Scheme 2015

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Individual	Any living human at least 18 years of age as at 1 August 2019. That is, an individual is not a company, trust or deceased person.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.

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Comprehensive Home Building Contract	A contract under which a builder licensed with the Queensland Building and Construction Commission undertakes to build a new home from the start of building work to the point where the new home is ready for occupation and, if for any reason, the work to be carried out under the contract is not completed, includes any further contract under which the work is to be completed.
Consideration	For an eligible transaction means: (a) For a contract to have a new home built — the total consideration payable for the building work; or (b) For the building of a new home by an owner builder — the actual costs to the owner of carrying out the work, excluding any allowance for the owner builder's own labour.
Dwelling	A building or part of a building used or capable of being used as a self-contained residence that must include the following: (a) Food preparation facilities; (b) A bath or shower; (c) A toilet and wash basin; and (d) Clothes washing facilities. This term includes outbuildings, structures and works normally associated with a dwelling.
Eligible Transaction	Either: (a) A comprehensive home building contract made by the owner of land in the Region, or a person who will on completion of the contract be the owner of land in the Region, to have a new home built on the land, if the contract is made on or after 1 August 2019 and the building work is completed on or before 31 March 2021; or (b) The building of a new home in the Region by an owner builder if an owner builder permit is issued by the Queensland Building and Construction Commission on or after 1 August 2019 and the building work is completed on or before 31 March 2021.
HCG	Housing Construction Grant
Immediate Family	Includes spouse, de-facto spouse, child, ex-nuptial child, stepchild, adopted child, parent, sibling, grandparent or grandchild.
Interested Person	A person who is, or will be, on completion of the eligible transaction to which the application relates, an owner of the relevant new home.
KMP	Key management personnel or key management person. KMP of Council for the purpose of this policy are: (a) Councillors; (b) The CEO; (c) The Deputy Chief Executive Officer/ <a href="#">General Manager Corporate Services</a> ; (d) <del>General Executive</del> <a href="#">Manager Advance Rockhampton</a> ; (e) General Manager Regional Services; (f) General Manager Community Services; (g) <a href="#">Executive</a> <del>Manager</del> Workforce and Governance; (h) Chief Financial Officer; <del>and</del> (i) <del>Executive Coordinator to</del> <a href="#">Manager Office of the Mayor</a> ; <del>and</del> (j) <del>Manager</del> <a href="#">Strategy and Planning</a> . The definition excludes any persons acting in the roles for less than a four week

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	period, unless otherwise nominated by the CEO.
New Home	A single-detached dwelling situated on a single lot.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.

## 5 Policy Statement

This policy is a discretionary program which seeks to provide the Region's residents an incentive and support to build a new home in the Region in order to increase the number of new homes within the Region, stimulate activity across the building and construction industries and facilitate future population growth in the Region.

An application for a HCG must be made to Council between 1 August 2019 and 30 June 2020.

The number of applications approved under this policy will be strictly limited to 200 in number.

### 5.1 Eligibility Criteria

To be eligible under this policy all interested persons must be applicants and individuals must meet the following criteria.

#### 5.1.1 Individual to be an Australian Citizen or Permanent Resident

An individual making an application under this policy must be an Australian citizen or permanent resident.

If an application is made under this policy by more than one individual and one of the individuals is an Australian citizen or permanent resident, it is not necessary for the other or others to be an Australian citizen or permanent residents.

#### 5.1.2 Individual to be a Resident of the Region

An individual making an application under this policy must provide evidence that they live in the Region at the time an application is made and at the time of payment of the HCG.

If an application is made by more than one individual and one of the individuals provides evidence that they live in the Region at the time an application is made and at the time of payment of the HCG, it is not necessary for the other or others to live in the Region at the relevant time(s).

### 5.2 Ineligible Transactions and Applications

The following transactions and applications will be ineligible for the HCG:

- (a) Where Council is satisfied that the contract that formed the basis of the eligible transaction replaces a contract made before 1 August 2019 and that earlier contract was a comprehensive home building contract to build the same or substantially similar new home;
- (b) Where Council is satisfied that a contract that formed the basis of an eligible transaction for the construction (or purported construction) of a new home does not constitute a genuine construction of the new home. For these purposes, Council may take into account:
  - (i) Whether the parties to the contract are related parties or close associates;
  - (ii) Whether the transaction is not at arm's length; or
  - (iii) Such other matters as Council considers appropriate,
- (c) Applications received from KMP and their immediate families.

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**5.3 Approvals and Payments****5.3.1 Approval of Applications**

The CEO, Deputy Chief Executive Officer or Chief Financial Officer may approve applications under this policy. Despite anything contained in this Policy, Council reserves the right to impose any condition to an approved application or withdraw any approval granted at any time.

**5.3.2 Amount of HCG**

The amount of the HCG payable under this policy in respect of any single eligible transaction is the lesser of the following:

- (a) The consideration for the eligible transaction; or
- (b) \$5,000.00.

Only one HCG is payable:

- (a) Per individual; and
- (b) Per eligible transaction.

**5.3.3 When HCG is Payable**

An approved application under this policy is payable if:

- (a) An individual or, if there are two or more of them, complies with the eligibility criteria; and
- (b) The transaction for which the HCG is sought is still an eligible transaction; and
- (c) The applicant has provided Council with a Form 21 – Final Inspection Certificate confirming construction of the new home was completed on or before 31 March 2021 [\(or on or before 30 June 2021 if an extension of time is requested and approved in accordance with paragraph 5.3.6\)](#).

**5.3.4 Payment of HCG**

The HCG must be paid to:

- (a) The individual (or individuals in the case of a joint application); or
- (b) A financial institution to whom the individual directs in writing the HCG be paid.

**5.3.5 Payment of HCG (where there are two or more individuals)**

If there is more than one individual in an approved application and the HCG is payable, Council will pay the HCG in equal portions to each approved applicant unless agreed otherwise by all approved applicants.

**[5.3.6 Applications for Extension of Time](#)**

[If an applicant does not obtain a Form 21 – Final Inspection Certificate confirming construction of the new home was completed on or before 31 March 2021, the applicant may request an extension of time to provide Council with a Form 21 – Final Inspection Certificate confirming construction of the new home was completed on or before 30 June 2021. Any application must be in writing and approved by the CEO, Deputy Chief Executive Officer or Chief Financial Officer.](#)

**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Financial Officer
Policy Quality Control	Legal and Governance



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# **HOUSING CONSTRUCTION GRANT - EXTENSION OF TIME FOR PAYMENT**

## **Amended Housing Construction Grant Policy - Clean Version**

**Meeting Date: 8 December 2020**

**Attachment No: 2**

## HOUSING CONSTRUCTION GRANT POLICY

### COMMUNITY POLICY



#### 1 Scope

This policy applies to residents living and constructing new homes in the Region.

#### 2 Purpose

The purpose of this policy is to provide residents in the Region an incentive and support to build a new home in the Region with the aim of:

- (a) Increasing the number of new homes within the Region;
- (b) Stimulating activity across the building and construction industries; and
- (c) Facilitating future population growth in the Region.

#### 3 Related Documents

##### 3.1 Primary

Nil

##### 3.2 Secondary

*Building Act 1975*

*Local Government Act 2009*

*Local Government Regulations 2012*

Housing Construction Grant Procedure

Rockhampton Region Planning Scheme 2015

#### 4 Definitions

To assist in interpretation, the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Individual	Any living human at least 18 years of age as at 1 August 2019. That is, an individual is not a company, trust or deceased person.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.

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Comprehensive Home Building Contract	A contract under which a builder licensed with the Queensland Building and Construction Commission undertakes to build a new home from the start of building work to the point where the new home is ready for occupation and, if for any reason, the work to be carried out under the contract is not completed, includes any further contract under which the work is to be completed.
Consideration	For an eligible transaction means: (a) For a contract to have a new home built — the total consideration payable for the building work; or (b) For the building of a new home by an owner builder — the actual costs to the owner of carrying out the work, excluding any allowance for the owner builder's own labour.
Dwelling	A building or part of a building used or capable of being used as a self-contained residence that must include the following: (a) Food preparation facilities; (b) A bath or shower; (c) A toilet and wash basin; and (d) Clothes washing facilities. This term includes outbuildings, structures and works normally associated with a dwelling.
Eligible Transaction	Either: (a) A comprehensive home building contract made by the owner of land in the Region, or a person who will on completion of the contract be the owner of land in the Region, to have a new home built on the land, if the contract is made on or after 1 August 2019 and the building work is completed on or before 31 March 2021; or (b) The building of a new home in the Region by an owner builder if an owner builder permit is issued by the Queensland Building and Construction Commission on or after 1 August 2019 and the building work is completed on or before 31 March 2021.
HCG	Housing Construction Grant
Immediate Family	Includes spouse, de-facto spouse, child, ex-nuptial child, stepchild, adopted child, parent, sibling, grandparent or grandchild.
Interested Person	A person who is, or will be, on completion of the eligible transaction to which the application relates, an owner of the relevant new home.
KMP	Key management personnel or key management person. KMP of Council for the purpose of this policy are: (a) Councillors; (b) The CEO; (c) The Deputy Chief Executive Officer/General Manager Corporate Services; (d) Executive Manager Advance Rockhampton; (e) General Manager Regional Services; (f) General Manager Community Services; (g) Executive Manager Workforce and Governance; (h) Chief Financial Officer; (i) Manager Office of the Mayor; and (j) Manager Strategy and Planning. The definition excludes any persons acting in the roles for less than a four week

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	period, unless otherwise nominated by the CEO.
New Home	A single-detached dwelling situated on a single lot.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.

## 5 Policy Statement

This policy is a discretionary program which seeks to provide the Region's residents an incentive and support to build a new home in the Region in order to increase the number of new homes within the Region, stimulate activity across the building and construction industries and facilitate future population growth in the Region.

An application for a HCG must be made to Council between 1 August 2019 and 30 June 2020.

The number of applications approved under this policy will be strictly limited to 200 in number.

### 5.1 Eligibility Criteria

To be eligible under this policy all interested persons must be applicants and individuals must meet the following criteria.

#### 5.1.1 Individual to be an Australian Citizen or Permanent Resident

An individual making an application under this policy must be an Australian citizen or permanent resident.

If an application is made under this policy by more than one individual and one of the individuals is an Australian citizen or permanent resident, it is not necessary for the other or others to be an Australian citizen or permanent residents.

#### 5.1.2 Individual to be a Resident of the Region

An individual making an application under this policy must provide evidence that they live in the Region at the time an application is made and at the time of payment of the HCG.

If an application is made by more than one individual and one of the individuals provides evidence that they live in the Region at the time an application is made and at the time of payment of the HCG, it is not necessary for the other or others to live in the Region at the relevant time(s).

### 5.2 Ineligible Transactions and Applications

The following transactions and applications will be ineligible for the HCG:

- (a) Where Council is satisfied that the contract that formed the basis of the eligible transaction replaces a contract made before 1 August 2019 and that earlier contract was a comprehensive home building contract to build the same or substantially similar new home;
- (b) Where Council is satisfied that a contract that formed the basis of an eligible transaction for the construction (or purported construction) of a new home does not constitute a genuine construction of the new home. For these purposes, Council may take into account:
  - (i) Whether the parties to the contract are related parties or close associates;
  - (ii) Whether the transaction is not at arm's length; or
  - (iii) Such other matters as Council considers appropriate,
- (c) Applications received from KMP and their immediate families.

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**5.3 Approvals and Payments****5.3.1 Approval of Applications**

The CEO, Deputy Chief Executive Officer or Chief Financial Officer may approve applications under this policy. Despite anything contained in this Policy, Council reserves the right to impose any condition to an approved application or withdraw any approval granted at any time.

**5.3.2 Amount of HCG**

The amount of the HCG payable under this policy in respect of any single eligible transaction is the lesser of the following:

- (a) The consideration for the eligible transaction; or
- (b) \$5,000.00.

Only one HCG is payable:

- (a) Per individual; and
- (b) Per eligible transaction.

**5.3.3 When HCG is Payable**

An approved application under this policy is payable if:

- (a) An individual or, if there are two or more of them, complies with the eligibility criteria; and
- (b) The transaction for which the HCG is sought is still an eligible transaction; and
- (c) The applicant has provided Council with a Form 21 – Final Inspection Certificate confirming construction of the new home was completed on or before 31 March 2021 (or on or before 30 June 2021 if an extension of time is requested and approved in accordance with paragraph 5.3.6).

**5.3.4 Payment of HCG**

The HCG must be paid to:

- (a) The individual (or individuals in the case of a joint application); or
- (b) A financial institution to whom the individual directs in writing the HCG be paid.

**5.3.5 Payment of HCG (where there are two or more individuals)**

If there is more than one individual in an approved application and the HCG is payable, Council will pay the HCG in equal portions to each approved applicant unless agreed otherwise by all approved applicants.

**5.3.6 Applications for Extension of Time**

If an applicant does not obtain a Form 21 – Final Inspection Certificate confirming construction of the new home was completed on or before 31 March 2021, the applicant may request an extension of time to provide Council with a Form 21 – Final Inspection Certificate confirming construction of the new home was completed on or before 30 June 2021. Any application must be in writing and approved by the CEO, Deputy Chief Executive Officer or Chief Financial Officer.

**6 Review Timelines**

This policy is reviewed when any of the following occur:

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

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Financial Officer
Policy Quality Control	Legal and Governance



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**10.16 TENDER CONSIDERATION PLAN FOR PRINT, RADIO AND TELEVISION ADVERTISING FOR COUNCIL**

**File No:** 11715  
**Attachments:** Nil  
**Authorising Officer:** Greg Bowden - Executive Manager Advance Rockhampton  
**Author:** Annette Pearce - Manager Tourism, Events and Marketing

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**SUMMARY**

*This report seeks Council approval for the updated Tender Consideration Plan for Print, Television and Radio Advertising for Council.*

**OFFICER'S RECOMMENDATION**

THAT pursuant to s235(b) of the *Local Government Regulation 2012* Council approve the Tender Consideration Plan for Print, Radio and Television Advertising for Council.

**COMMENTARY**

Updating the previous Tender Consideration Plan to keep in line with current advertising opportunities available. Council is required to engage suppliers for advertising services such as; Print, Television and Radio Advertising to meet organisational requirements for marketing delivery.

The type of advertising is determined by product, campaign, target audience, market availability, timing, and cost. The most frequently used options for advertising are; Seven Queensland, Win Television Qld, Southern Cross Media Australia, CQ Today, Grant Broadcasters and NewsCorp.

The below Tender Consideration Plan outlines the various suppliers used for advertising in print, television and radio mediums. All other services not outlined in the Tender Consideration Plan will continue to be issued under Contract 11715 – Register of Pre-Qualified Suppliers for the Provision of Marketing, Promotions, Advertising and Media Services. Whilst these suppliers listed on the plan are not considered as sole suppliers for these services they provide, they are specialists in their field and provide the best value for Council. Obtaining quotes from competing suppliers would be impractical and inefficient due to the nature of the services they provide and their target audience.

**PREVIOUS DECISIONS**

At Council's Ordinary Meeting on 9 October 2018, Council approved the Tender Consideration Plan.

**BUDGET IMPLICATIONS**

There are no additional budget implications as the budgets are contained within the operational budgets of each relevant Rockhampton Regional Council unit.

**LEGISLATIVE CONTEXT**

The Tender Consideration Plan has been prepared under *Div 3 s230 of the Local Government Regulation (2012) – Exceptions for medium-sized and large-sized contractual arrangements.*

**LEGAL IMPLICATIONS**

There are no identified legal implications to Council relevant to this matter.

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**STAFFING IMPLICATIONS**

There are no staffing implications.

**CORPORATE/OPERATIONAL PLAN**

2.1.2. Develop and deliver structured and targeted marketing campaigns for the region across Explore, Live and Invest dimensions.

**CONCLUSION**

Council requires the most suitable suppliers to complete the advertising task based upon more than price. Targeted advertising is necessary to ensure Council meets the requirements of the specific marketing projects.

Approval is being sought for the Tender Consideration Plan to allow the nominated advertising suppliers to be deemed specialised or sole suppliers in accordance with *Sections 235 (a) and (b) of the Local Government Regulation 2012*.

**Tender Consideration Plan**

<b>Supplier</b>	<b>Details &amp; Process</b>
Seven Queensland	TV Advertising: Seven Queensland is engaged for TV advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required.
Win Television Queensland	TV Advertising: Win Television Queensland is engaged for TV advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required.
Southern Cross Media Australia	TV and Radio Advertising: Southern Cross Media Australia is engaged for TV advertising for particular marketing projects for on behalf of Rockhampton Regional Council as a specific target audience is required. The following brands fall under Southern Cross - Channel 9, Triple MMM and HIT FM at the time of this report.
Special Broadcasting Service	TV and Radio Advertising: Special Broadcasting Service (SBS) is engaged for TV and Radio advertising for particular marketing projects for on behalf of Rockhampton Regional Council as a specific target audience is required.
NITV	TV Advertising: National Indigenous Advertising is engaged for TV advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required.
Morning Bulletin (APN)	Online Advertising: Morning Bulletin (APN) is engaged for print advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required.
CQ Today	Print Advertising: CQ TODAY is engaged for print advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required.
Grant Broadcasters	Radio Advertising :Grant Broadcasters is engaged for radio advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required. The following fall under Grant Broadcasters - 4RO and Kix FM at the time of this report.
Newscorp	Print & Online Advertising: Newscorp is engaged for print advertising for particular marketing projects on behalf of Rockhampton Regional Council as a specific target audience is required.

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**10.17 TENDER CONSIDERATION PLAN FOR BILLBOARDS AND DIGITAL SIGNAGE**

<b>File No:</b>	<b>11715</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Greg Bowden - Executive Manager Advance Rockhampton</b>
<b>Author:</b>	<b>Annette Pearce - Manager Tourism, Events and Marketing</b>

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**SUMMARY**

*This report seeks Council approval for the updated Tender Consideration Plan for Billboard and Digital Signage.*

**OFFICER'S RECOMMENDATION**

THAT pursuant to s235(b) of the *Local Government Regulation 2012* Council approve the Tender Consideration Plan for Billboards and Digital Signage.

**COMMENTARY**

Updating the previous Tender Consideration Plan to keep in line with current advertising opportunities available. Council engages a number of suppliers across different mediums for advertising services to promote Council and the Region. Billboard and digital signage is an important aspect of this.

For billboard and digital signage there are several companies who have market share across Queensland. These include Paradise Outdoor Advertising, Bishopp Billboards, Jam and Ooh Media.

The below Tender Consideration Plan outlines the various suppliers used for billboard and digital signage across Queensland.

All other services not outlined in the Tender Consideration Plan will continue to be issued under Contract 11715 – Register of Pre-Qualified Suppliers for the Provision of Marketing, Promotions, Advertising and Media Services. These suppliers are not considered as sole suppliers for the services they provide, but are providers who have locations across Queensland that are relevant for marketing campaigns.

Approval is being sought for the Tender Consideration Plan to allow the nominated advertising suppliers to be deemed specialised or sole suppliers in accordance with Sections 235 (a) and (b) of the *Local Government Regulation 2012*.

Billboard and digital signage cannot always be based upon price, it is also determined by availability, target audience, location, traffic counts, longevity and objectives of the campaign.

**PREVIOUS DECISIONS**

At Council's Ordinary Meeting on 9 October 2018, Council approved the Tender Consideration Plan for Billboards and Digital Signage

**BUDGET IMPLICATIONS**

There will be no additional budget implications as they are contained within the Advance Rockhampton operational budget.

**LEGISLATIVE CONTEXT**

The Tender Consideration Plan has been prepared under *Div 3 s230 of the Local Government Regulation (2012) – Exceptions for medium-sized and large-sized contractual arrangements*.

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**LEGAL IMPLICATIONS**

There are no identified legal implications to Council relevant to this matter.

**STAFFING IMPLICATIONS**

There are no staffing implications.

**CORPORATE/OPERATIONAL PLAN**

2.1.2. Develop and deliver structured and targeted marketing campaigns for the region across Explore, Live and Invest dimensions.

**CONCLUSION**

Billboards and digital signage are used across a number of marketing campaigns within Council, and location decisions are based upon audiences, traffic counts and desired outcomes.

**Tender Consideration Plan**

<b>Supplier</b>	<b>Details and Process</b>
Bishopp Billboards	Bishopp has a number of traditional and digital billboards spread across Regional Queensland. Bishopp owns and operates the digital billboard on the corner of Fitzroy and East.
Jam Advertising	JAM Outdoor is an outdoor media company based in the regional Queensland city of Bundaberg. Jam currently has over 500 billboard faces across Queensland, with a number of these located on Rockhampton-Yeppoon Road.
Paradise Outdoor Advertising	Paradise Outdoor Advertising is a regional advertising specialty servicing Queensland. More than 1,200 outdoor sites across Queensland are available, and have the potential to reach more than 2.75 million people.
Ooh Media	Ooh Media is a digital signage company with billboards across Queensland, including Rockhampton on Gladstone Road.
ADStrategy	Ad Strategy is a local billboard at Corner Alexandra Street and Bruce Highway
Panorama Signs	Panorama Signs is a local billboard at Corner Musgrave and High Street
GOA	GOA is a regional advertising specialty servicing Queensland.
QMS	QMS is a regional advertising specialty servicing Queensland.
Georgie Marketing	Is a local billboard at Sun Palms Motel, 160 Gladstone Road

**10.18 COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

<b>File No:</b>	12660
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Delegations Register - Workers' Compensation Rehabilitation Act 2003 <a href="#">↓</a></li><li>2. Delegation Register - Workers' Compensation Rehabilitation Regulation 2014 <a href="#">↓</a></li><li>3. Delegations Register - Work Health and Safety Regulation 2011 <a href="#">↓</a></li><li>4. Delegations Register - Work Health and Safety Act 2011 - Clean <a href="#">↓</a></li><li>5. Delegations Register - Planning Act 2016 - Clean <a href="#">↓</a></li><li>6. Delegation Register - Planning Regulation 2017 - Clean <a href="#">↓</a></li><li>7. Delegation Register - Planning Act 2016 - Development Assessment Rules - Clean <a href="#">↓</a></li><li>8. Delegations Register - Local Government Act 2009 - Clean <a href="#">↓</a></li><li>9. Delegations Register - Local Government Regulation 2012 - Clean <a href="#">↓</a></li><li>10. Delegations Register - Work Health and Safety Act 2011 - Tracked <a href="#">↓</a></li><li>11. Delegations Register - Planning Act 2016 - Tracked <a href="#">↓</a></li><li>12. Delegations Register - Planning Regulation 2017 - Tracked <a href="#">↓</a></li><li>13. Delegation Register - Planning Act 2016 - Development Assessment Rules - Tracked <a href="#">↓</a></li><li>14. Delegations Register - Local Government Act 2009 - Tracked <a href="#">↓</a></li><li>15. Delegations Register - Local Government Regulation 2012 - Tracked <a href="#">↓</a></li></ol>
<b>Authorising Officer:</b>	Tracy Sweeney - Executive Manager Workforce and Governance
<b>Author:</b>	Allysa Brennan - Coordinator Legal and Governance

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**SUMMARY**

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

**OFFICER'S RECOMMENDATION**

THAT:

1. Council resolves as per section 257 of the *Local Government Act 2009* to delegate to the Chief Executive Officer, the exercise of powers contained in schedule 1 of:
  1. Attachment 1 - *Delegation Register – Workers' Compensation and Rehabilitation Act 2003*;
  2. Attachment 2 - *Delegation Register – Workers' Compensation and Rehabilitation Regulation 2014*;
  3. Attachment 3 - *Delegation Register – Work Health and Safety Regulation 2011*;
  4. Attachment 4 - *Delegation Register – Work Health and Safety Act 2011*

- (Clean);
5. Attachment 5 - Delegation Register – *Planning Act 2016* (Clean);
  6. Attachment 6 - Delegation Register – *Planning Regulation 2017* (Clean);
  7. Attachment 7 - Delegation Register – *Planning Act 2016 - Development Assessment Rules* (Clean);
  8. Attachment 8 – Delegation Register – *Local Government Act 2009* (Clean);  
*and*
  9. Attachment 9 - Delegation Register – *Local Government Regulation 2012* (Clean).

2. These powers must be exercised subject to any limitations contained in schedule 2 of the Delegation Registers attached to this report.

## COMMENTARY

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

1. *Workers' Compensation and Rehabilitation Act 2003*;
2. *Workers' Compensation and Rehabilitation Regulation 2014*;
3. *Work Health and Safety Regulation 2011*;
4. *Work Health and Safety Act 2011*;
5. *Planning Act 2016*;
6. *Planning Regulation 2017*;
7. *Planning Act 2016 - Development Assessment Rules*;
8. *Local Government Act 2009*; *and*
9. *Local Government Regulation 2012*.

Subsequently, delegation registers containing the legislative powers under this legislation have been prepared. The delegation registers attached to this report recommend which powers should be delegated to the Chief Executive Officer (CEO) and which powers should be made at a Council meeting.

Since 2018, a project has been underway to convert the powers contained within Council's existing delegation registers to be more aligned with the powers identified in the LGAQ Delegation Service. As a result of this project a complete review of all delegations to the CEO has been progressively carried out since 2018. To facilitate these changes, the amended legislative powers for each piece of State legislation relevant to Council will progressively be presented to Council for approval.

### New Delegable Registers

Attachments 1 to 3 contain proposed delegation registers for the following legislation:

1. *Workers' Compensation and Rehabilitation Act 2003*;
2. *Workers' Compensation and Rehabilitation Regulation 2014*; *and*
3. *Work Health and Safety Regulation 2011*.

These three pieces of legislation have not previously been contained in Council's existing Delegation Register. Within the recommendation column in each attachment, a recommendation is made suggesting if each relevant power should be:

- a) exercised by Council only; or
- b) delegated from Council to the CEO.

The recommendations in attachments 1 to 3 are for Council's consideration and adoption.

### Changes to Existing Delegable Powers

The *Local Government Act 2009* and *Local Government Regulation 2012* have been updated to incorporate amendments made by the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020*, the *Local Government Legislation (Integrity) Amendment Regulation 2020* and the *Local Government Legislation Amendment Regulation*.

The following existing Council delegation registers have been reviewed to be consistent with the powers listed in the LGAQ/King & Co delegation registers:

1. *Work Health and Safety Act 2011*;
2. *Planning Act 2016*;
3. *Planning Regulation 2017*; and
4. *Planning Act 2016 - Development Assessment Rules*.

The LGAQ/King & Co version of the powers under the *Planning Act 2016* differ to the powers identified in Council's current delegation register. The powers detailed in the LGAQ/King & Co register are grouped and in many instances list a power for a number of sections of the legislation. The powers are all subject to the limitations listed in Schedule 2.

For Councillor's convenience, the changes to Council's existing registers are highlighted in attachments 10 to 15 in red.

A column of recommendations has been included outlining the following recommendations for Council's consideration:

- (a) Power to remain as Council only; and
- (b) Delegation of power from Council to CEO.

The recommendations in attachments 4 to 9 are for Council's consideration and adoption.

### PREVIOUS DECISIONS

Attachments 4 to 9 were last considered and adopted by Council at the following meeting:

Legislation	Meeting Date
<i>Work Health and Safety Act 2011</i>	30 January 2018
<i>Planning Act 2016</i>	30 January 2018
<i>Planning Regulation 2017</i>	26 September 2017
<i>Planning Act 2016 - Development Assessment Rules</i>	26 September 2017
<i>Local Government Act 2009</i>	10 December 2019
<i>Local Government Regulation 2012</i>	10 December 2019

### BUDGET IMPLICATIONS

Not applicable.

### LEGISLATIVE CONTEXT

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

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

**LEGAL IMPLICATIONS**

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

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

**STAFFING IMPLICATIONS**

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

**RISK ASSESSMENT**

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

**CORPORATE/OPERATIONAL PLAN**

Not applicable.

**CONCLUSION**

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

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register - Workers' Compensation Rehabilitation Act 2003**

**Meeting Date: 8 December 2020**

**Attachment No: 1**



**Delegations Register – Workers' Compensation and Rehabilitation Act 2003 {WCRA}**

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

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

**Schedule 1**

Section of WCRA	Entity Power Given To	Title	Description	Recommendation
Section 48	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 2 – Employer's Insurance Requirements Division 1 – General Obligations	Power to insure and keep insured all Council's employees and Councillors.	Delegation to the CEO
Section 54(7)	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 3 – Insurance Under Workcover Policies Generally Division 1 – Premium Setting Generally	Power to pay a premium notice issued by WorkCover.	Delegation to the CEO
Section 56(5)	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 3 – Insurance Under Workcover Policies Generally Division 1 – Premium Setting Generally	Power to pay a reassessment premium notice issued by WorkCover.	Delegation to the CEO
Section 57(3)	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 3 – Insurance Under Workcover Policies Generally Division 2 – Assessments on Contravention of General Obligation to Insure	Power to apply to WorkCover for a waiver or reduction of a penalty for contravening section 48.	Delegation to the CEO
Section 58(6)	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 3 – Insurance Under Workcover Policies Generally Division 2 – Assessments on Contravention of General Obligation to Insure	Power to object to a default assessment issued by WorkCover.	Delegation to the CEO
Section 58(10)	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 3 – Insurance Under Workcover Policies Generally Division 2 – Assessments on Contravention of General Obligation to Insure	Power to pay a default assessment notice issued by WorkCover.	Delegation to the CEO
Section 64(2)	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 3 – Insurance Under Workcover Policies Generally Division 3 – Additional Premiums	Power to apply to WorkCover for a waiver or reduction of an additional premium.	Delegation to the CEO
Section 68A(1)	Entity Power Given To: Local government self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 1A - Local Government Self-Insurers	Power to cover Councillors under the self-insurer's licence.	Delegation to the CEO
Section 68A(3)	Entity Power Given To: Local government self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 1A - Local Government Self-Insurers	Power to notify the Councillors and the Regulator of its decision to cover Councillors under the self-insurer's licence.	Delegation to the CEO
Sections 69 and 70	Entity Power Given To: Employer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 2 - Issue and Renewal of Self-Insurer's Licence	Power to apply to the Regulator to be licensed as a self-insurer, as described in Chapter 2, Part 4.	Delegation to the CEO
Section 77(3)	Entity Power Given To: Prospective self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 2 - Issue and Renewal of Self-Insurer's Licence	Power to make a submission to the Regulator about a decision to refuse an application to be licensed as a self-insurer.	Delegation to the CEO

Section of WCRA	Entity Power Given To	Title	Description	Recommendation
Section 79	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 2 - Issue and Renewal of Self-Insurer's Licence	Power to apply to renew a self-insurer licence or to notify the Regulator that Council intends not to apply for renewal.	Delegation to the CEO
Section 80(3)	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 2 - Issue and Renewal of Self-Insurer's Licence	Power to make a submission to the Regulator about a decision to refuse an application to renew a self-insurer licence.	Delegation to the CEO
Section 83	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 2 - Issue and Renewal of Self-Insurer's Licence	Power to comply with the conditions imposed on the licence under the Regulation and by the Regulator.	Delegation to the CEO
Section 92	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 4 - Powers, Functions and Obligations of Self-Insurer's	Power to exercise all of the powers identified in section 92 in relation to the self-insurer's workers.	Delegation to the CEO
Section 92A	Entity Power Given To: Local government self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 4 - Powers, Functions and Obligations of Self-Insurer's	Power to exercise all of the powers identified in section 92A in relation to councillors covered by the self-insurer's licence.	Delegation to the CEO
Sections 93 and 93A	Entity Power Given To: Local government self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 4 - Powers, Functions and Obligations of Self-Insurer's	Power to keep the documents identified in sections 93 and 93A.	Delegation to the CEO
Section 94	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 4 - Powers, Functions and Obligations of Self-Insurer's	Power to comply with a notice to give documents issued by the Regulator under this section.	Delegation to the CEO
Section 96	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 5 - Cancellation of Self-Insurer's Licence	Power to respond to a written notice issued by the Regulator under this section.	Delegation to the CEO
Section 97	Entity Power Given To: Self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 5 - Cancellation of Self-Insurer's Licence	Power to send a written notice to the Regulator seeking to cancel a self-insurer licence.	Delegation to the CEO
Section 100(2)	Entity Power Given To: Former self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 5 - Cancellation of Self-Insurer's Licence	Power to request the Regulator to allow Council to continue to exercise the powers referred to in sections 92 and/or 92A.	Delegation to the CEO
Section 103	Entity Power Given To: Former self-insurer	Chapter 2 – Employer's Obligations Part 4 – Employer's Self-Insurance Division 5 - Cancellation of Self-Insurer's Licence	Power to request the return of the balance of the section 84 security from the Regulator.	Delegation to the CEO
Section 107E(2)	Entity Power Given To: Employer	Chapter 3 - Compensation Part 1A - Entitlements to Compensation Under Industrial Instruments	Power to ask the Regulator to approve the amount provided for in the industrial instrument for the purposes of section 107B of the Workers' Compensation and Rehabilitation Act 2003.	Delegation to the CEO
Section 107E(6)	Entity Power Given To: Employer	Chapter 3 - Compensation Part 1A - Entitlements to Compensation Under Industrial Instruments	Power to appeal the Regulator's decision to refuse to approve the amount provided for in the industrial instrument under Chapter 13 of the Workers' Compensation and Rehabilitation Act 2003.	Delegation to the CEO
Section 109(1)	Entity Power Given To: Self-insurer	Chapter 3 - Compensation Part 2 - Compensation Entitlements of Workers Generally Division 1 - General Statement of Entitlement	Power to pay compensation for an injury sustained by a worker.	Delegation to the CEO
Section 207B(4)	Entity Power Given To: Employer	Chapter 3A - Compensation Claims Costs	Power to pay the amount of the first charge or the whole of the damages to the insurer.	Delegation to the CEO

Section of WCRA	Entity Power Given To	Title	Description	Recommendation
Section 226	Entity Power Given To: Employer	Chapter 4 - Injury Management Part 4 - Employer's Obligation for Rehabilitation	Power to appoint a Rehabilitation and Return to Work Coordinator where the employer meets the criteria prescribed under a regulation.	Delegation to the CEO
Section 227	Entity Power Given To: Employer	Chapter 4 - Injury Management Part 4 - Employer's Obligation for Rehabilitation	Power to prepare and have in place a workplace rehabilitation policy and procedure, and review those policies and procedures every 3 years.	Delegation to the CEO
Section 228(1) and 228(2)	Entity Power Given To: Employer	Chapter 4 - Injury Management Part 4 - Employer's Obligation for Rehabilitation	Power to assist or provide an injured worker with rehabilitation.	Delegation to the CEO
Section 228(3)	Entity Power Given To: Employer	Chapter 4 - Injury Management Part 4 - Employer's Obligation for Rehabilitation	Power to cooperate with an insurer to enable the insurer to meet its obligations under section 220.	Delegation to the CEO
Section 228(4)	Entity Power Given To: Employer	Chapter 4 - Injury Management Part 4 - Employer's Obligation for Rehabilitation	Power to give the insurer written evidence that it is not practicable to provide a worker with suitable duties.	Delegation to the CEO
Section 280	Entity Power Given To: Employer	Chapter 5 - Access to Damages Part 5 - Pre-court Procedures	Power, as an employer against whom negligence is alleged, to cooperate fully with and give WorkCover all information and access to documents in relation to the claim.	Delegation to the CEO
Section 532C	Entity Power Given To: Employer	Chapter 12 - Enforcement Part 1 - Authorised Persons and Enforcement Division 3 - Other Powers of Authorised Person etc.	Power to comply with the requirement of an authorised person to give information or produce documents required under section 532C.	Delegation to the CEO
Section 532D	Entity Power Given To: Employer or contractor	Chapter 12 - Enforcement Part 1 - Authorised Persons and Enforcement Division 3 - Other Powers of Authorised Person etc.	Power to keep the documents about workers, and contracts for the performance of work, prescribed under a regulation.	Delegation to the CEO
Section 536(4)	Entity Power Given To: Employer who is a self-insure	Chapter 12 - Enforcement Part 2 - Fraud and False and Misleading Statements	Power to give the Regulator information the employer has in relation to a person defrauding, or attempting to defraud, the self-insurer, or in relation to a person stating anything, or giving a document containing information, to the self-insurer or a registered person that the person knows is false or misleading in a material particular.	Delegation to the CEO
Section 541	Entity Power Given To: Employer	Chapter 13 - Reviews and Appeals Part 2 - Regulator's Review of Decisions	Power to apply for a review of a decision identified in section 540(1) of the Workers' Compensation and Rehabilitation Act 2003 and to take all steps necessary to conduct the application and to appear at the hearing.	Delegation to the CEO
Section 568	Entity Power Given To: Employer or self-insurer	Chapter 13 - Reviews and Appeals Part 3 - Appeals Division 2 - Appeal to Court of Competent Jurisdiction	Power to appeal against a decision of the Regulator identified in section 567 of the Workers' Compensation and Rehabilitation Act 2003 and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.	Delegation to the CEO
Section 571B	Entity Power Given To: Prospective employer	Chapter 13 - Reviews and Appeals Part 3 - Appeals Division 2 - Appeal to Court of Competent Jurisdiction	Power to request in writing that a prospective worker disclose to Council the worker's pre-existing injury or medical condition, if any.	Delegation to the CEO
Section 576C	Entity Power Given To: Principal contractor for a construction project	Chapter 13 - Reviews and Appeals Part 1A - Information Provisions for Building and Construction Industry	Power to, by written notice, ask the relevant contractor for a copy of a required document.	Delegation to the CEO

**Schedule 2**

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegation Register - Workers' Compensation Rehabilitation Regulation 2014**

**Meeting Date: 8 December 2020**

**Attachment No: 2**

**Delegations Register – Workers’ Compensation and Rehabilitation Regulation 2014 {WCRR}**

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

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

**Schedule 1**

Section of WCRR	Entity Power Given To	Title	Description	Recommendation
Section 115(3)	Entity Power Given To: Employer	Part 5 – Rehabilitation Division 1 – Rehabilitation and Return to Work Coordinators	Power to appoint 1 rehabilitation and return to work coordinator for more than one workplace.	Delegation to the CEO

**Schedule 2**

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register - Work Health and Safety Regulation 2011**

**Meeting Date: 8 December 2020**

**Attachment No: 3**

### Delegations Register – Work Health and Safety Regulation 2011 (WHSR)

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

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

#### Schedule 1

Section of WHSR	Entity Power Given To	Title	Description	Recommendation
Section 43	Entity Power Given To: Person conducting a business or undertaking	Chapter 3 - General Risk and Workplace Management Part 3.2 - General Workplace Management Division 4 - Emergency Plans	Power to prepare, maintain and implement an emergency plan.	Delegation to the CEO
Section 85(4)	Entity Power Given To: Person conducting a business or undertaking	Chapter 4 - Hazardous Work Part 4.5 - High Risk Work Division 1 - Licensing of High Risk Work Subdivision 1 - Requirement to be Licensed	Power to maintain a written record of the evidence provided under subsections (1), (2) and (3).	Delegation to the CEO
Section 144B	Entity Power Given To: Person conducting a business or undertaking	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 3 - Licensing Process	Power to apply to the regulator for a licence to carry out demolition work.	Delegation to the CEO
Section 144I	Entity Power Given To: Applicant	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 3 - Licensing Process	Power to make a submission to the regulator in relation to a proposed refusal	Delegation to the CEO
Section 144P	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 4 - Amendment of Licence Document	Power to make a submission to the regulator in relation to a proposed amendment to a licence.	Delegation to the CEO
Section 144Q(1)	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 4 - Amendment of Licence Document	Power to apply to the regulator to amend the licence.	Delegation to the CEO
Section 144Q(2)	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 4 - Amendment of Licence Document	Power after receiving a written notice of intention to refuse an application to amend the licence from the regulator, to make a submission to the regulator in relation to the proposed refusal.	Delegation to the CEO
Section 144U	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 4 - Amendment of Licence Document	Power to apply to the regulator for a replacement document.	Delegation to the CEO
Section 144V	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 4 - Amendment of Licence Document	Power to voluntarily surrender the licence document to the regulator.	Delegation to the CEO
Sections 144VA, 144VB	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 4A - Renewal of Licence	Power to apply to the regulator for renewal of the licence.	Delegation to the CEO
Section 144Y	Entity Power Given To: Licence holder	Chapter 4 - Hazardous Work Part 4.6 - Demolition work Division 5 - Suspension and Cancellation of Licence	Power to make a submission to the regulator in relation to the proposed suspension, cancellation and/or disqualification.	Delegation to the CEO
Section 265	Entity Power Given To: Person with management or control of an item of plant	Chapter 5 - Plant and Structures Part 5.3 - Registration of Plant Designs and Items of Plant Division 4 - Registration Process for an Item of Plant	Power to apply to the regulator for the registration of that item of plant, as a stated in schedule 5, part 2.	Delegation to the CEO
Section 270(1)(b)	Entity Power Given To: Applicant	Chapter 5 - Plant and Structures Part 5.3 - Registration of Plant Designs and Items of Plant Division 4 - Registration Process for an Item of Plant	Power to respond to a notice from the regulator on a proposal to refuse registration of an item of plant stated in schedule 5, part 2.	Delegation to the CEO



Section of WHSR	Entity Power Given To	Title	Description	Recommendation
Section 288C	Entity Power Given To: Registration holder	Chapter 5 - Plant and Structures Part 5.3 - Registration of Plant Designs and Items of Plant Division 6 - Cancellation of Registration	Power to respond to a notice from the regulator on a proposal to cancel the registration of an item of plant stated in schedule 5, part 2.	Delegation to the CEO
Section 288D	Entity Power Given To: Registration holder	Chapter 5 - Plant and Structures Part 5.3 - Registration of Plant Designs and Items of Plant Division 6 - Cancellation of Registration	Power to return the registration document for an item of plant stated in schedule 5, part 2 to the regulator.	Delegation to the CEO
Section 344	Entity Power Given To: Person conducting a business or undertaking	Chapter 7 - Hazardous Chemicals Part 7.1 Hazardous Chemicals Division 2 - Obligations Relating to Safety Data Sheets and Other Matters Subdivision 3 - Obligations of Persons Conducting Businesses or Undertakings	Power to obtain the current safety data sheet for a hazardous chemical used at a workplace.	Delegation to the CEO
Section 346	Entity Power Given To: Person conducting a business or undertaking	Chapter 7 Hazardous Chemicals Part 7.1 - Hazardous Chemicals Division 3 - Register and Manifest of Hazardous Chemicals Subdivision 1 - Hazardous Chemicals Register	Power to prepare and maintain a register of hazardous chemical used at a workplace.	Delegation to the CEO
Section 383	Entity Power Given To: Person conducting a business or undertaking	Chapter 7 Hazardous Chemicals Part 7.1 - Hazardous Chemicals Division 8 - Prohibition, Authorisation and Restricted Use	Power to apply in writing to the regulator for authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen	Delegation to the CEO
Section 422(1)	Entity Power Given To: Person with management or control of a workplace	Chapter 8 - Asbestos Part 8.3 - Management of Asbestos and Associated Risks	Power to ensure that all asbestos or asbestos contaminated material at a workplace is identified by a competent person.	Delegation to the CEO
Section 424	Entity Power Given To: Person with management or control of a workplace	Chapter 8 - Asbestos Part 8.3 - Management of Asbestos and Associated Risks	Power to ensure that the presence and location of all asbestos or asbestos contaminated material at a workplace is clearly indicated and if practicable labelled.	Delegation to the CEO
Sections 425(1) & 426	Entity Power Given To: Person with management or control of a workplace	Chapter 8 - Asbestos Part 8.3 - Management of Asbestos and Associated Risks	Power to prepare, maintain and review an asbestos register for each workplace.	Delegation to the CEO
Sections 429 & 430	Entity Power Given To: Person with management or control of a workplace	Chapter 8 - Asbestos Part 8.3 - Management of Asbestos and Associated Risks	Power to prepare, maintain and review an asbestos management plan for each workplace.	Delegation to the CEO
Section 678(1)	Entity Power Given To: Eligible person	Chapter 11 - General Part 11.1 - Review of Decisions Division 2 - Internal Review	Power, as an eligible person in relation to a reviewable decision set out in section 676 of the Work Health and Safety Regulation, to apply to the regulator for an internal review of a decision.	Delegation to the CEO
Section 678(2)	Entity Power Given To: Eligible person	Chapter 11 - General Part 11.1 - Review of Decisions Division 2 - Internal Review	Power, as an eligible person in relation to a reviewable decision under section 89(5), 118(5), 256(5), 269(5) or 497(5) of the Work Health and Safety Regulation to apply to the regulator for an internal review of the decision.	Delegation to the CEO
Section 683	Entity Power Given To: Eligible person	Chapter 11 - General Part 11.1 - Review of Decisions Division 3 - External Review	Power to apply to QCAT for an external review of reviewable decision made by the regulator or of a decision made, or taken to have been made, on an internal review.	Delegation to the CEO
Section 684	Entity Power Given To: Persons	Chapter 11 - General Part 11.2 - Exemptions Division 1 - General	Power to apply for an exemption from compliance with any provision of the Work Health and Safety Regulation.	Delegation to the CEO

**Schedule 2**

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register - Work Health and Safety Act 2011 - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 4**

### Delegations Register – Work Health and Safety Act 2011 {WHSA}

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

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

#### Schedule 1

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
Section 38	Entity Power Given To: Person who conducts a business or undertaking	Part 3 – Incident Notification	Power to notify the regulator immediately after becoming aware that a notifiable incident has occurred.	Delegation to the CEO
Section 47	Entity Power Given To: Person who conducts a business or undertaking	Part 5 - Consultation, Representation and Participation Division 2 - Consultation with Workers	Power to consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety.	Delegation to the CEO
Section 51 - 54	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups	Power to facilitate the conduct of an election for 1 or more health and safety representatives to represent workers.	Delegation to the CEO
Section 65	Entity Power Given To: Any person adversely affected	Part 5 – Consultation, Representation and Participation Division 3 - Health and Safety Representatives Subdivision 4 - Election of Health and Safety Representatives	Power to make an application to the commission to disqualify a health and safety representative.	Delegation to the CEO
Section 70	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation and Participation Division 3 - Health and Safety Representatives Subdivision 4 - Election of Health and Safety Representatives	Power to comply with the general obligations of a person conducting a business or undertaking provided in section 70.	Delegation to the CEO
Section 71(5)	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	Delegation to the CEO
Section 71(7)	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to refuse to grant access to information mentioned in section 70(1)(c) if the information is confidential commercial information.	Delegation to the CEO
Section 74	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to comply with subsections (a) to (c).	Delegation to the CEO

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
Sections 75 - 78	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 4 – Health And Safety Committees	Power to establish a health and safety committee.	Delegation to the CEO
Section 80 - 81	Entity Power Given To: A party to the issue	Part 5 – Consultation, Representation And Participation Division 5 – Issue Resolution	Power to resolve the issue in accordance with an agreed procedure or the default procedure.	Delegation to the CEO
Section 82(2)	Entity Power Given To: A party to the issue	Part 5 – Consultation, Representation And Participation Division 5 – Issue Resolution	Power to ask the regulator to appoint an inspector to assist in resolving the issue.	Delegation to the CEO
Section 87	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 6 – Right To Cease Or Direct Cessation Of Unsafe Work	Power to direct the worker to carry out suitable alternative work at the same or another workplace.	Delegation to the CEO
Section 89	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 6 – Right To Cease Or Direct Cessation Of Unsafe Work	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising from a cessation of work.	Delegation to the CEO
Section 97A	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 7 – Provisional Improvement Notices	Power to give a copy of the provisional improvement notice to the regulator.	Delegation to the CEO
Section 102B	Entity Power Given To: Party to the dispute	Part 5 – Consultation, Representation And Participation Division 7A – Work Health and Safety Disputes	Power to give the industrial registrar notice of the dispute.	Delegation to the CEO
Section 102G	Entity Power Given To: A person dissatisfied with a decision made by the commission under this division	Part 5 – Consultation, Representation And Participation Division 7A – Work Health and Safety Disputes	Power to appeal a decision of the Commission given under this Part 5, Division 7A.	Delegation to the CEO
Section 103A	Entity Power Given To: Person who conducts a business or undertaking	Part 5A - Work Health and Safety Officers	Power to appoint a work health and safety officer for that business or undertaking.	Delegation to the CEO
Section 103F	Entity Power Given To: Person who conducts a business or undertaking	Part 5A - Work Health and Safety Officers	Power to instruct a work health and safety officer to take reasonable action to eliminate or minimise risks to health and safety.	Delegation to the CEO
Section 112	Entity Power Given To: Eligible person	Part 6 - Discriminatory, Coercive and Misleading Conduct Division 3 - Civil Proceedings in Relation to Discriminatory or Coercive Conduct	Power to apply to the Magistrates Court for an order under section 112 about engaging in or inducing discriminatory or coercive conduct.	Delegation to the CEO
Section 138	Entity Power Given To: Person who conducts a business or undertaking	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 5 - WHS Entry Permits	Power to apply to the Commission to revoke a WHS entry permit.	Delegation to the CEO

Section of WHS Act	Entity Power Given To	Title	Description	Recommendation
Section 140	Entity Power Given To: A person dissatisfied with the decision	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 5 - WHS Entry Permits	Power to appeal a decision of the commission.	Delegation to the CEO
Section 141	Entity Power Given To: Party to the dispute	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Delegation to the CEO
Section 141A	Entity Power Given To: Receiver of a direction	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes Subdivision 1 - Role of Inspectors	Power, as receiver of a direction from the inspector under section 141A(2) to comply with it.	Delegation to the CEO
Section 142(4)	Entity Power Given To: Person who conducts a business or undertaking	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes Subdivision 2 - Role of Commission	Power to apply to the Commission for it to deal with the dispute.	Delegation to the CEO
Section 142A	Entity Power Given To: A person dissatisfied with a decision made by the commission under this division	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes Subdivision 2 – Role of Commission	Power to appeal a decision of the Commission.	Delegation to the CEO
Section 180	Entity Power Given To: Person entitled to the thing	Part 9 - Securing Compliance Division 3 - Powers Relating to Entry Subdivision 4 - Specific Powers on Entry	Power to apply to the regulator for the return of a seized thing.	Delegation to the CEO
Section 181	Entity Power Given To: Owner of the thing	Part 9 - Securing Compliance Division 3 - Powers Relating to Entry Subdivision 4 - Specific Powers on Entry	Power to demand that the regulator allow the CEO to inspect a seized thing and if the seized thing is a document to make copies of it.	Delegation to the CEO
Section 184	Entity Power Given To: A person who incurs loss or expense	Part 9 - Securing Compliance Division 4 - Damage and Compensation	Power to claim compensation from the State.	Delegation to the CEO
Section 216	Entity Power Given To: A person in connection with a matter	Part 11 - Enforceable Undertakings	Power to make a written undertaking (a WHS undertaking) in connection with a matter relating to a contravention or alleged contravention of the Work Health and Safety Act.	Delegation to the CEO
Section 221	Entity Power Given To: A person who has made a WHS undertaking	Part 11 - Enforceable Undertakings	Power, as a person who has made a WHS undertaking, to at any time, with the agreement of the regulator, withdraw the undertaking or vary the undertaking.	Delegation to the CEO
Section 224	Entity Power Given To: A person in relation to a reviewable decision	Part 12 – Review Of Decisions Division 2 – Internal Review	Power to apply to the regulator for an internal review of the decision.	Delegation to the CEO
Section 229	Entity Power Given To: Eligible person	Part 12 – Review Of Decisions Division 3 – External Review	Power to apply to the external review body for review of a reviewable decision made by the regulator or a decision made, or taken to have been made, on an internal review.	Delegation to the CEO
Section 229F	Entity Power Given To: A person dissatisfied with the decision of the commission	Part 12 – Review Of Decisions Division 4 – Review by Commission	Power to appeal a decision of the commission.	Delegation to the CEO
Sections 231(1) and (1A)	Entity Power Given To: A person	Part 13 - Legal Proceedings Division 1 - General Matters	Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the WHS prosecutor that a prosecution be brought.	Delegation to the CEO

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
Section 231(3)	Entity Power Given To: A person	Part 13 - Legal Proceedings Division 1 - General Matters	Power to, in the circumstances provided in subsection (3), request the WHS prosecutor to refer the matter to the director of public prosecutions.	Delegation to the CEO

### Schedule 2

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Planning Act 2016 - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 5**



## Delegations Register – Planning Act 2016 (PLAA)

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

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

## Schedule 1

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 10	Entity Power Given To: Person	Chapter 2 - Planning Part 2 - State Planning Instruments	Power to make submissions to the Minister about the making or amending of a State Planning instrument.	To Remain with Council
Sections 18, 20 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	Power to give notice of a proposed planning scheme or proposed amendment to the chief executive and follow the process for making or amending a planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 18, 20 and 26 and as required under a notice given by the chief executive or in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 19	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for Council's local government area.	Delegation to the CEO
Sections 21 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to follow the process for the making or amending of an LGIP as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 21 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Sections 22 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to follow the process for the making or amending of a planning scheme policy as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 22 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Sections 23 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to follow the process for the making or amending of a TLPI as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 23 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 24	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	Power to follow the process for repealing a TLPI or planning scheme policy. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 24. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Sections 25 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to review a planning scheme and a LGIP and follow the process for the review as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 25 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 29	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 1 – Applying Superseded Planning Scheme	Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Sections 32 and 33	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	Power to decide a compensation claim. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 32 and 33.	To Remain with Council
Sections 35, 36, 37 and 38	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 - Designation of Premises for Development of Infrastructure	Power to make or amend a designation and follow the process in the designation process rules. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 35, 36, 37, 38 and the designation process rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 37(4)	Entity Power Given To: Affected party	Chapter 2 – Planning Part 5 - Designation of Premises for Development of Infrastructure	Power to make submissions about the proposal to the Minister.	Delegation to the CEO
Section 39	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 - Designation of Premises for Development of Infrastructure	Power to extend the duration of a designation. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 39.	To Remain with Council
Sections 40 and 41	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 - Designation of Premises for Development of Infrastructure	Power to repeal a designation made by Council. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 40 and 41.	To Remain with Council
Section 41(1)	Entity Power Given To: Owner of an Interest in Designated Premises	Chapter 2 – Planning Part 5 - Designation of Premises for Development of Infrastructure	Power to request a designator to repeal a designation made by the designator on the basis that the designation is causing the owner hardship.	Delegation to the CEO
Section 42	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 - Designation of Premises for Development of Infrastructure	Power to include a note about the making, amendment, extension or repeal of a designation in Council's planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 42.	Delegation to the CEO
Section 45(8)	Entity Power Given To: Assessment manager	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power, where the circumstances of section 45(6) apply, to give the weight considered appropriate in the circumstances to the documents referenced in section 45(8).	To Remain with Council
Section 46	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power to give an exemption certificate for the development. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 46.	Delegation to the CEO
Sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment; and Part 3 - Assessing and Deciding Development Applications Division 1 - Referral Agency's Assessment; and Division 3 - Development Conditions; and Part 5 - Development Approvals Division 3 - Cancelling Development Approvals; and Division 4 - Lapsing of and Extending Development Approvals; and Part 6 - Minister's Powers Division 2 - Minister's Directions Subdivision 3 - Directions to Referral Agencies; and Part 7 - Miscellaneous	Power to act as a 'referral agency' for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the Planning Act 2016.	Delegation to the CEO
Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109	Entity Power Given To: Assessment Manager	Chapter 3 - Development Assessment Part 2 - Development Applications Part 3 - Assessing and Deciding Development Applications Part 5 - Development Approvals Part 6 - Minister's Directions Part 7 - Miscellaneous	Power to act as the "assessment manager" for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the Planning Act 2016. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 48(3)(b)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 2 – Development Applications Division 1 – Introduction	Power to keep a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Delegation to the CEO
Section 48(3)(d)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 2 – Development Applications Division 1 – Introduction	Power to enter an agreement with a person on Council's list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Delegation to the CEO
Section 51(2)	Entity Power Given To: Owner of Premises	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to give written consent to the making of the development application.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 64(9)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager's Decision	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	Delegation to the CEO
Sections 78A, 79, 80, 81, 81A, 81B, 82, 83, 93 and 100, 105, 107 & 109	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period; and Subdivision 3 - Notice of Decision; and Part 6 - Minister's Powers Division 2 - Minister's Directions Subdivision 1 - Directions Generally; and Subdivision 3 - Directions to Referral Agencies; and Division 3 - Minister's Call In; and Part 7 - Miscellaneous	Power to act as a "responsible entity" for all change applications received by Council as a responsible entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 78A, 79, 80, 81, 81A, 81B, 82, 83, 93, 100, 105, 107 and 109 of the Planning Act 2016.	Delegation to the CEO
Section 80	Entity Power Given To: Affected Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to act as an "affected entity" for all change applications received by Council as an affected entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an affected entity and consider all matters as detailed in section 80 of the Planning Act 2016.	Delegation to the CEO
Section 82A	Entity Power Given To: Additional referral agency	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to act as an "additional referral agency" for a change application where section 82A applies. For the avoidance of doubt, the power delegated includes the power to take all actions of an additional referral agency and consider all matters as detailed in section 82A of the Planning Act 2016.	Delegation to the CEO
Section 84(3)(b)(i)	Entity Power Given To: Owner of land	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 3 – Cancelling Development Approvals	Power to give written consent to the cancellation application.	Delegation to the CEO
Section 84(3)(b)(ii)	Entity Power Given To: Public utility	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 3 – Cancelling Development Approvals	Power to give written consent to the cancellation application.	Delegation to the CEO
Section 86(2A)	Entity Power Given To: Owner of land	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to give written consent to the extension application.	Delegation to the CEO
Section 89	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 5 – Noting Development Approvals On Planning Schemes	Power to note an approval referred to in subsection (1) on Council's planning scheme and give notice of the approval to the chief executive.	Delegation to the CEO
Section 93(2)	Entity Power Given To: Recipient	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 2 – Minister's Direction Subdivision 1 - Directions Generally	Power to comply with a direction given by the Minister.	Delegation to the CEO
Section 102	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 3 – Minister's Call In	Power to make submissions in response to a proposed call in notice received by Council.	To Remain with Council
Section 105(3)	Entity Power Given To: Decision-maker	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 3 – Minister's Call In	Power to give the Minister reasonable help.	Delegation to the CEO
Section 115(2)	Entity Power Given To: Participating Local Government for a distribution-retailer	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 2 – Charges Resolutions	Power to enter a breakup agreement about the charges breakup and publish a copy of the agreement on the local government's website.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 118	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 2 – Charges Resolutions	Power to carry out the steps required after making a charges resolution.	Delegation to the CEO
Sections 119, 120, 121 and 129	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 3 – Levying Charges And Division 3 - Development Approval Conditions About Trunk Infrastructure Subdivision 1 - Conditions for Necessary Trunk Infrastructure	Power to give an infrastructure charges notice. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 119, 120, 121 and 129.	Delegation to the CEO
Section 123	Entity Power Given To: Local Government that gave an infrastructure charges notice	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 4 – Payment	Power to agree with the recipient about: a) whether the levied charge may be paid other than as required under section 122, including whether it may be paid by instalments; and/or b) whether infrastructure may be provided instead of paying all or part of the levied charge.	Delegation to the CEO
Section 125	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 5 – Changing Charges During Relevant Appeal Period	Power to consider representations made on an infrastructure charges notice and, issue a negotiated notice or give a decision notice.	Delegation to the CEO
Section 128(1)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 1 – Conditions For Necessary Trunk Infrastructure	Power, as a local government with a LGIP that identifies adequate trunk infrastructure to service the subject premises, to impose a development condition requiring either or both of the following to be provided at a stated time: a) the identified infrastructure; and/or b) different trunk infrastructure delivering the same desired standard of service.	Delegation to the CEO
Section 128(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 1 – Conditions For Necessary Trunk Infrastructure	Power, as a local government with a LGIP that does not identify adequate trunk infrastructure to service the subject premises, to impose a development condition requiring development infrastructure necessary to service the premises to be provided at a stated time.	Delegation to the CEO
Sections 130, 131, 132, 133, 134 and 135	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	Power to impose an extra payment condition. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 130, 131, 132, 133, 134 and 135. <i>*See Footnote</i>	Delegation to the CEO
Section 137	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 3 – Working Out Cost for Required Offset or Refund	Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	Delegation to the CEO
Sections 140, 141 & 142	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 1 – Conversion Of Particular Non-Trunk Infrastructure Before Construction Starts	Power to consider and decide a conversion application. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 140, 141 and 142.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 144(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 2 – Other Provisions	Power to agree with an applicant that a levied charge, for the purpose of its recovery, is not taken to be rates.	Delegation to the CEO
Section 145	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 5 – Non-Trunk Infrastructure	Power to impose a development condition about non-trunk infrastructure.	Delegation to the CEO
Section 149	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 3 – Provisions For State Infrastructure Providers	Power in the circumstances referred to in subsection (1) to: (a) pay the amount of the levied charge to the State infrastructure provider; and (b) agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.	Delegation to the CEO
Chapter 4, Part 4	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 4 – Infrastructure Agreements	Power to enter an infrastructure agreement. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in Chapter 4, Part 4.	Delegation to the CEO
Section 167	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give a show cause notice.	Delegation to the CEO
Section 168	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give an enforcement notice.	Delegation to the CEO
Section 169	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to consult with a private certifier before giving an enforcement notice.	Delegation to the CEO
Section 170	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give notice of the giving or withdrawal of an enforcement notice to the chief executive.	Delegation to the CEO
Section 174	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 4 – Proceedings for Offences in Magistrates Court	Power to bring offence proceedings for an offence against the Act.	Delegation to the CEO
Section 175(1)(a)	Entity Power Given To: Representative Person	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	Power to consent to proceedings being brought on behalf the corporation.	Delegation to the CEO
Section 176(10)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	Power to: (a) take action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the defendant.	Delegation to the CEO
Section 178(1)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	Power, in an offence proceeding, to apply for an order for the payment of the expenses.	Delegation to the CEO
Section 180	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	Power to start proceedings in the P&E Court for an enforcement order.	Delegation to the CEO
Section 180(13)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	Power to: (a) take action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the respondent.	Delegation to the CEO
Section 181(4)	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	Delegation to the CEO
Section 214	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 8 - Other Inspectors' Powers and Related Matters Division 3 - Disposal Orders	Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	Delegation to the CEO
Section 221	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 8 - Other Inspectors' Powers and Related Matters Division 6 - Compensation for Loss	Power to make a claim for compensation from the State where Council incurs loss because of the exercise, or purported exercise, of a power by or for an inspector.	Delegation to the CEO
Section 229(2) & 230	Entity Power Given To: Appellant	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power to start an appeal.	To Remain with Council

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 229(4)	Entity Power Given To: Respondent or Co-respondent	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power to be heard in an appeal.	Delegation to the CEO
Section 229(5)	Entity Power Given To: Assessment Manager	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power, where an appeal is only about a referral agency's response, to apply to the tribunal or the P&E court to withdraw from the appeal.	To Remain with Council
Section 230(6)	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power to elect to be a co-respondent in an appeal.	Delegation to the CEO
Section 239(1), 240 & 241	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 2 – Applications For Declaration	Power to start proceedings for a declaration by a tribunal. For avoidance of doubt, the power delegated includes the power to take all actions detailed in sections 239(1), 240 and 241.	Delegation to the CEO
Section 246(2)	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to give the registrar information that the registrar reasonably requires for the proceedings.	Delegation to the CEO
Section 248	Entity Power Given To: Party to Tribunal Proceeding	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to appear as a party to a tribunal proceeding.	Delegation to the CEO
Section 249	Entity Power Given To: Party to Tribunal Proceeding	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to make submissions to the tribunal.	Delegation to the CEO
Section 257	Entity Power Given To: Party to Tribunal Proceeding	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	Delegation to the CEO
Section 265	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Public Access to Documents	Power to give an applicant the planning and development certificate applied for.	Delegation to the CEO
Section 267(13)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 4 – Urban Encroachment	Power to note the registration of premises on Council's planning scheme.	Delegation to the CEO
Section 270	Entity Power Given To: Owner of Premises in an Affected Area	Chapter 7 – Miscellaneous Part 4 – Urban Encroachment	Power before entering into a lease of the premises with a person, to give a notice that states: (a) the premises are in an affected area; and (b) that restrictions may apply to the person in taking proceedings about emissions from registered premises in the affected area.	Delegation to the CEO
Section 275B	Entity Power Given To: Person	Chapter 7 – Miscellaneous Part 4 – Urban Encroachment	Power to serve a document and give a copy of the document as permitted by section 275B.	Delegation to the CEO
Section 293(5)	Entity Power Given To: Local Government	Chapter 8 – Repeal, Transitional and Validation Provisions Part 2 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 3 – Planning	Power to make an amendment of a type specified in subsection (1) by following the process set out in the rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in the rules. <i>*See Limitations to the Exercise of Power</i>	To Remain with Council

**Schedule 2**

Limitations to the Exercise of Power	
1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	Sections 18, 20 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
8	Sections 21 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
9	Sections 22 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
10	Sections 23 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Limitations to the Exercise of Power	
11	Section 24 - This delegation does not include the power to decide to repeal the TLPI or planning scheme policy which is required to be exercised by Council pursuant to a resolution of Council (see subsection (1)).
12	Sections 25 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
13	Section 29 - Must not be exercised if: (a) there is a conflict between proposed use and the superseded scheme zoning intent; or (b) compensation issues would arise from the superseded development application, in which case the power must be undertaken by Council.
14	Sections 35, 36, 37 and 38 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
15	Section 60 - Must not be exercised if: (a) the application was impact assessable and there were submissions; (b) the application is a planning development application being recommended for refusal; or (c) the proposed development is inconsistent with the intent of the zone, in which case the power must be undertaken by Council.
16	Section 60(3)(c) - Operational work, reconfiguring a lot and material change of use applications must be decided by Council.
17	Section 75 - Must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.
18	Section 76 - Must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.
19	Section 87 - Must not be exercised if the decision is to refuse the extension sought in which case the power must be undertaken by Council.
20	Section 293(5) - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Footnotes	
Section 130, 131, 132, 133, 134, and 135	Refunds must be in accordance with the Refund, Exemption and Reduction of Fees and Charges Policy.

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegation Register – Planning Regulation 2017 - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 6**



**Delegations Register – Planning Regulation 2017 {PLAR}**

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

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

**Schedule 1**

Section of PLAR	Entity Power Given To	Title	Description	Recommendation
Section 12(b)	Entity Power Given To: Local Government	Part 2 – Planning Division 3 – Superseded planning schemes	Power to extend the period mentioned in subparagraph (a).	Delegation to the CEO
Section 10(1)	Entity Power Given To: Local Government	Schedule 11 – Assessment Benchmarks for Development in Koala Habitat	Power to make a requested decision.	Not relevant to Council
Section 10(2)	Entity Power Given To: Local Government	Schedule 11 – Assessment Benchmarks for Development in Koala Habitat	Power to give a notice of a requested decision.	Not relevant to Council
Section 10(3)	Entity Power Given To: Local Government	Schedule 11 – Assessment Benchmarks for Development in Koala Habitat	Power to decide not to make a requested decision and power to give notice of the decision.	Not relevant to Council
Section 3(1)	Entity Power Given To: Local Government	Schedule 18 – Approving Plans of Subdivision	Power, where the request complies with the criteria stated in section 2, to approve the request.	Delegation to the CEO
Section 3(2)	Entity Power Given To: Local Government	Schedule 18 – Approving Plans of Subdivision	Power to give notice of the approval to the person making the request.	Delegation to the CEO
Section 1	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power to keep documents listed in subsection 1 available for inspection and purchase.	Delegation to the CEO
Section 2	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power to keep documents listed in subsection 1 available for inspection only.	Delegation to the CEO
Section 3	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power to publish the documents listed in subsections (1) and (4) on the Council's website.	Delegation to the CEO
Section 3A	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power, in the circumstances prescribed in Schedule 22, Section 3A, to publish the documents listed in subsections (2), (4) and (5) on Council's website.	Delegation to the CEO
Section 3B	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power, in the circumstance prescribed in Schedule 22, Section 3B(1), to keep available for inspection and purchase a document that includes the trunk infrastructure information the local government publishes on its website from time to time under section 3A(4) or (5).	Delegation to the CEO
Section 5	Entity Power Given To: Assessment Manager	Schedule 22 – Publically Accessible Documents	Power to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	Delegation to the CEO
Section 6	Entity Power Given To: Assessment Manager	Schedule 22 – Publically Accessible Documents	Power to keep the documents listed in subsection (1) available for inspection only.	Delegation to the CEO
Section 7	Entity Power Given To: Assessment Manager	Schedule 22 – Publically Accessible Documents	Power to publish the documents listed in subsections (1) and (4) on Council's website.	Delegation to the CEO
Section 8	Entity Power Given To: Local Government as a referral agency	Schedule 22 – Publically Accessible Documents	Power to keep documents listed in subsections (a) to (d) available for inspection and purchase.	Delegation to the CEO
Section 9	Entity Power Given To: Local Government as a referral agency	Schedule 22 – Publically Accessible Documents	Power to keep a register for all development applications and change applications given to the referral agency under section 54 of the Act and to make it available for inspection only.	Delegation to the CEO
Section 10	Entity Power Given To: Local Government as a referral agency	Schedule 22 – Publically Accessible Documents	Power to publish the documents listed in subsections (a) to (d) on Council's website.	Delegation to the CEO

**Schedule 2**

Limitations to the Exercise of Power	
1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.

3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegation Register – Planning Act 2016 - Development Assessment Rules - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 7**

### Delegations Register – Development Assessment Rules under the Planning Act 2016 {DEAR}

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

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

#### Schedule 1

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
Section 1.2	Entity Power Given To: Assessment Manager	Part 1 – Application 1 Properly Made Application	Power to determine if the application is a properly made application.	Delegation to the CEO
Section 2.3	Entity Power Given To: Assessment Manager	Part 1 – Application 2 Confirmation	Power to give a confirmation notice.	Delegation to the CEO
Section 3.1	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to give an action notice.	Delegation to the CEO
Section 3.2	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to agree to a further period for the applicant to comply with all actions in the action notice and give notice to the assessment manager that it has complied.	Delegation to the CEO
Section 3.4	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to give a confirmation notice if the applicant has complied with the action notice.	Delegation to the CEO
Section 3.5	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to accept the application as a properly made application after giving an action notice.	Delegation to the CEO
Section 3.6(b)	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to agree on a further period for giving a confirmation notice.	Delegation to the CEO
Section 5.1	Entity Power Given To: Assessment Manager	Part 2 – Referral 5 Referral of Application	Power to agree to a further period for the applicant to give a copy of the application to a referral agency.	Delegation to the CEO
Section 6.2	Entity Power Given To: Referral Agency	Part 2 – Referral 6 Properly Referred Application	Power to determine if the application is a properly referred application.	Delegation to the CEO
Section 7.1	Entity Power Given To: Referral Agency	Part 2 – Referral 7 Referral Confirmation Notice	Power to give a referral confirmation notice.	Delegation to the CEO
Section 8.1(a)	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to give the applicant an action notice.	Delegation to the CEO
Section 8.1(b)	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to give a copy of the action notice to the assessment manager.	Delegation to the CEO
Section 8.2	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to agree to a further period for the applicant to comply with all the actions in the action notice.	Delegation to the CEO
Section 8.2(b)	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power where the applicant has complied with all the actions in the action notice, to give a referral confirmation notice to the applicant and a copy to the assessment manager.	Delegation to the CEO
Section 8.3(b)	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to give the assessment manager notice that the application is taken to have not been referred.	Delegation to the CEO
Section 9.2(a) and (b)	Entity Power Given To: Referral Agency	Part 2 – Referral 9 Referral agency's assessment	Power to agree to a further period for the referral agency assessment period.	Delegation to the CEO
Section 11.2	Entity Power Given To: Assessing Authority	Part 3 - Information Request 11 When Part 3 Does Not Apply	Power to agree to receive further information from the applicant during the development assessment process.	Delegation to the CEO
Section 12.1	Entity Power Given To: Assessment Authority	Part 3 – Information Request 12 Making an Information Request	Power to make an information request.	Delegation to the CEO

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
Section 12.2	Entity Power Given To: Assessment Manager	Part 3 – Information Request 12 Making an Information Request	Power to agree to a further period in which to make the information request.	Delegation to the CEO
Section 12.4	Entity Power Given To: Referral Agency	Part 3 – Information Request 12 Making an Information Request	Power to agree to a further period in which to make the information request.	Delegation to the CEO
Section 12.5	Entity Power Given To: Assessing Authority	Part 3 – Information Request 12 Making an Information Request	Power to give the applicant advice about an information request or any other matter, including how the applicant may change the application.	Delegation to the CEO
Section 13.1	Entity Power Given To: Assessing Authority	Part 3 – Information Request 13 Applicant's Response	Power to agree to a further period for the applicant to respond to the information request.	Delegation to the CEO
Section 17.1, 17.3 and 17.4	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 17 Public Notice Requirements	Power, as an assessment manager acting under section 53(10) of the Act to comply with the public notice requirements.	Delegation to the CEO
Section 18.1	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 18 Notice of Compliance	Power to agree to a further period for the applicant to give notice of compliance with the public notice requirements.	Delegation to the CEO
Section 19.1	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 19 Submissions	Power to accept properly made submissions and not properly made submissions.	Delegation to the CEO
Section 19.3	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 19 Submissions	Power to agree to a further period to consider the submissions.	Delegation to the CEO
Section 22.1(a)	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 22 Decision Period – Generally	Power to agree to a further period to assess and decide the application.	Delegation to the CEO
Section 25.1	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 25 Giving Notice of a Changed Application	Power to: (a) give a copy of the notice to each referral agency for the original application and any other referral agency required to be given referral; and (b) advise each referral agency, with a copy to the applicant, of the effect of the change on the development assessment process.	Delegation to the CEO
Section 26.1	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to determine whether the change:- (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request for the application; or (c) is in response to further advice provided by an assessing authority about the application.	Delegation to the CEO
Section 26.2(a)(i)	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to give the applicant a confirmation notice where part 4 applies to the changed application and part 4 did not apply to the original application.	Delegation to the CEO
Section 26.2(b)	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to determine whether the change:- (a) would be likely to attract a submission objecting to the thing comprising the change if public notification were to apply to the change; (b) only addresses a matter raised in a properly made submission.	Delegation to the CEO
Section 26.2(c)	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to give notice to the applicant that public notification is required under section 26.2(b) and that it must be carried out in accordance with section 16.4.	Delegation to the CEO
Section 26.5	Entity Power Given To: Referral Agency	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power despite section 11.1, to make an information request as a result of a referral under section 26.	Delegation to the CEO
Section 27.2	Entity Power Given To: Assessing Authority	Part 6 – Changes to the Application and Referral Agency Responses 27 Effect of Other Changes	Power despite section 11.1, to make an information request about the change.	Delegation to the CEO

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
Section 27.3	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 27 Effect of Other Changes	Power to determine whether the change would be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.	Delegation to the CEO
Section 28.1	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses 28 Concurrence Agency Changes its Response or Gives a Late Response	Power after the referral agency assessment period and any further periods has ended, to change its referral agency response or give a late to change a referral agency response before the application is decided.	Delegation to the CEO
Section 28.4(a)	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses 28 Concurrence Agency Changes its Response or Gives a Late Response	Power to give notice of its intention to change its referral agency response to the assessment manager and the applicant.	Delegation to the CEO
Section 28.4(b)	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses 28 Concurrence Agency Changes its Response or Gives a Late Response	Power to agree to a further period for the giving of an amended referral agency response.	Delegation to the CEO
Section 29.2	Entity Power Given To: A Party to the Application	Part 7 – Miscellaneous 29 Missed Referral Agency	Power to give notice to each other party that the applicant has not referred the application in accordance with section 54(1) of the Act.	Delegation to the CEO
Section 29.6	Entity Power Given To: Referral Agency	Part 7 – Miscellaneous 29 Missed Referral Agency	Power despite section 11.1, to make an information request as a result of a referral under section 29.	Delegation to the CEO
Section 33.1	Entity Power Given To: A Party who Initiated an Extension	Part 7 – Miscellaneous 33 Notices About Further Periods Agreed	Power under the DA rules, to give a copy of the agreement to any other party to the application.	Delegation to the CEO
Section 34.1	Entity Power Given To: Assessment Manager or as a Concurrence Agency for the Application	Part 7 – Miscellaneous 34 Third Party Advice About an Application	Power to ask any third party for third party advice.	Delegation to the CEO
Section 35.1	Entity Power Given To: Assessment Manager or as a Concurrence Agency for the Application	Part 7 – Miscellaneous 35 Further Advice About an Application	Power to give further advice about the application to the applicant, including how the applicant may change the application.	Delegation to the CEO
Section 38.2	Entity Power Given To: Assessment Manager	Part 7 – Miscellaneous 38 Effect of Local Government Caretaker Period for Particular Applications	Power, as an assessment manager, to give a notice to the applicant extending the decision period until a day no later than 10 days after the end of the caretaker period.	Delegation to the CEO

**Schedule 2****Limitations to the Exercise of Power**

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Local Government Act 2009 - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 8**

**Delegations Register – Local Government Act 2009 (LOGA)**

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

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

**Schedule 1**

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 10	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 1 – Local governments and their constitution, responsibilities and powers	Power to conduct a joint government activity.	To Remain with Council
Section 16	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 2 – Divisions of local government areas	Power to: (a) review whether each division of its local government area has a reasonable proportion of electors for each Councillor elected for the division; and (b) give the electoral commissioner and the Minister written notice of the results of the review, no later than 1 March in the year before the quadrennial elections.	Delegation to the CEO
Section 19	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 3 – Changing a local government area, name or representation Division 2 – The process for change	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	To Remain with Council
Section 29(1)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to decide local government process for making a local law to the extent that the process is consistent with Chapter 3, Part 1 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 29A(3)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to consult with relevant government entities about the overall State interest in a proposed local law.	Delegation to the CEO
Section 46(2)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to conduct a public benefit assessment of a new significant business activity.	To Remain with Council
Section 46(5)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the <i>Local Government Act 2009</i> .	To Remain with Council
Section 47(9)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to apply a code of competitive conduct to a business activity other than a business activity prescribed under a regulation.	To Remain with Council
Section 60	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to exercise control of all roads in the local government area including the ability to survey and resurvey roads, construct, maintain and improve roads, approve the naming and numbering of private roads, and name and number other roads.	Delegation to the CEO
Section 61	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the owner of land a notice of intention to acquire land.	Delegation to the CEO
Section 61(6)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge the copy of a notice of intention to acquire land with the Registrar of Titles for registration on the instrument of title to the land.	Delegation to the CEO
Section 62	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to decide a claim for compensation for a notice of intention to acquire land.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	Delegation to the CEO



Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 64 <sup>1</sup>	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess compensation for acquisition of land.	Delegation to the CEO
Section 65(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	Delegation to the CEO
Section 65(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to withdraw notice of intention to acquire land.	Delegation to the CEO
Section 65(4) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge with the Registrar of Titles for registration a notice of decision not to proceed with, or to withdraw, notice of intention of realignment of the road or part of the road.	Delegation to the CEO
Section 66	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess and pay the owner of land reasonable compensation for decrease in value of land because of decision not to proceed with realignment of a road or part of a road after giving a notice of intention to acquire land and structural improvements have been made on land that adjoins the road.	Delegation to the CEO
Section 67	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land that adjoins a road for use as a footpath.	Delegation to the CEO
Section 68	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	Delegation to the CEO
Section 69(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road (permanently or temporarily) to all traffic, or traffic of a particular class, if there is another road or route reasonably available for use by the traffic.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road to all traffic, or traffic of a particular class: (a) during a temporary obstruction to traffic; or (b) if it is in the interests of public safety; or (c) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).	Delegation to the CEO
Section 69(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to publish notice of closing of road.	Delegation to the CEO
Section 69(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to do everything necessary to stop traffic using the road after it is closed.	Delegation to the CEO
Section 69(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.	Delegation to the CEO
Section 70(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	Delegation to the CEO
Section 70(3) and (4)	Entity Power Given To: Local Government Employee Or Contractor	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner or occupier of the land regarding local government entry and the giving of written or oral notice as specified in section 70(3) and (4) of the <i>Local Government Act 2009</i> .	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 70(7) and (8)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner of land the amount of compensation for physical damage caused by local government entering, occupying or using land under section 70 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(1) and (3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to fix and advise the owner or occupier or change the permanent level of a road under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 72(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to require the entity that is conducting the activity to provide information, that will enable the local government to assess the impact of the activity on the road.	Delegation to the CEO
Section 72(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the road.	Delegation to the CEO
Section 72(3)(a) and (b)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the entity conducting an activity a direction about the use of the road to lessen the impact or to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact.	Delegation to the CEO
Section 72(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to recover an amount of compensation payable under subsection 72(3)(b)(i) in a court.	Delegation to the CEO
Section 73	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to categorise the roads in the local government area according to the surface of the road.	Delegation to the CEO
Section 74(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to prepare and keep up to date a map of every road including private roads in the local government area and a register of roads showing the category of every road, the level of every road that has a fixed level and other particulars prescribed under a regulation.	Delegation to the CEO
Section 75	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	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.	Delegation to the CEO
Section 77 <sup>1</sup>	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give approval for the connection of a stormwater installation to a local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 78	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give a notice, requiring the owner of a property to perform sewerage installation works.	Delegation to the CEO
Section 79	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to perform work to fix damage and recover reasonable costs for the work from a person who puts a prohibited substance in the stormwater drain.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 80B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 3 – Other Matters	Power to provide a ferry service across a water course under section 80B of the <i>Local Government Act 2009</i> including the leasing of the right to provide the ferry service.	To Remain with Council
Section 90B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 5 – Caretaker Period Arrangements	Power to apply to the Minister for approval to make a major policy decision during the caretaker period for an election for the local government.	To Remain with Council
Section 95	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to register a charge over the land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 95 <sup>1</sup>	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	Delegation to the CEO
Section 104(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish a system of financial management, except those parts of the system that must be adopted by resolution (e.g. corporate plan, budget and operational plan).	Delegation to the CEO
Section 104(6)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to regularly review and update the financial policies of Council.	To Remain with Council
Section 104(7)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to carry out a review of the implementation of the annual operational plan annually.	Delegation to the CEO
Section 105(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish an efficient and effective internal audit function.	Delegation to the CEO
Section 105(2)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power, as a large local government, to establish an audit committee.	To Remain with Council
Section 107(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to maintain public liability insurance and professional indemnity insurance.	Delegation to the CEO
Section 107(3)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its Councillors.	Delegation to the CEO
Section 110	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 4 – Councilor's Financial Accountability	Power to give the public notice of the disbursement of funds not provided for in the local government's budget.	Delegation to the CEO
Section 120(3)(d)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 1 – Local Governments Division 3 – Action By The Minister	Power to make submissions to the Minister about the Minister's proposed exercise of the power.	To Remain with Council
Section 133	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to give, or attempt to give, the occupier of the property a written notice that informs the occupier of the local government's intention to enter the property.	Delegation to the CEO
Section 137	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 138(5)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to authorise an employee or agent of the local government to act as a local government worker.	Delegation to the CEO
Section 138A(1)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give each local government worker an identity card.	Delegation to the CEO
Section 142(2)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give a reasonable entry notice, as defined by section 138AA(4), to the occupier of a property that a local government worker may enter the property and take action required under a remedial notice. <i>*See Footnotes</i>	Delegation to the CEO
Section 142(4)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action from the person who failed to take the action.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 142(B)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover a debt payable under section 142 of the <i>Local Government Act 2009</i> as if the debt were an overdue rate.	Delegation to the CEO
Section 143	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give reasonable entry notice, as defined by section 138AA(4), to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials. <i>*See Footnotes</i>	Delegation to the CEO
Section 147	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise or purported exercise of a power under division 2, part 2, chapter 5 of the <i>Local Government Act 2009</i> . <i>*See Footnotes</i>	Delegation to the CEO
Section 150P(2)	Entity Power Given To: Government Entity	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 2 – Complaints about Councillor Conduct	Power, as a government entity, to refer a complaint about the conduct of a councillor to the assessor and give the assessor all information held by the entity that relates to the complaint.	Delegation to the CEO
Section 150S(2)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 3 – Local Government Duties to Notify Assessor About Particular Conduct	Power, in either of the circumstances listed in subsection (1), to give the assessor a notice about the councillor's conduct and all information held by Council that relates to the conduct.	Delegation to the CEO
Section 150AE(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to publish Council's investigation policy on Council's website.	Delegation to the CEO
Section 150AF(1)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to investigate the Councillor's conduct.	Delegation to the CEO
Section 150AF(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power, where the Council obtains information indicating that a councillor may have engaged in misconduct, to give the information to the assessor for further investigation under division 4.	Delegation to the CEO
Section 150B(1) and (2)	Entity Power Given To: Occupier of a Place	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 2 – Entry of Places by Investigators Subdivision 1 – Power to Enter	Power, as an occupier of a place, to consent to the entry of the investigator and to impose conditions on the entry.	Delegation to the CEO
Section 150CN	Entity Power Given To: Person	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 6 – Miscellaneous Provisions Relating to Investigators	Power to claim compensation from the State if the Council incurs loss because of the exercise, of a power by or for an investigator, including a loss arising from compliance with a requirement made of Council under division 3, 4 or 5.	Delegation to the CEO
Section 150CR	Entity Power Given To: Applicant	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 7 – Review Subdivision 2 – External Review	Power, as an applicant dissatisfied with a review decision made by the assessor, to apply to QCAT for a review of the decision.	Delegation to the CEO
Section 150DL	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 5 – Administration Division 2 – Councillor Conduct Tribunal	Power to request the conduct tribunal to:-- (a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; (b) to make recommendations to the local government about dealing with the conduct.	To Remain with Council
Section 150DX	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 6 – Miscellaneous Division 1 – Councillor Conduct Register	Power to keep an up-to-date councillor conduct register, publish the register on Council's website and make the register available for inspection and purchase by the public.	Delegation to the CEO
Section 166A(4)(b)	Entity Power Given To: Local Government	Chapter 6 - Administration Part 2 - Councillors Division 3 - Vacancies in Councillor's Office	Power, where the runner-up consents to the appointment on or before the deadline for the runner-up, to fill the vacant office by appointing the runner-up.	To Remain with Council

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 195	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 1 – Chief Executive Officer	Power to appoint an acting Chief Executive Officer during period when the Chief Executive Officer or the Deputy Chief Executive Officer is absent from duty or cannot, for another reason perform the Chief Executive Officer's responsibilities, limited to a maximum of four weeks.	Delegation to the CEO
Section 196(2)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2 – Other Local Government Employees	Power to: (a) employ local government employees; (b) agree to the terms and conditions of an employee's employment (including any variation to those terms); and (c) terminate a local government employee's employment. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 197A(3) and 197A(4)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2A - Councillor Advisors	Power to enter into a written contract of employment with a councillor advisor (including agreeing to any variation to a written contract of employment). NB this power only applies to those local governments that have been prescribed under section 197D(1)(a).	Delegation to the CEO
Section 198	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 3 – Common Provisions	Power to agree with other local governments about the joint employment of a local government employee.	Delegation to the CEO
Section 219(1)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIAsuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIAsuper.	Delegation to the CEO
Section 219(2)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIAsuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into another fund directed by the employee.	Delegation to the CEO
Section 219A	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIAsuper	Power, as a local government other than the Brisbane City Council, to comply with a notice giving by the LGIAsuper Trustee under subsection 219A(1).	Delegation to the CEO
Section 220	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to pay a yearly superannuation contribution in the circumstances prescribed in section 220.	Delegation to the CEO
Section 220A(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government, to deduct all or part of the employee's contributions from the employee's salary or any money that the employee owes to Council.	Delegation to the CEO
Section 220B(2)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 220B(1), to agree in writing with an employee: (a) to reduce the pre-agreement contributions to the amount equal to the employee's concessional contributions cap for the financial year; and (b) if a yearly contribution made under section 220A(3) is part of the pre-agreement contributions – on the extent, if any to which a contribution mentioned in 220B(1)(a) of (b) will be reduced to achieve the reduction.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 220B(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, where the pre-agreement contributions are reduced under subsection 220B(2), to pay the amount of the reduction to the employee as salary.	Delegation to the CEO
Section 221(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to agree in writing with an employee- (a) that the employee 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; and (b) on the period, of not more than 1 year, of the exemption.	Delegation to the CEO
Section 221(4)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	Delegation to the CEO
Section 222(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer who has received a notice from the employee under subsection 222(2), to calculate the yearly contributions payable for the employee based on the employee's salary before it was decreased.	Delegation to the CEO
Section 224(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 224(1), to pay interest on the amount of the contribution to the relevant fund for the employee.	Delegation to the CEO
Section 226(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government (other than the Brisbane City Council), to, for its Councillors:- (a) establish and amend a superannuation scheme; or (b) take part in a superannuation scheme.	Delegation to the CEO
Section 226(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government who has exercised its power under subsection 226(1), to pay an amount from its operating fund to the superannuation scheme as a contribution for its Councillors.	Delegation to the CEO
Section 226(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to enter into an arrangement with a Councillor under which:- (a) the Councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the Councillor.	To Remain with Council
Section 228(4)	Entity Power Given To: Local Governing Body	Chapter 7 – Other Provisions Part 3 – Allocating Commonwealth Funding to Local Governments Division 1 – Allocating Commonwealth Funding	Power to make a submission as a local governing body within the meaning of the <i>Local Government (Financial Assistance) Act</i> to assist the Local Government Grants Commission to make a decision about funding under the <i>Local Government (Financial Assistance) Act</i> .	Delegation to the CEO
Section 236	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	The power to sign a document on behalf of a local government as a delegate of the local government. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to start a proceeding:- (1) in the name of Council; (2) under the Justices Act 1886 in the name of a local government employee who is a public officer within the name of that Act.	Delegation to the CEO
Section 239	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to effect substituted service.	Delegation to the CEO
Section 240(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, in any legal proceedings:- (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	Delegation to the CEO
Section 250(1)(b)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, other than the chief executive officer, to:- (a) verify a copy of a local government document.	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 6 – Other Provisions	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.	Delegation to the CEO

**Schedule 2****Limitations to the Exercise of Power**

1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	The delegate will not exercise the delegated power specified under section 236(1) for the purpose of executing a contract for the sale of land.
8	Section 196(2) power does not include the power to appoint employees which is separately dealt with under sections 196(3) and 196(4) of the Act.

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Local Government Regulation 2012 - Clean**

**Meeting Date: 8 December 2020**

**Attachment No: 9**



**Delegations Register – Local Government Regulation 2012 {LOGR}**

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

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

**Schedule 1**

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 6(6)	Entity Power Given To: Local Government	Chapter 2 – Local Governments Part 1 – Local Government Areas, Names and Representation	Power to make available for inspection at its public office, a copy of the local government's area map.	Delegation to the CEO
Section 14(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 1 – Local Laws	Power to give an extract or certified copy of a local law from the local government's register of local laws where the person has paid the applicable fee.	Delegation to the CEO
Section 14(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 1 – Local Laws	Power to publish the register of local laws on Council's website.	Delegation to the CEO
Section 18	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 1 – Introduction	Power to identify and assess each new significant business activity for possible reform involving full cost pricing, commercialising, or corporatising the activity.	To Remain with Council
Section 41(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 6 – Water and Sewerage Services	Power, when conducting a relevant business activity, to carry out all functions described in subsections (a), and (c) to (f).	Delegation to the CEO
Section 53	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 7 – Competitive Neutrality Complaints Subdivision 2 – Complaint Process	Power to ensure the public can inspect a copy of the report given to Council under section 52.	Delegation to the CEO
Section 55(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 7 – Competitive Neutrality Complaints Subdivision 2 – Complaint Process	Power to, give notice of the resolution made pursuant to section 55(1) to the entities listed in the subsection (4).	Delegation to the CEO
Section 56(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 7 – Competitive Neutrality Complaints Subdivision 3 – Miscellaneous Provision	Power to establish a register of business activities to which the competitive neutrality principle applies.	Delegation to the CEO
Section 58(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 2 – Malls	Power to in relation to a mall to do any of the following: (a) anything necessary or desirable for developing, managing, maintaining (including cleaning), promoting or using a mall; (b) permit the use of any part of the mall on conditions it considers appropriate; (c) anything incidental to its powers mentioned in (a) or (b).	Delegation to the CEO
Section 59	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 3 – Marine and Aquatic Matters	Power to: (a) construct, maintain, manage and regulate the use of harbours for small vessels in or over tidal waters; (b) construct, maintain, manage and regulate the use of jetties, breakwaters and ramps in or over tidal waters; and (c) to occupy and use foreshore, tidal land or tidal waters to undertake work in exercising those powers.	Delegation to the CEO
Section 63	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 4 – Other Matters	Power to take all necessary steps for: (a) construction on, maintenance of or improvement of the land; and (b) regulation of the use of the land, where the land is subject to a public thoroughfare easement in Council's favour.	Delegation to the CEO
Section 64(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 4 – Other Matters	Power to enter into arrangements necessary to perform the joint responsibility of the local government where a road or other work is to be, or has been, built: (a) along the boundary between two or more local government areas; and (b) partly in each of the areas.	To Remain with Council
Section 77(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 4 – Minimum General Rates	Power to identify, in any way considered appropriate, parcels of rateable land to which a minimum amount of general rates apply.	To Remain with Council

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 81(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 1 – Introduction	Power to identify, in any way considered appropriate, the rating category to which each parcel of rateable land in the local government area belongs. *See Footnotes	To Remain with Council
Section 82(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 1 – Introduction	Power to decide what rating category the land referred to in subsection (1) should be in. *See Footnotes	To Remain with Council
Section 88(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 3 – Notice of Categorisation of Land	Power to ensure that each relevant rate notice is accompanied by, or contains, a rating category statement. *See Footnotes	Delegation to the CEO
Section 90(5)(b)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 4 – Objecting To Rates Category	Power to allow a longer period within which an owner of rateable land must give an objection notice. *See Footnotes	Delegation to the CEO
Section 96(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 6 – Special Rates and Charges	Power, in the circumstances referred to in subsection (1), to pay unpaid special rates or charges to the current owners of the land on which the special rates or charges were levied. *See Footnotes	To Remain with Council
Section 97(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 6 – Special Rates and Charges	Power, in the circumstances referred to in subsection (1), to pay unpaid special rates or charges (in the proportions stipulated in subsection (3)) to the current owners of the land on which the special rates or charges were levied. *See Footnotes	To Remain with Council
Section 97(2) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 6 – Special Rates and Charges	Power, in the circumstance referred to in subsection (1), to return paid special rates or charges to the person who paid them.	To Remain with Council
Section 104	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges	Power to levy rates or charges by a rate notice.	To Remain with Council
Section 105	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 1 – Rate Notices	Power to include on a rate notice an amount, other than an amount for rates or charges, payable to Council.	Delegation to the CEO
Section 107(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 1 – Rate Notices	Power to determine a period considered appropriate for the issue of a rate notice.	Delegation to the CEO
Section 108	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 1 – Rate Notices	Power to give a rate notice and, if required, a rating category statement, electronically.	Delegation to the CEO
Section 110	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, where land becomes, or stops being, rateable land, to adjust the rates so that the rates are calculated only on the period when the land was rateable land.	Delegation to the CEO
Section 111	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, if the value of the land changes under the Land Valuation Act, to adjust the rates so that the rates are calculated on the new value of the land for the period that starts on the day the change takes effect.	Delegation to the CEO
Section 112	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, if the land is given a rating category, including a change of rating category, to adjust the general rates so that the rates are calculated on the new or changed rating category for the period that starts on the day the land was given the new or changed rating category.	Delegation to the CEO
Section 113	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates or charges so that the rates or charges are calculated on the period when the land was land on which the local government could levy special rates or charges.	Delegation to the CEO
Section 114	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, in the circumstance of subsection (1) to adjust the rates or charges so that the rates or charges are calculated only for the period when the person was entitled to occupy the land.	Delegation to the CEO
Section 115	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, where rates or charges are paid before they are adjusted, to refund the overpaid amount of rates or charges, or recover the amount of rates or charges owing.	Delegation to the CEO
Section 117	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 3 – Other Matters About Levying Rates or Charges	Power to levy rates or charges, or adjust a rates or charges levy in a financial year, even though the resolution for making the rates or charges was made for a previous financial year.	Delegation to the CEO
Section 122(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power to accept an application from a ratepayer made under subsection (1)(a).	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 122(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power to be satisfied that a ratepayer is eligible for a concession granted pursuant to a resolution made under subsection (1)(b).	Delegation to the CEO
Section 123	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power, in the relevant circumstances of section 123, to grant a rebate of rates or charges for land occupied by pensioners.	Delegation to the CEO
Section 124(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power, in the circumstances referred to in subsection (1), to refund the amount of the rebated rates or charges to the ratepayer.	Delegation to the CEO
Section 130(10)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 11 – Paying Rates And Charges	Power to still allow a discount where satisfied that the ratepayer has been prevented, by circumstances beyond their control, from paying the rates or charges in time to get the discount.	Delegation to the CEO
Section 131	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 11 – Paying Rates And Charges	Power to give a benefit that is not a discount as an inducement for payment of rates or charges before the due date for payment.	To Remain with Council
Section 133(1)(a)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 1 – General Provisions	Power, for interest on overdue rates or charges, to decide a later day from which interest is payable.	To Remain with Council
Section 133(2)(b)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 1 – General Provisions	Power, for interest on overdue rates or charges, to decide another way to calculate interest, if an equal or lower amount will be payable.	To Remain with Council
Section 133(3)(a)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 1 – General Provisions	Power, for interest on overdue rates or charges, to, for a day before 1 July 2019, decide the rate of interest payable.	To Remain with Council
Section 134	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 2 – Court Proceedings for Overdue Rates And Charges	Power to recover overdue rates or charges by bringing court proceedings for a debt.	Delegation to the CEO
Section 138(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the Council's intention to sell the land, before the local government sells the land.	Delegation to the CEO
Section 140(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power where Council has by resolution decided to sell the land, to give all interested parties a notice of intention to sell the land.	Delegation to the CEO
Section 141(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to end sale procedures at the earliest of the following: (a) Council has been paid the amount of the overdue rates or charges, and all expenses that Council has incurred in attempting to sell the land, or (b) the land has been sold; or (c) 1 year after the notice of intention to sell was given to the registered owner.	Delegation to the CEO
Section 141(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, in circumstances where Council has ended sale procedures, to decide to sell the land again under section 140(2).	Delegation to the CEO
Section 142	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to carry out the procedures to sell land for overdue rates or charges.	Delegation to the CEO
Section 143(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to set a reserve price at the auction of the land for overdue rates and charges in accordance with section 143(1).	Delegation to the CEO
Section 143(2) and (3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, if the reserve price for the land is not reached at the auction, to enter into negotiations with any bidder who attended the auction to sell the land by agreement (for a price not less than the reserve price).	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 144(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, after the day of the auction, to decide to continue to offer the land for sale by another auction, or sale by negotiation.	Delegation to the CEO
Section 144(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to end any negotiations entered into under section 143(2) when a decision is made under section 144(1).	Delegation to the CEO
Section 144(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to prepare a sales notice if Council decides to offer the land for sale by negotiation under section 144.	Delegation to the CEO
Section 144(5)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to: (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and (b) publish the sales notice on Council's website; and (c) display the sales notice in a conspicuous place in Council's public office; and (d) display the sales notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.	Delegation to the CEO
Section 144(6)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, if the land is a building unit and it is not practicable to display the sales notice in a conspicuous place on the land, to display the notice in a conspicuous part of the common property for the building units.	Delegation to the CEO
Section 144(7)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to ensure that the price for land offered for sale by negotiation is at least – (a) the market value of the land; or (b) the higher of the following – (i) the amount of the overdue rates or charges on the land; (ii) the value of the land.	Delegation to the CEO
Section 145(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, in the circumstances set out in subsection (1), to give the registrar of titles an appropriate form.	Delegation to the CEO
Section 146	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to use the proceeds of sale of the land for the purposes and in the order specified.	Delegation to the CEO
Section 149(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power, where Council has by resolution decided to acquire the land for overdue rates or charges, to give all interested parties a notice of intention to acquire the land.	Delegation to the CEO
Section 150(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power, in the circumstances set out in subsection (1), to start the procedures to acquire land for overdue rates or charges.	To Remain with Council
Section 150(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power, where Council has been paid the amount of the overdue rates or charges, and all expenses that Council has incurred in attempting to acquire the land, to end the procedures for acquiring the land.	Delegation to the CEO
Section 151	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power to carry out the procedures to acquire land for overdue rates or charges.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 154(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 1 – Land Record	Power to keep a land record.	Delegation to the CEO
Section 154(2)(e)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 1 – Land Record	Power to include in a land record any other information considered appropriate.	Delegation to the CEO
Section 155(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 1 – Land Record	Power to provide access to or give copies of the land record kept by Council (including parts of the land record).	Delegation to the CEO
Section 162	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 3 – Change in Ownership of Land	Power to record the details of the new owner in the land record.	Delegation to the CEO
Section 164	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 1 – General Matters About Financial Management Systems	Power to keep a written record, in the way required by subsection (2), which states the matters identified in subsection (1).	Delegation to the CEO
Section 165(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 1 – 5-year Corporate Plan	Power to discharge Council's responsibilities in a way that is consistent with the adopted 5-year corporate plan.	Delegation to the CEO
Section 173(1)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 3 – Annual Budget	Power to spend money in a financial year before the budget is adopted if Council provides for that spending in the budget for the financial year. *See Footnotes	Delegation to the CEO
Section 173A(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 3A – Amendment of Annual Budget for Extraordinary Decisions	Power to amend Council's annual budget for the 2020-2021 financial year to take account of an extraordinary decision.	To Remain with Council
Section 174(5)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 4 – Annual Operational Plan	Power to discharge Council's responsibilities in a way that is consistent with the adopted annual operational plan.	Delegation to the CEO
Section 175(3)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 4 – Annual Operational Plan	Power to omit information from the copies of the annual performance plan (which is part of the annual operational plan) made available to the public if subsections (3)(a) and (b) are satisfied.	Delegation to the CEO
Section 182(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 3 – Financial Accountability Documents Division 3 – Annual Report	Power to publish Council's annual report on Council's website.	Delegation to the CEO
Section 194	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 5 – Community Grants	Power to give a grant to a community organisation in the public interest; and consistent with the local government's community grants policy.	Delegation to the CEO
Section 196(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 6 – Spending	Power to spend money on entertainment or hospitality consistent with the local government's Entertainment and Hospitality Policy.	Delegation to the CEO
Section 197(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 6 – Spending	Power to spend money on advertising to provide information or education that is in the public interest and consistent with the local government's Advertising Spending Policy. *See Footnotes	Delegation to the CEO
Section 199(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 7 – Public Access to Particular Documents	Power to allow the public to inspect and purchase copies of the documents referred to in subsection (1).	Delegation to the CEO
Section 200	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 1 – Trust Fund	Power to: 1. establish a trust fund; 2. deposit trust money in a financial institution account; and 3. reconcile the assets of the trust fund with the liabilities of the trust fund at least monthly.	Delegation to the CEO
Section 201	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 1 – Trust Fund	Power to transfer money to or from a trust fund in accordance with section 201.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 201B(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 2 – Discretionary Funds	Power to make publicly available an availability notice.	Delegation to the CEO
Section 202A(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 2 – Discretionary Funds	Power to publish a notice given under subsection 202A(1) on Council's website.	Delegation to the CEO
Section 203	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 9 – Accounting Records	Power to establish separate accounting records for Council's: (a) operations; and (b) its trust fund.	Delegation to the CEO
Section 204	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 9 – Accounting Records	Power to prepare a financial report.	Delegation to the CEO
Section 207	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 1 – Internal Audit Function Subdivision 1 – Internal Auditing and Reporting	Power to: (a) prepare an internal audit plan; (b) carry out an internal audit; (c) prepare a progress report for the internal audit; (d) assess compliance with the internal audit plan; and (e) give the documents referred to in subsection (3) to the audit committee.	Delegation to the CEO
Section 210(1)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 1 – Internal Audit Function Subdivision 2 – Audit Committee	Power to appoint the members of the audit committee.	To Remain with Council
Section 210(3)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 1 – Internal Audit Function Subdivision 2 – Audit Committee	Power to appoint one of the members of the audit committee as chairperson.	Delegation to the CEO
Section 212	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 2 – External Auditing	Power to give the financial statements referred to in subsections (1) and (2) to the auditor-general.	Delegation to the CEO
Section 213A(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power, in the circumstances set out in subsection (1), to give the Minister a notice and any documents about a controlled entity that Council considers to be relevant to a notifiable event.	Delegation to the CEO
Section 213A(3)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power, if a governing document of a Council controlled entity changes, to give the Minister a notice stating details of the change and a copy of the governing document as amended.	Delegation to the CEO
Section 213B(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power, in the circumstances set out in subsection (1), to obtain a copy of the audited financial statements of the controlled entity.	Delegation to the CEO
Section 213B(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power to ensure that a copy or a link to a copy of the controlled entity's audited financial statements is published on Council's website.	Delegation to the CEO
Section 215	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 12 – Other Matters	Power to give the department's chief executive a notice stating that Council has paid notional GST for the previous financial year.	Delegation to the CEO
Section 218(2)(b)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 2 – Strategic Contracting Procedures	Power to give the public notice of a proposed resolution to apply Chapter 6, part 2 to its contracts.	Delegation to the CEO
Section 220(8)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 2 – Strategic Contracting Procedures	Power to allow the public to inspect and buy copies of the contracting plan that has been adopted.	Delegation to the CEO
Section 224(7)(b)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to set the value limit for valuable non current assets other than land.	To Remain with Council
Section 225	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to enter a medium sized contractual arrangement after first inviting written quotes for the contract. *See Footnotes	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 225(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite written quotes for a medium sized contractual arrangement. *See Footnotes	Delegation to the CEO
Section 225(3) and (4)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to decide to accept a quote or to decide not to accept any of the quotes it receives for a medium sized contractual arrangement. *See Footnotes	Delegation to the CEO
Section 226	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to enter a large sized contractual arrangement after first inviting written tenders for the contract. *See Footnotes	Delegation to the CEO
Section 226(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite written tenders for a large size contractual arrangement. *See Footnotes	Delegation to the CEO
Section 227	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to enter a valuable non-current asset contract after first inviting written tenders for the contract or offering the non-current asset for sale by auction.	Delegation to the CEO
Section 227(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite written tenders for a valuable non current asset contract or to offer a non current asset for sale by auction.	Delegation to the CEO
Section 228(2)(b)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite expressions of interest pursuant to section 228. *See Limitations to the Exercise of Power (number 7)	Delegation to the CEO
Section 228(6)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to take all reasonable steps to publish an invitation for tenders or expressions of interest in another way to notify the public about the tender process.	Delegation to the CEO
Section 228(7)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to prepare a shortlist of people from the persons who responded to the invitation for expressions of interest and to invite written tenders from those persons.	Delegation to the CEO
Section 228(8)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite all persons who submitted a tender to change their tender to take account of a change in the tender specifications.	Delegation to the CEO
Section 228(9) and (10)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to decide to accept a tender or not to accept any tenders it receives. *See Footnotes	Delegation to the CEO
Section 230(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement in accordance with a quote or tender consideration plan adopted by local government resolution. *See Footnotes	Delegation to the CEO
Section 231(2)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement for services with a person on an approved contractor list. *See Footnotes	Delegation to the CEO
Section 231(4)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to put together an approved contractor list in accordance with section 231(4).	Delegation to the CEO
Section 232(2)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a contract for a medium sized contractual arrangement or large sized contractual arrangement for the supply of goods or services with a supplier from a register of pre qualified suppliers. *See Footnotes	Delegation to the CEO
Section 232(3)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to establish a register of pre qualified suppliers of particular goods or services.	Delegation to the CEO
Section 232(4)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to invite suppliers to tender to be on a register of pre-qualified suppliers.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 232(6)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to take all reasonable steps to publish an invitation to tender in another way to notify the public about establishing the register of pre-qualified suppliers.	Delegation to the CEO
Section 233(2)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement for goods or services with a preferred supplier under a preferred supplier arrangement. *See Footnotes	Delegation to the CEO
Section 233(2) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter a preferred supplier arrangement. *See Footnotes	Delegation to the CEO
Section 233(5)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to take all reasonable steps to publish an invitation to tender in another way to notify the public about the tender process.	Delegation to the CEO
Section 234(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a contract for goods and services under an LGA arrangement. *See Footnotes	Delegation to the CEO
Section 235	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement in circumstances specified in section 235. *See Footnotes	Delegation to the CEO
Section 236	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 4 – Exceptions For Valuable Non-Current Asset Contracts	Power to dispose of a valuable non current asset other than by tender or auction in circumstances specified in section 236. *See Footnotes	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 4 – Publishing Details of Particular Contractual Arrangements	Power to publish and display relevant details of a contractual arrangement worth \$200,000.00 or more (exclusive of GST).	Delegation to the CEO
Section 247(1)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 1 – Councillors Division 1 – Councillor Remuneration	Power to pay remuneration to each councillor.	To Remain with Council
Section 248(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 1 – Councillors Division 1 – Councillor Remuneration	Power, in the circumstance identified in subsection (1), to make a submission to the remuneration commission for approval to pay a Councillor an amount of remuneration of more than the maximum amount.	To Remain with Council
Section 251	Entity Power Given To: Local Government	Chapter 8 – Administration Part 1 – Councillors Division 2 – Reimbursement of Expenses and Provision of Facilities	Power to make the adopted expenses reimbursement policy available for inspection and purchase by the public and to publish that policy on Council's website.	To Remain with Council
Section 254B(1) and (2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to publish a notice of the days and times when ordinary meetings will be held on Council's website and in other ways considered appropriate (Council and standing committee meetings).	Delegation to the CEO
Section 254B(3)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to display in a conspicuous place in Council's public office a notice of the days and times when meetings will be held (Council and committee meetings).	Delegation to the CEO
Section 254B(4)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to notify of any change to the days and times of meetings mentioned in section 254B(1) and (3) in the same way as the meetings were previously notified.	Delegation to the CEO
Section 254C(1) and (2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to give notice of each meeting or adjourned meeting to each councillor or committee member in accordance with section 254C(1) and (2).	Delegation to the CEO
Section 254D(1)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make the agenda for a Council or committee meeting publicly available in accordance with section 254D(1).	Delegation to the CEO



Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 254D(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make a related report for a Council or committee meeting publicly available in accordance with section 254D(2).	Delegation to the CEO
Section 254F(6)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make a copy of the minutes of each Council or committee meeting publicly available in accordance with section 254F(6).	Delegation to the CEO
Section 254F(7)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make a copy of the confirmed minutes publically available, and available for purchase at Council's public office in accordance with section 254F(7).	Delegation to the CEO
Section 254K	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to allow a person to take part in a meeting (Council and committee meetings) by audio link or audio visual link.	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1 – Local Government Meetings	Power to give written notice of the intention to propose the repeal or amendment of a resolution.	Delegation to the CEO
Section 277D(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 4 – Additional Provisions for Local Government and Committee Meetings	Power, in the circumstances set out in subsection 277D(1), to ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website.	Delegation to the CEO
Section 287(1)	Entity Power Given To: Former Employer	Chapter 8 – Administration Part 3 – Local Government Employees Division 2 – Portability of Long Service Leave	Power, as a former employer, to pay the new employer an amount for the number days of long service leave that the person is entitled to take because of the person's period of employment with the former employer.	Delegation to the CEO
Section 287(3)	Entity Power Given To: Former Employer	Chapter 8 – Administration Part 3 – Local Government Employees Division 2 – Portability of Long Service Leave	Power, as a former employer, to provide the new employer with the information specified in subsection (3).	Delegation to the CEO
Section 295(1), (2) and (3)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 5 – Register of Interests	Power to make a copy of the register of interests of each councillor available for inspection by the public at Council's public office and an extract of the register available on its website.	Delegation to the CEO
Section 295(4)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 5 – Register of Interests	Power where a register of interests for a councillor changes, to amend the copy and the extract to reflect the changes.	Delegation to the CEO
Section 296A(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 5 – Register of Interests	Power to ensure a register of interests kept under section 296A(1)(a) is available for inspection by the public at Council's public office for the period Council must keep the register.	Delegation to the CEO
Section 306(4)	Entity Power Given To: Local Government	Chapter 9 – Other Provisions Part 4 – Process for Resolving Administrative Action Complaints	Power to do all things specified in subsection (4) in relation to Council's complaints management process and administrative action complaints.	Delegation to the CEO
Section 307A(2)	Entity Power Given To: CEO	Chapter 9 – Other Provisions Part 5 – Other Provisions	Power, where the circumstances in subsection (1) apply, to keep a written record of the loss of an asset belonging to the local government.	Delegation to the CEO
Section 307A(3)	Entity Power Given To: CEO	Chapter 9 – Other Provisions Part 6 – Loss of Local Government Asset	Power where satisfied that a material loss is also a reportable loss, to notify the relevant entities listed in subsection (3) of the loss.	Delegation to the CEO
Section 364(1)	Entity Power Given To: Local Government	Chapter 20 Transitional provisions for Local Government Legislation Amendment Regulation (No. 1) 2020	Power to ensure that an extract of the register of interests for each councillor is made available for inspection under section 295 within 35 days after the commencement.	Delegation to the CEO
Schedule 4 Section 5	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to make a reasonable allocation of its administrative and overhead costs to each relevant activity, having regard to all of a local government's relevant activities.	Delegation to the CEO
Schedule 4 Section 6	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to ensure the terms on which the cost of resources is based are similar to the terms on which they are made available in conducting the relevant activity.	Delegation to the CEO
Schedule 4 Section 7	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to decide an amount for depreciation of an asset used in conducting a relevant activity that is appropriate in the circumstances.	Delegation to the CEO
Schedule 4 Section 8	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to work out tax equivalents for Commonwealth or State taxes Council is not liable to pay as a local government and keep details of the calculations.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Schedule 4 Section 9	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to take account of amounts equivalent to the cost of funds advantage obtained over commercial interest rates because of a State guarantee.	Delegation to the CEO
Schedule 4 Section 10	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.	Delegation to the CEO

**Schedule 2**

**Limitations to the Exercise of Power**

1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	Section 228(2)(b) - The local government: (a) decides, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders; and (b) records its reasons for making the resolution in the minutes of the meeting at which the resolution was made.

**Footnotes**

Sections 81(4), 82(2), 88(2) and 90(5)(b)	This section is only required where Council is levying differential general rates.
Sections 96(2) and 97(2)	This section is only required where Council is levying special rates or charges.
Subsections 235(a) and 235(b)	It is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in the respective subsection.
Subsections 236(1)(a) to 236(1)(e)	It is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in subsection 236(2).

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register - Work Health and Safety Act 2011 - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 10**

**Delegations Register – Work Health and Safety Act 2011 (WHS)**

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

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

**Schedule 1**

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
<b>Section 38(1)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 3 – Incident Notification	Power to notify the regulator immediately after becoming aware that a notifiable incident <del>arising out of the conduct of the business or undertaking</del> has occurred.	Delegation to the CEO
<b>Section 38(4)(b)</b>	<del>Entity Power Given To: Person who conducts a business or undertaking</del>	<del>Part 3 – Incident Notification</del>	<del>Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.</del>	Removed from the Register
<b>Section 47</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 - Consultation, Representation and Participation Division 2 - Consultation with Workers	Power to consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety.	Delegation to the CEO
<b>Section 51 - 54</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups	Power to facilitate the conduct of an election for 1 or more health and safety representatives to represent workers.	Delegation to the CEO
<b>Section 52(1)</b>	<del>Entity Power Given To: Person who conducts a business or undertaking</del>	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups</del>	<del>Power to negotiate and agree upon the work group.</del>	Removed from the Register
<b>Section 52(4)</b>	<del>Entity Power Given To: Person who conducts a business or undertaking</del>	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups</del>	<del>Power to negotiate a variation of the agreement upon a work group.</del>	Removed from the Register
<b>Section 53(1)</b>	<del>Entity Power Given To: Person who conducts a business or undertaking</del>	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups</del>	<del>Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.</del>	Removed from the Register
<b>Section 53(2)</b>	<del>Entity Power Given To: Person who conducts a business or undertaking</del>	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups</del>	<del>Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.</del>	Removed from the Register
<b>Section 54(1)</b>	Entity Power Given To: Any person who is or would be a party to negotiations	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 2 – Determination Of Work Groups	Power to ask the regulator to appoint an inspector for the purposes of this section.	Removed from the Register

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
<b>Section 55(3)</b>	Entity Power Given To: Parties to an agreement	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 3 – Multiple Business Work-Group</del>	<del>Power to negotiate a variation of the agreement.</del>	Removed from the Register
<b>Section 56(3)</b>	Entity Power Given To: Any party to the negotiations	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 3 – Multiple Business Work-Group</del>	<del>Power to ask the regulator to appoint an inspector.</del>	Removed from the Register
<b>Section 57(1)</b>	Entity Power Given To: Person who conducts a business or undertaking	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 3 – Multiple Business Work-Group</del>	<del>Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.</del>	Removed from the Register
<b>Section 57(2)</b>	Entity Power Given To: Person who conducts a business or undertaking	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 3 – Multiple Business Work-Group</del>	<del>Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.</del>	Removed from the Register
<b>Section 58(1)</b>	Entity Power Given To: A party to a negotiation for an agreement	<del>Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 3 – Multiple Business Work-Group</del>	<del>Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.</del>	Removed from the Register
<b>Section 65</b>	Entity Power Given To: Any person adversely affected	Part 5 – Consultation, Representation and Participation Division 3 - Health and Safety Representatives Subdivision 4 - Election of Health and Safety Representatives	Power to make an application to the commission to disqualify a health and safety representative.	Delegation to the CEO
<b>Section 70</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation and Participation Division 3 - Health and Safety Representatives Subdivision 4 - Election of Health and Safety Representatives	Power to comply with the general obligations of a person conducting a business or undertaking provided in section 70.	Delegation to the CEO
<b>Section 71(5)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.	Delegation to the CEO
<b>Section 71(7)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to refuse to grant access to information mentioned in section 70 (1)(c) relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.	Delegation to the CEO

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
<b>Section 71(8)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.	Removed from the Register
<b>Section 73(4)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to agree to apportion the costs.	Removed from the Register
<b>Section 73(2)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.	Removed from the Register
<b>Section 74</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 3 – Health And Safety Representatives Subdivision 6 – Obligations Of Person Conducting Business Or Undertaking To Health And Safety Representatives	Power to comply with subsections (a) to (c).	Delegation to the CEO
<b>Sections 75 - 78</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 4 – Health And Safety Committees	Power to establish a health and safety committee.	Delegation to the CEO
<b>Section 76(4)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 4 – Health And Safety Committees	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.	Removed from the Register
<b>Section 76(5)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 4 – Health And Safety Committees	Power to ask the regulator to appoint an inspector to decide the matter.	Removed from the Register
<b>Section 77(e)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 4 – Health And Safety Committees	Power to agree upon the functions of a health and safety committee.	Removed from the Register
<b>Section 80 - 81</b>	Entity Power Given To: A party to the issue	Part 5 – Consultation, Representation And Participation Division 5 – Issue Resolution	Power to resolve the issue in accordance with an agreed procedure or the default procedure.	Delegation to the CEO
<b>Section 82(2)</b>	Entity Power Given To: A party to the issue	Part 5 – Consultation, Representation And Participation Division 5 – Issue Resolution	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.	Delegation to the CEO
<b>Section 87</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 6 – Right To Cease Or Direct Cessation Of Unsafe Work	Power to direct the worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.	Delegation to the CEO

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
<b>Section 89</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 6 – Right To Cease Or Direct Cessation Of Unsafe Work	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising <del>in relation to the</del> from a cessation of work.	Delegation to the CEO
<b>Section 97A</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5 – Consultation, Representation And Participation Division 7 – Provisional Improvement Notices	Power to give a copy of the provisional improvement notice to the regulator.	Delegation to the CEO
<b>Section 102B(2)</b>	Entity Power Given To: Party to the dispute	Part 5 – Consultation, Representation And Participation Division 7A – Work Health and Safety Disputes	Power to give the industrial registrar notice of the dispute.	Delegation to the CEO
<b>Section 102G</b>	Entity Power Given To: A person dissatisfied with a decision made by the commission under this division	Part 5 – Consultation, Representation And Participation Division 7A – Work Health and Safety Disputes	Power to appeal a decision of the Commission given under <del>the</del> this <i>Industrial Relations Act 2016 Part 5, Division 7A</i> .	Delegation to the CEO
<b>Section 103A</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5A - Work Health and Safety Officers	Power to appoint a work health and safety officer for that business or undertaking.	Delegation to the CEO
<b>Section 103F</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 5A - Work Health and Safety Officers	Power to instruct a work health and safety officer to take reasonable action to eliminate or minimise risks to health and safety.	Delegation to the CEO
<b>Section 112</b>	Entity Power Given To: Eligible person	Part 6 - Discriminatory, Coercive and Misleading Conduct Division 3 - Civil Proceedings in Relation to Discriminatory or Coercive Conduct	Power to apply to the Magistrates Court for an order under section 112 about engaging in or inducing discriminatory or coercive conduct.	Delegation to the CEO
<b>Section 138</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 5 - WHS Entry Permits	Power to apply to the Commission to revoke a WHS entry permit.	Delegation to the CEO
<b>Section 140</b>	Entity Power Given To: A person dissatisfied with the decision	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 5 - WHS Entry Permits	Power to appeal a decision of the commission.	Delegation to the CEO
<b>Section 141</b>	Entity Power Given To: Party to the dispute	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Delegation to the CEO
<b>Section 141A</b>	Entity Power Given To: Receiver of a direction	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes Subdivision 1 - Role of Inspectors	Power, as receiver of a direction from the inspector under section 141A(2) to comply with it.	Delegation to the CEO
<b>Section 142(4)</b>	Entity Power Given To: Person who conducts a business or undertaking	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes Subdivision 2 - Role of Commission	Power to apply to the Commission for it to deal with the dispute.	Delegation to the CEO

Section of WHSA	Entity Power Given To	Title	Description	Recommendation
<b>Section 142A(4)</b>	Entity Power Given To: A person dissatisfied with a decision made by the commission under this division	Part 7 – Workplace Entry By WHS Entry Permit Holders Division 6 – Dealing With Disputes Subdivision 2 – Role of Commission	Power to appeal a decision of the Commission under the <del>Industrial Relations Act 2016</del> .	Delegation to the CEO
<b>Section 180</b>	Entity Power Given To: Person entitled to the thing	Part 9 - Securing Compliance Division 3 - Powers Relating to Entry Subdivision 4 - Specific Powers on Entry	Power to apply to the regulator for the return of a seized thing.	Delegation to the CEO
<b>Section 181</b>	Entity Power Given To: Owner of the thing	Part 9 - Securing Compliance Division 3 - Powers Relating to Entry Subdivision 4 - Specific Powers on Entry	Power to demand that the regulator allow the CEO to inspect a seized thing and if the seized thing is a document to make copies of it.	Delegation to the CEO
<b>Section 184</b>	Entity Power Given To: A person who incurs loss or expense	Part 9 - Securing Compliance Division 4 - Damage and Compensation	Power to claim compensation from the State.	Delegation to the CEO
<b>Section 216</b>	Entity Power Given To: A person in connection with a matter	Part 11 - Enforceable Undertakings	Power to make a written undertaking (a WHS undertaking) in connection with a matter relating to a contravention or alleged contravention of the Work Health and Safety Act.	Delegation to the CEO
<b>Section 221</b>	Entity Power Given To: A person who has made a WHS undertaking	Part 11 - Enforceable Undertakings	Power, as a person who has made a WHS undertaking, to at any time, with the agreement of the regulator, withdraw the undertaking or vary the undertaking.	Delegation to the CEO
<b>Section 224</b>	Entity Power Given To: A person in relation to a reviewable decision	Part 12 – Review Of Decisions Division 2 – Internal Review	Power to apply to the regulator for an internal review of the decision.	Delegation to the CEO
<b>Section 229</b>	Entity Power Given To: Eligible person	Part 12 – Review Of Decisions Division 3 – External Review	Power to apply to the external review body for review of a reviewable decision made by the regulator or a decision made, or taken to have been made, on an internal review. <del>an external review.</del>	Delegation to the CEO
<b>Section 229F</b>	Entity Power Given To: A person dissatisfied with the decision of the commission	Part 12 – Review Of Decisions Division 4 – Review by Commission	Power to appeal a decision of the commission.	Delegation to the CEO
<b>Sections 231(1) and (1A)</b>	Entity Power Given To: A person	Part 13 - Legal Proceedings Division 1 - General Matters	Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the WHS prosecutor that a prosecution be brought.	Delegation to the CEO
<b>Section 231(3)</b>	Entity Power Given To: A person	Part 13 - Legal Proceedings Division 1 - General Matters	Power to, in the circumstances provided in subsection (3), request the WHS prosecutor to refer the matter to the director of public prosecutions.	Delegation to the CEO



**Schedule 2**

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Planning Act 2016 - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 11**

**Delegations Register – Planning Act 2016 (PLAA)**

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

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

**Schedule 1**

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 10	Entity Power Given To: Person	Chapter 2 - Planning Part 2 - State Planning Instruments	Power to make submissions to the Minister about the making or amending of a State Planning instrument.	To Remain with Council
Sections 18, 20 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	Power to give notice of a proposed planning scheme or proposed amendment to the chief executive and follow the process for making or amending a planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 18, 20 and 26 and as required under a notice given by the chief executive or in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 18(1)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to propose to make or amend a planning scheme.	Removed from the Register
Section 18(2)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.	Removed from the Register
Section 18(3)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to consult with the Chief Executive about the process for making or amending the planning scheme.	Removed from the Register
Section 18(6)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to make or amend the planning scheme by following the process in the notice or amended notice.	Removed from the Register
Section 19	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for Council's local government area.	Delegation to the CEO
Section 19(1)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.	Removed from the Register
Section 20(2)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.	Removed from the Register
Sections 21 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to follow the process for the making or amending of an LGIP as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 21 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 21	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.	Removed from the Register
Sections 22 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to follow the process for the making or amending of a planning scheme policy as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 22 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 22(1)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to amend a planning scheme policy by following the process in the Minister's rules.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Sections 23 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to follow the process for the making or amending of a TLPI as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 23 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 23(4)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	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.	Removed from the Register
Section 23(2)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.	Removed from the Register
Section 24	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments	Power to follow the process for repealing a TLPI or planning scheme policy. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 24. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 24(5)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.	Removed from the Register
Sections 25 and 26	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making, Amending or Repealing Local Planning Instruments And Division 3 - State Powers for Local Planning Instruments	Power to review a planning scheme and a LGIP and follow the process for the review as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 25 and 26 and as required in the Minister's rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 25(1)(a)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to review planning scheme.	Removed from the Register
Section 25(1)(b)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to decide, based on that review, whether to amend or replace the planning scheme.	Removed from the Register
Section 25(2)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	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.	Removed from the Register
Section 25(3)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 2 – Making Or Amending Planning Schemes	Power to undertake an LGIP review.	Removed from the Register
Section 26(3)(c)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 3 – State Powers For Local Planning Instruments	Power to make a submission to the Minister about taking the action.	Removed from the Register
Section 26(4)(a)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 3 – State Powers For Local Planning Instruments	Power to take action in accordance with Minister's direction under a Notice.	Removed from the Register
Section 26(4)(b)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 3 – Local Planning Instruments Division 3 – State Powers For Local Planning Instruments	Power to take other action in accordance with Minister's direction.	Removed from the Register
Section 29	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 1 – Applying Superseded Planning Scheme	Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 29(4)(a)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 1 – Applying Superseded Planning Schemes	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.	Removed from the Register
Section 29(4)(b)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 1 – Applying Superseded Planning Schemes	Power to apply a superseded planning scheme to the carrying out of development that was accepted/development under the superseded planning scheme.	Removed from the Register
Section 29(6)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 1 – Applying Superseded Planning Schemes	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. <i>*See Limitations to the Exercise of Power</i>	Removed from the Register
Section 29(7)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 1 – Applying Superseded Planning Schemes	Power to give a decision notice to the person who made the superseded planning scheme request.	Removed from the Register
Section 30(5)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.	Removed from the Register
Sections 32 and 33	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	Power to decide a compensation claim. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 32 and 33.	To Remain with Council
Section 32(1)(a)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	Power to approve all or part of a compensation claim.	Removed from the Register
Section 32(1)(b)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	Power to refuse a compensation claim.	Removed from the Register
Section 32(1)(c)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.	Removed from the Register
Section 32(2)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 4 – Superseded Planning Schemes Division 2 – Compensation	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.	Removed from the Register
Sections 35, 36, 37 and 38	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 – Designation of Premises for Development of Infrastructure	Power to make or amend a designation and follow the process in the designation process rules. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 35, 36, 37, 38 and the designation process rules. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 35(1)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.	Removed from the Register
Section 35(2)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to include designation requirements about any of the matter contained in 35(2)(a)–(c).	Removed from the Register
Section 36(1)(a)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.	Removed from the Register
Section 36(1)(b)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.	Removed from the Register
Section 36(7)(e)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to make submission to a Designator in relation to making or amending a designation.	Removed from the Register
Section 38(1)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to— (a) consider properly made submissions; (b) decide to make or amend a designation; and (c) publish a gazette notice.	Removed from the Register
Section 37(4)	Entity Power Given To: Affected party	Chapter 2 – Planning Part 5 – Designation of Premises for Development of Infrastructure	Power to make submissions about the proposal to the Minister.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 39	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation of Premises For Development of Infrastructure	Power to extend the duration of a designation. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 39.	To Remain with Council
Section 39(2)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	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.	Removed from the Register
Section 39(4)	Entity Power Given To: Public Sector Entity	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to discontinue proceedings to resume designated premises.	Removed from the Register
Sections 40 and 41	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation of Premises for Development of Infrastructure	Power to repeal a designation made by Council. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 40 and 41.	To Remain with Council
Section 40(1)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to repeal a designation by publishing a gazette notice that states:– (a) that the designation is repealed; and (b) a description of the designated premises; and (c) the type of infrastructure for which the premises were designated; and (d) the reasons for the repeal.	Removed from the Register
Section 41(1)	Entity Power Given To: Owner of an interest in designated premises	Chapter 2 – Planning Part 5 – Designation of Premises for Development of Infrastructure	Power to request a designator to repeal a designation made by the designator on the basis that the designation is causing the owner hardship.	Delegation to the CEO
Section 41(4)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to– (a) repeal the designation; (b) decide to refuse the request; and (c) decide to take other action that designator considers appropriate in the circumstances.	Removed from the Register
Section 41(5)	Entity Power Given To: Designator	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to give a decision notice.	Removed from the Register
Section 42	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 – Designation of Premises for Development of Infrastructure	Power to include a note about the making, amendment, extension or repeal of a designation in Council's planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 42.	Delegation to the CEO
Section 42(2)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.	Removed from the Register
Section 42(4)	Entity Power Given To: Local Government	Chapter 2 – Planning Part 5 – Designation Of Premises For Development Of Infrastructure	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.	Removed from the Register
Section 45(5)(b)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.	Removed from the Register
Section 45(7)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power to consider amendment or replacement of a statutory instrument or other document before deciding a properly made application.	Removed from the Register
Section 45(8)	Entity Power Given To: Assessment manager	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power, where the circumstances of section 45(6) apply, to give the weight considered appropriate in the circumstances to the documents referenced in section 45(8).	To Remain with Council
Section 46	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power to give an exemption certificate for the development. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 46.	Delegation to the CEO
Section 46(2)(a)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power to give an exemption certificate for a development.	Removed from the Register
Section 46(3)(a)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 1 – Types Of Development And Assessment; and Part 3 - Assessing and Deciding Development Applications Division 1 - Referral Agency's Assessment; and Division 3 - Development Conditions; and Part 5 – Development Approvals Division 3 - Cancelling Development Approvals; and Division 4 - Lapsing of and Extending Development Approvals; and Part 6 - Minister's Powers Division 2 - Minister's Directions Subdivision 3 - Directions to Referral Agencies; and Part 7 - Miscellaneous	Power to act as a "referral agency" for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the Planning Act 2016.	Delegation to the CEO
Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109	Entity Power Given To: Assessment Manager	Chapter 3 - Development Assessment Part 2 - Development Applications Part 3 - Assessing and Deciding Development Applications Part 5 - Development Approvals Part 6 - Minister's Directions Part 7 - Miscellaneous	Power to act as the "assessment manager" for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the Planning Act 2016. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 48(3)(b)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 2 – Development Applications Division 1 – Introduction	Power to keep a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Delegation to the CEO
Section 48(3)(d)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 2 – Development Applications Division 1 – Introduction	Power to enter an agreement with a person on Council's list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Delegation to the CEO
Section 51(2)	Entity Power Given To: Owner of Premises	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to give owner's written consent to the making of the development application.	Delegation to the CEO
Section 51(4)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to be satisfied an application complies with subsections (1) to (3).	Removed from the Register
Section 51(4)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to be satisfied an application complies with subsection (2) and (3).	Removed from the Register
Section 51(4)(c)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).	Removed from the Register
Section 51(4)(d)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	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).	Removed from the Register
Section 51(5)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to accept a properly made application.	Removed from the Register
Section 52(3)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to assess and decide if a change is a minor change.	Removed from the Register
Section 53(3)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	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.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 53(4)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to consider submissions about a development application.	Removed from the Register
Section 53(4)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 2 – Development Applications Division 2 – Making Or Changing Applications	Power to give notice on behalf of an applicant to a referral agency for a fee.	Removed from the Register
Section 54(5)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.	Removed from the Register
Section 55(4)	Entity Power Given To: Assessment Manager; Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to assess the application as required under section 45, as if the agency were the assessment manager.	Removed from the Register
Section 55(2)(a)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to assess a development application against matters prescribed by the regulation.	Removed from the Register
Section 55(2)(b)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to have regard to matters prescribed by the regulation for the assessment.	Removed from the Register
Section 55(4)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	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.	Removed from the Register
Section 56(1)(a)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to decide to tell the assessment manager that the agency has no requirements for the application.	Removed from the Register
Section 56(1)(b)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to decide to direct the assessment manager to do any or all of the following: (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.	Removed from the Register
Section 56(1)(c)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to decide to direct the assessment manager to refuse the application for stated reasons.	Removed from the Register
Section 56(2)(a)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.	Removed from the Register
Section 56(2)(b)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to decide to direct the assessment manager to do any or all of the following: (i) to approve only some of the variations sought; (ii) subject to section 54(3), to approve different variations from those sought.	Removed from the Register
Section 56(2)(c)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency's Assessment	Power to decide to direct the assessment manager to refuse the variation request.	Removed from the Register



Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 56(3)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 1 – Referral Agency’s Assessment	Power to give advice about the application to the assessment manager.	Removed from the Register
Section 60(2)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.	Removed from the Register
Section 60(2)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 60(2)(c)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to impose development conditions on an approval. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 60(2)(d)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	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. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 60(3)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to approve all or part of the application. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 60(3)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to approve all or part of the application, but impose development conditions on the approval. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 60(3)(c)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to refuse the application. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 60(5)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit. *See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 61(3)(a)(i)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to approve all or some of the variations sought.	Removed from the Register
Section 61(3)(a)(ii)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to approve different variations from those sought.	Removed from the Register
Section 61(3)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to decide to refuse the variations sought.	Removed from the Register
Section 63(4)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to give a decision notice.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 63(4)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding- Development Applications Division 2 – Assessment Manager’s Decision	Power to publish a notice about the decision on the assessment managers website.	Removed from the Register
Section 64(6)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding- Development Applications Division 2 – Assessment Manager’s Decision	Power to give an applicant a decision notice which approves the application.	Removed from the Register
Section 64(6)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding- Development Applications Division 2 – Assessment Manager’s Decision	Power to give an applicant a decision notice which approves the application subject to development conditions.	Removed from the Register
Section 64(9)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding Development Applications Division 2 – Assessment Manager’s Decision	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	Delegation to the CEO
Section 67	Entity Power Given To: Assessment Manager Referral Agency	Chapter 3 – Development Assessment Part 3 – Assessing And Deciding- Development Applications Division 3 – Development Conditions	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.	Removed from the Register
Section 75(4)(b)(ii)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 1 – Changes During Appeal Period	Power to provide an applicant with a notice that they do not agree with the change representations. -See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 75(4)(b)(iii)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 1 – Changes During Appeal Period	Power to agree with an applicant to a longer period to make change representations. -See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 76(1)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 1 – Changes During Appeal Period	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. -See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 76(2)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 1 – Changes During Appeal Period	Power to give a negotiated decision notice.	Removed from the Register
Section 76(6)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 1 – Changes During Appeal Period	Power to give a replacement infrastructure charges notice to an applicant.	Removed from the Register
Section 78(3)(a)	Entity Power Given To: Referral Agency	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to consider change application.	Removed from the Register
Section 78(3)(c)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to consider change application.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 78(5)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to consider change application referred from Minister.	Removed from the Register
Sections 78A, 79, 80, 81, 81A, 81B, 82, 83, 93 and 100, 105, 107 & 109	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period; and Subdivision 3 - Notice of Decision; and Part 6 - Minister's Powers Division 2 - Minister's Directions Subdivision 1 - Directions Generally; and Subdivision 3 - Directions to Referral Agencies; and Division 3 - Minister's Call In; and Part 7 - Miscellaneous	Power to act as a "responsible entity" for all change applications received by Council as a responsible entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 78A, 79, 80, 81, 81A, 81B, 82, 83, 93, 100, 105, 107 and 109 of the Planning Act 2016.	Delegation to the CEO
Section 79(2)(a)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to be satisfied that an application complies with subsections (1) and (1A).	Removed from the Register
Section 79(2)(b)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to be satisfied the application complies with subsection (1A).	Removed from the Register
Section 79(2)(c)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).	Removed from the Register
Section 79(2)(d)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	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).	Removed from the Register
Section 80	Entity Power Given To: Affected Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to act as an "affected entity" for all change applications received by Council as an affected entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an affected entity and consider all matters as detailed in section 80 of the Planning Act 2016.	Delegation to the CEO
Section 80(3)	Entity Power Given To: Affected Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	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.	Removed from the Register
Section 80(5)(a)	Entity Power Given To: Affected Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.	Removed from the Register
Section 80(5)(b)	Entity Power Given To: Affected Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	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.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 81(3)(a)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to assess against, or have regard to, the matters that applied when the development application was made.	Removed from the Register
Section 81(3)(b)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to assess against, or have regard to, the matters that applied when the change application was made.	Removed from the Register
Section 81(4)(a)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to make the change, with or without imposing development conditions, or amending development conditions, relating to the change.	Removed from the Register
Section 81(4)(b)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to refuse to make the change.	Removed from the Register
Section 81(7)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to agree with applicant to an extension of time for deciding a minor change application.	Removed from the Register
Section 82A	Entity Power Given To: Additional referral agency	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 2 – Changes After Appeal Period	Power to act as an "additional referral agency" for a change application where section 82A applies. For the avoidance of doubt, the power delegated includes the power to take all actions of an additional referral agency and consider all matters as detailed in section 82A of the Planning Act 2016.	Delegation to the CEO
Section 83(f)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 3 – Notice Of Decision	Power to give a decision notice.	Removed from the Register
Section 83(2)	Entity Power Given To: Responsible Entity	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 2 – Changing Development Approvals Subdivision 3 – Notice Of Decision	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.	Removed from the Register
Section 84(3)(b)(i)	Entity Power Given To: Owner of land	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 3 – Cancelling Development Approvals	Power to give written consent to the cancellation application.	Delegation to the CEO
Section 84(3)(b)(iii)	Entity Power Given To: Public utility	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 3 – Cancelling Development Approvals	Power to give written consent to the cancellation application.	Delegation to the CEO
Section 84(4)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 3 – Cancelling Development Approvals	Power to cancel the development approval and give notice of the cancellation.	Removed from the Register
Section 86(2A)	Entity Power Given To: Owner of land	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to give written consent to the extension application.	Delegation to the CEO
Section 86(3)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to be satisfied that an application complies with subsections (2) and (2A).	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 86(3)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.	Removed from the Register
Section 86(3)(c)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to accept an application that does not comply with subsection (2)(a).	Removed from the Register
Section 86(3)(d)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	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).	Removed from the Register
Section 87(4)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.	Removed from the Register
Section 87(2)(a)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to decide whether to give or refuse the extension sought. <sup>1</sup> See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 87(2)(b)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to extend the currency period for a period that is different from the extension sought. <sup>1</sup> See <i>Limitations to the Exercise of Power</i>	Removed from the Register
Section 87(3)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	Power to agree to extend the 20 business day period.	Removed from the Register
Section 88(3)	Entity Power Given To: Assessment Manager	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 4 – Lapsing Of And Extending Development Approvals	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.	Removed from the Register
Section 89	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 5 – Noting Development Approvals On Planning Schemes	Power to note an approval referred to in subsection (1) on Council's planning scheme and give notice of the approval to the chief executive.	Delegation to the CEO
Section 89(1)(a)	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 5 – Development Approvals Division 5 – Noting Development Approvals On Planning Schemes	Power to consider whether a development approval is substantially inconsistent with its planning scheme.	Removed from the Register
Section 93(2)	Entity Power Given To: Recipient	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 2 – Minister's Direction Subdivision 1 - Directons Generally	Power to comply with a direction given by the Minister.	Delegation to the CEO
Section 102	Entity Power Given To: Local Government	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 3 – Minister's Call In	Power to make submissions in response to a proposed call in notice received by Council.	To Remain with Council
Section 102(2)	Entity Power Given To: Person	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 3 – Minister's Call In	Power to make representations about the proposed call in notice.	Removed from the Register
Section 105(3)	Entity Power Given To: Decision-maker	Chapter 3 – Development Assessment Part 6 – Minister's Powers Division 3 – Minister's Call In	Power to give the Minister reasonable help.	Delegation to the CEO
Section 100(a)	Entity Power Given To: Assessment Manager or Referral Agency or Responsible Entity	Chapter 3 – Development Assessment Part 7 – Miscellaneous	Power to refund all or part of a required fee.	Removed from the Register
Section 100(b)	Entity Power Given To: Assessment Manager or Referral Agency or Responsible Entity	Chapter 3 – Development Assessment Part 7 – Miscellaneous	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 115(2)	Entity Power Given To: Participating Local Government for a distribution-retailer	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 2 – Charges Resolutions	Power to enter a breakup agreement about the charges breakup and publish a copy of the agreement on the local government's website.	Delegation to the CEO
Section 118	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 2 – Charges Resolutions	Power to carry out the steps required after making a charges resolution.	Delegation to the CEO
Sections 119, 120, 121 and 129	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 3 – Levying Charges And Division 3 - Development Approval Conditions About Trunk Infrastructure Subdivision 1 - Conditions for Necessary Trunk Infrastructure	Power to give an infrastructure charges notice. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 119, 120, 121 and 129.	Delegation to the CEO
Section 119(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 3 – Levying Charges	Power to give an infrastructure charges notice.	Removed from the Register
Section 119(6)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 3 – Levying Charges	Power to give an applicant an amended infrastructure charges notice.	Removed from the Register
Section 123	Entity Power Given To: Local Government that gave an infrastructure charges notice	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 4 – Payment	Power to agree with the recipient about: a) whether the levied charge may be paid other than as required under section 122, including whether it may be paid by instalments; and/or b) whether infrastructure may be provided instead of paying all or part of the levied charge.	Delegation to the CEO
Section 123(1)(a)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 4 – Payment	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.	Removed from the Register
Section 123(1)(b)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 4 – Payment	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.	Removed from the Register
Section 125	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Charges For Trunk Infrastructure Subdivision 5 – Changing Charges During Relevant Appeal Period	Power to consider representations made on an infrastructure charges notice and, issue a negotiated notice or give a decision notice.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 125(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Changes For Trunk Infrastructure Subdivision 5 – Changing Charges During Relevant Appeal Period	Power to consider representations.	Removed from the Register
Section 125(3)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 2 – Changes For Trunk Infrastructure Subdivision 5 – Changing Charges During Relevant Appeal Period	Power to give a negotiated notice to the recipient-	Removed from the Register
Section 128(1)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 1 – Conditions For Necessary Trunk Infrastructure	Power, as a local government with a LGIP that identifies adequate trunk infrastructure to service the subject premises, to impose a development condition requiring either or both of the following to be provided at a stated time: a) the identified infrastructure; and/or b) different trunk infrastructure delivering the same desired standard of service.	Delegation to the CEO
Section 128(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 1 – Conditions For Necessary Trunk Infrastructure	Power, as a local government with a LGIP that does not identify adequate trunk infrastructure to service the subject premises, to impose a development condition requiring development infrastructure necessary to service the premises to be provided at a stated time.	Delegation to the CEO
Sections 130, 131, 132, 133, 134 and 135	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	Power to impose an extra payment condition. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 130, 131, 132, 133, 134 and 135. *See Footnote	Delegation to the CEO
Section 130(1)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.	Removed from the Register
Section 130(1)(a)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	Power to decide if the development- (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.	Removed from the Register
Section 130(1)(b)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	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- (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.	Removed from the Register
Section 131(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	Power to agree to an alternative payment time-	Removed from the Register

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 135(3)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 2 – Conditions For Extra Trunk Infrastructure Costs	Power to make an agreement with a payer in relation to a refund.	Removed from the Register
Section 137	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 3 – Development Approval Conditions About Trunk Infrastructure Subdivision 3 – Working Out Cost for Required Offset or Refund	Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	Delegation to the CEO
Sections 140, 141 & 142	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 1 – Conversion Of Particular Non-Trunk Infrastructure Before Construction Starts	Power to consider and decide a conversion application. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 140, 141 and 142.	Delegation to the CEO
Section 140(1)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 1 – Conversion Of Particular Non-Trunk Infrastructure Before Construction Starts	Power to consider and decide the conversion application.	Removed from the Register
Section 140(3)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 1 – Conversion Of Particular Non-Trunk Infrastructure Before Construction Starts	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.	Removed from the Register
Section 142(3)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 1 – Conversion Of Particular Non-Trunk Infrastructure Before Construction Starts	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.	Removed from the Register
Section 144(2)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 4 – Miscellaneous Provisions About Trunk Infrastructure Subdivision 2 – Other Provisions	Power to make an agreement with an applicant in relation to that a levied charge, for the purpose of its recovery, is not taken to be rates.	Delegation to the CEO
Section 145	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 2 – Provisions For Local Governments Division 5 – Non-Trunk Infrastructure	Power to impose a development condition about non-trunk infrastructure.	Delegation to the CEO
Section 149	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 3 – Provisions For State Infrastructure Providers	Power in the circumstances referred to in subsection (1) to: (a) pay the amount of the levied charge to the State infrastructure provider; and (b) agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.	Delegation to the CEO
Section 149(2)(b)	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 3 – Provisions For State Infrastructure Providers	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.	Removed from the Register
Chapter 4, Part 4	Entity Power Given To: Local Government	Chapter 4 – Infrastructure Part 4 – Infrastructure Agreements	Power to enter an infrastructure agreement. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in Chapter 4, Part 4.	Delegation to the CEO



Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 151(2)	Entity Power Given To: Public Sector-Entity	Chapter 4 – Infrastructure Part 4 – Infrastructure Agreements	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.	Removed from the Register
Section 158(1)(a)	Entity Power Given To: Public Sector-Entity	Chapter 4 – Infrastructure Part 4 – Infrastructure Agreements	Power to enter into an agreement with a person about providing or funding infrastructure.	Removed from the Register
Section 158(1)(b)	Entity Power Given To: Public Sector-Entity	Chapter 4 – Infrastructure Part 4 – Infrastructure Agreements	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.	Removed from the Register
Section 167	Entity Power Given To: Enforcement authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give a show cause notice.	Delegation to the CEO
Section 167(1)(a)	Entity Power Given To: Enforcement authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to form reasonable belief that a person has committed, or is committing, a development offence.	Removed from the Register
Section 167(1)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to consider giving an enforcement notice for an offence to a person.	Removed from the Register
Section 167(2)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give a show cause notice.	Removed from the Register
Section 167(4)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give an enforcement notice to a person if it still considers it appropriate to do so.	Removed from the Register
Section 167(5)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.	Removed from the Register
Section 168(1)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	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.	Delegation to the CEO
Section 168(4)(a)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.	Removed from the Register
Section 168(4)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	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.	Removed from the Register
Section 168(4)(c)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	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.	Removed from the Register
Section 169(2)(a)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to consult with a private certifier about the before giving of an enforcement notice.	Delegation to the CEO
Section 169(3)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to form a reasonable belief the works for which the enforcement notice is to be given, are dangerous.	Removed from the Register
Section 169(5)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to carry out consultation in the way the enforcement authority considers appropriate.	Removed from the Register
Section 170	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 3 – Enforcement Notices	Power to give notice of the giving or withdrawal of an enforcement notice to the chief executive.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 174(4)	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 4 – Proceedings for Offences in Magistrates Court	Power to bring offence proceedings <del>for an offence against the Act.</del>	Delegation to the CEO
Section 175(1)(a)	Entity Power Given To: Representative Person	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	<del>With consent, Power to consent to bring offence proceedings in a representative capacity being brought on behalf of a body of persons or a corporation.</del>	Delegation to the CEO
Section 175(1)(b)	Entity Power Given To: Representative Person	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	<del>With consent, power to bring offence proceedings on behalf of an individual.</del>	Removed from the Register
Section 176(10)(a)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	Power to: (a) take action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the defendant.	Delegation to the CEO
Section 176(10)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	<del>Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.</del>	Removed from the Register
Section 178(1)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 4 – Offence Proceedings In Magistrates Court	<del>Power, in an offence proceeding, to apply to a Magistrate for an order for the payment of the expenses.</del>	Delegation to the CEO
Section 180(4)	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	Power to start proceedings in the P&E Court for an enforcement order.	Delegation to the CEO
Section 180(11)	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	<del>Power to apply to the P&amp;E Court for a compliance order.</del>	Removed from the Register
Section 180(13)(a)	Entity Power Given To: Enforcement authority	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	Power to: (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the respondent.	Delegation to the CEO
Section 180(13)(b)	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	<del>Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.</del>	Removed from the Register
Section 181(4)	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 5 – Enforcement Orders In P&E Court	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	Delegation to the CEO
Section 214	Entity Power Given To: Enforcement Authority	Chapter 5 – Offences And Enforcement Part 8 - Other Inspectors' Powers and Related Matters Division 3 - Disposal Orders	Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	Delegation to the CEO
Section 221	Entity Power Given To: Person	Chapter 5 – Offences And Enforcement Part 8 - Other Inspectors' Powers and Related Matters Division 6 - Compensation for Loss	Power to make a claim for compensation from the State where Council incurs loss because of the exercise, or purported exercise, of a power by or for an inspector.	Delegation to the CEO
Section 229(2) & 230	Entity Power Given To: Appellant	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power to start an appeal <del>within the appeal period.</del>	To Remain with Council
Section 229(4)	Entity Power Given To: Respondent or co-respondent	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power to be heard in an appeal.	Delegation to the CEO
Section 229(5)	Entity Power Given To: Assessment Manager	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power, where an appeal is only about a referral agency's response, to apply to the tribunal or the P&E court to withdraw from the appeal .	To Remain with Council
Section 230(6)	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 1 – Appeal Rights	Power to elect to be a co-respondent in an appeal.	Delegation to the CEO
Section 239(1), 240 & 241	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 2 – Applications For Declaration	Power to start proceedings for a declaration by a tribunal <del>by filing an application, in the approved form, with the registrar.</del> For avoidance of doubt, the power delegated includes the power to take all actions detailed in sections 239(1), 240 and 241.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 240(1)	Entity Power Given To: Assessment Manager	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 2 – Applications For Declaration	Power to start proceedings for a declaration about whether a development application is properly made.	Removed from the Register
Section 241(2)	Entity Power Given To: Responsible Entity	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 2 – Applications For Declaration	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.	Removed from the Register
Section 246(2)	Entity Power Given To: Person	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to give the registrar information that the registrar reasonably requires for the proceedings.	Delegation to the CEO
Section 248	Entity Power Given To: Party to tribunal proceeding	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to appear as a party to a tribunal proceeding.	Delegation to the CEO
Section 249	Entity Power Given To: Party to tribunal proceeding	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to make submissions to the tribunal.	Delegation to the CEO
Section 257	Entity Power Given To: Party to tribunal proceeding	Chapter 6 – Dispute Resolution Part 2 – Development Tribunal Division 3 – Tribunal Proceedings for Appeals and Declaration	Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	Delegation to the CEO
Section 263(1)(a)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 2 – Taking Or Purchasing Land For Planning Purposes	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.	Removed from the Register
Section 263(1)(b)(i)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 2 – Taking Or Purchasing Land For Planning Purposes	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.	Removed from the Register
Section 263(1)(b)(ii)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 2 – Taking Or Purchasing Land For Planning Purposes	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.	Removed from the Register
Section 263(1)(b)(iii)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 2 – Taking Or Purchasing Land For Planning Purposes	Power to be satisfied that the action is necessary for the development.	Removed from the Register
Section 263(3)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 2 – Taking Or Purchasing Land For Planning Purposes	In certain circumstances, power to take or purchase land under the Acquisition Act.	Removed from the Register
Section 264(1)(a)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Planning And Development Certificates	Power to keep or keep publically available documents including registers relating to local government functions as prescribed in the regulation.	Removed from the Register
Section 264(2)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Planning And Development Certificates	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.	Removed from the Register
Section 264(5)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Planning And Development Certificates	Power to allow a person to inspect or obtain a copy of a document prescribed in the regulation.	Removed from the Register
Section 264(6)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Planning And Development Certificates	Power to decide if a document or information in a document prescribed under the regulation is not disclosable.	Removed from the Register
Section 265	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Public Access to Documents	Power to give an applicant the planning and development certificate applied for.	Delegation to the CEO
Section 265(3)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 3 – Planning And Development Certificates	Power to give a limited, standard or full planning and development certificate for premises.	Removed from the Register
Section 267(13)	Entity Power Given To: Local Government	Chapter 7 – Miscellaneous Part 4 – Urban Encroachment	Power to note the registration of premises on Council's planning scheme.	Delegation to the CEO

Section of PLAA	Entity Power Given To	Title	Description	Recommendation
Section 270	Entity Power Given To: Owner of premises in an affected area	Chapter 7 – Miscellaneous Part 4 – Urban Encroachment	Power before entering into a lease of the premises with a person, to give a notice that states: (a) the premises are in an affected area; and (b) that restrictions may apply to the person in taking proceedings about emissions from registered premises in the affected area.	Delegation to the CEO
Section 275B	Entity Power Given To: Person	Chapter 7 – Miscellaneous Part 4 – Urban Encroachment	Power to serve a document and give a copy of the document as permitted by section 275B.	Delegation to the CEO
Section 293(5)	Entity Power Given To: Local Government	Chapter 8 – Repeal, Transitional and Validation Provisions Part 2 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 3 – Planning	Power to make an amendment of a type specified in subsection (1) by following the process set out in the rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in the rules. <i>*See Limitations to the Exercise of Power</i>	To Remain with Council
Section 304(4)(a)	Entity Power Given To: Local Government	Chapter 8 – Transitional Provisions And Repeal Part 1 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 5 – Infrastructure	Power to adopt charges under section 113.	Removed from the Register
Section 304(4)(b)	Entity Power Given To: Local Government	Chapter 8 – Transitional Provisions And Repeal Part 1 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 5 – Infrastructure	Power to give an infrastructure charges notice under section 119.	Removed from the Register
Section 304(4)(c)	Entity Power Given To: Local Government	Chapter 8 – Transitional Provisions And Repeal Part 1 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 5 – Infrastructure	Power to impose conditions about trunk infrastructure under section 128 or 130.	Removed from the Register
Section 312	Entity Power Given To: Person	Chapter 8 – Transitional Provisions And Repeal Part 1 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 6 – Enforcement And Dispute Resolution	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.	Removed from the Register
Section 314(6)	Entity Power Given To: Local Government	Chapter 8 – Transitional Provisions And Repeal Part 1 – Transitional Provisions For The Repeal Of Sustainable Planning Act 2009 Division 7 – Miscellaneous	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).	Removed from the Register
Section 324B(5)	Entity Power Given To: Responsible Entity	Chapter 8 – Transitional Provisions And Repeal Part 1A – Transitional and Saving Provisions for Waste Reduction and Recycling Amendment Act 2017	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.	Removed from the Register
Section 324C(5)	Entity Power Given To: Assessment Manager	Chapter 8 – Transitional Provisions And Repeal Part 1A – Transitional and Saving Provisions for Waste Reduction and Recycling Amendment Act 2017	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.	Removed from the Register

## Schedule 2

Limitations to the Exercise of Power	
1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	Sections 18, 20 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
8	Sections 21 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
9	Sections 22 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
10	Sections 23 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
11	Section 24 - This delegation does not include the power to decide to repeal the TLPI or planning scheme policy which is required to be exercised by Council pursuant to a resolution of Council (see subsection (1)).
12	Sections 25 and 26 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
13	Section 29(6) of the Planning Act 2016 must not be exercised if: (a) there is a conflict between proposed use and the superseded scheme zoning intent; or (b) compensation issues would arise from the superseded development application, in which case the power must be undertaken by Council.
14	Sections 35, 36, 37 and 38 - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
15	Section 60(2)(a), 60(2)(b), 60(2)(c), 60(2)(d), 60(3)(a), 60(3)(b) and 60(5), of the Planning Act 2016 must not be exercised if: (a) the application was impact assessable and there were submissions; (b) the application is a <b>planning development application</b> being recommended for refusal; or (c) the proposed development is inconsistent with the intent of the zone, in which case the power must be undertaken by Council.
16	Section 60(3)(c) – operational work, reconfiguring a lot and material change of use applications must be decided by Council.
17	Sections 75(4)(b)(i) and 75(4)(b)(ii) of the Planning Act 2016 must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.
18	Section 76(4) of the Planning Act 2016 must not be exercised if the original application was decided by Council in which case the power must be undertaken by Council.
19	Sections 87(2)(a) and 87(2)(b) of the Planning Act 2016 must not be exercised if the decision is to refuse the extension sought in which case the power must be undertaken by Council.
20	Section 293(5) - This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Footnotes	
Section 130, 131, 132, 133, 134, and 135	Refunds must be in accordance with the Refund, Exemption and Reduction of Fees and Charges Policy.

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Planning Regulation 2017 - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 12**

### Delegations Register – Planning Regulation 2017 (PLAR)

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

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

#### Schedule 1

Section of PLAR	Entity Power Given To	Title	Description	Recommendation
Section 12(b)	Entity Power Given To: Local Government	Part 2 – Planning Division 3 – Superseded planning schemes	Power to <del>request an extension to the decision-making period specific mentioned in subparagraph (a).</del>	Delegation to the CEO
Section 10(1)	Entity Power Given To: Local Government	Schedule 11 – Assessment Benchmarks for Development in Koala Habitat	Power to make a requested decision.	Not relevant to Council
Section 10(2)	Entity Power Given To: Local Government	Schedule 11 – Assessment Benchmarks for Development in Koala Habitat	Power to give a notice of a requested decision.	Not relevant to Council
Section 10(3)	Entity Power Given To: Local Government	Schedule 11 – Assessment Benchmarks for Development in Koala Habitat	Power to decide not to make a requested decision and power to give notice of the decision.	Not relevant to Council
Section 3(1)	Entity Power Given To: Local Government	Schedule 18 – Approving Plans of Subdivision	Power, <del>where the request complies with the criteria stated in section 2,</del> to approve the request <del>where-compliant-with-section-2.</del>	Delegation to the CEO
Section 3(2)	Entity Power Given To: Local Government	Schedule 18 – Approving Plans of Subdivision	Power to give notice of the approval to <del>the person making the request.</del>	Delegation to the CEO
Section 1(4)	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power to keep documents <del>listed in subsection 1 available prescribed therein</del> for inspection and purchase.	Delegation to the CEO
Section 2(4)	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power to keep documents <del>listed in subsection 1-prescribed therein</del> available for inspection only.	Delegation to the CEO
Section 3(4) <sup>2</sup>	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power to publish the documents <del>listed in subsections (1) and (4)</del> on the Council's website.	Delegation to the CEO
Section 3A	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power, in the circumstances prescribed in Schedule 22, Section 3A, to publish the documents listed in subsections (2), (4) and (5) on Council's website.	Delegation to the CEO
Section 3B	Entity Power Given To: Local Government	Schedule 22 – Publically Accessible Documents	Power, in the circumstance prescribed in Schedule 22, Section 3B(1), to keep available for inspection and purchase a document that includes the trunk infrastructure information the local government publishes on its website from time to time under section 3A(4) or (5).	Delegation to the CEO
Section 5(4)	Entity Power Given To: Assessment Manager	Schedule 22 – Publically Accessible Documents	Power to keep the documents <del>listed in subsections (1) and (2) available prescribed therein</del> for inspection and purchase.	Delegation to the CEO
Section 6(4)	Entity Power Given To: Assessment Manager	Schedule 22 – Publically Accessible Documents	Power to keep the documents <del>listed in subsection (1) prescribed therein</del> available for inspection only.	Delegation to the CEO
Section 7(4)	Entity Power Given To: Assessment Manager	Schedule 22 – Publically Accessible Documents	Power to publish the documents <del>listed in subsections (1) and (4)</del> on Council's website.	Delegation to the CEO
Section 8(4)	Entity Power Given To: Local Government as a referral agency	Schedule 22 – Publically Accessible Documents	Power to keep documents <del>listed in subsections (a) to (d) available prescribed therein</del> for inspection and purchase.	Delegation to the CEO
Section 9(4)	Entity Power Given To: Local Government as a referral agency	Schedule 22 – Publically Accessible Documents	Power to keep a register for all development applications and change applications given to the referral agency under section 54 of the Act and to make it <del>documents-prescribed therein</del> available for inspection only.	Delegation to the CEO
Section 10(4) <sup>2</sup>	Entity Power Given To: Local Government as a referral agency	Schedule 22 – Publically Accessible Documents	Power to publish the documents <del>listed in subsections (a) to (d)</del> on Council's website.	Delegation to the CEO

#### Schedule 2

Limitations to the Exercise of Power	
1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).

4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.



# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegation Register – Planning Act 2016 - Development Assessment Rules - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 13**

### Delegations Register – Development Assessment Rules under the Planning Act 2016 {DEAR}

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

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

#### Schedule 1

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
<b>Rule Section 1.12</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 1 Properly Made Application	Power to determine if the application is a properly made application.	Delegation to the CEO
<b>Rule 2.2</b>	<del>Entity Power Given To: Assessment Manager</del>	<del>Part 1 – Application</del>	<del>Power to give a confirmation notice.</del>	Removed from the Register
<b>Section 2.3</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 2 Confirmation	Power to give a confirmation notice.	Delegation to the CEO
<b>Rule Section 3.1</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to give an action notice.	Delegation to the CEO
<b>Section 3.2</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to agree to a further period for the applicant to comply with all actions in the action notice and give notice to the assessment manager that it has complied.	Delegation to the CEO
<b>Section 3.4</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to give a confirmation notice if the applicant has complied with the action notice.	Delegation to the CEO
<b>Section 3.5</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to accept the application as a properly made application after giving an action notice.	Delegation to the CEO
<b>Section 3.6(b)</b>	Entity Power Given To: Assessment Manager	Part 1 – Application 3 If the Application is Not Properly Made	Power to agree on a further period for giving a confirmation notice.	Delegation to the CEO
<b>Section 5.1</b>	Entity Power Given To: Assessment Manager	Part 2 – Referral 5 Referral of Application	Power to agree to a further period for the applicant to give a copy of the application to a referral agency.	Delegation to the CEO
<b>Rule Section 6.2</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 6 Properly Referred Application	Power to determine if the application is a properly made referred application.	Delegation to the CEO
<b>Rule Section 7.1</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 7 Referral Confirmation Notice	Power to give a referral confirmation notice.	Delegation to the CEO
<b>Rule Section 8.1(a)</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to give the applicant an action notice.	Delegation to the CEO
<b>Section 8.1(b)</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to give a copy of the action notice to the assessment manager.	Delegation to the CEO
<b>Section 8.2</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to agree to a further period for the applicant to comply with all the actions in the action notice.	Delegation to the CEO
<b>Section 8.2(b)</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power where the applicant has complied with all the actions in the action notice, to give a referral confirmation notice to the applicant and a copy to the assessment manager.	Delegation to the CEO
<b>Section 8.3(b)</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 8 If the Application is not a Properly Referred Application	Power to give the assessment manager notice that the application is taken to have not been referred.	Delegation to the CEO
<b>Rule Section 9.2(a) and (b)</b>	Entity Power Given To: Referral Agency	Part 2 – Referral 9 Referral agency's assessment	Power to give agree to a further period for the a-referral agency assessment period response.	Delegation to the CEO
<b>Section 11.2</b>	Entity Power Given To: Assessing Authority	Part 3: Information Request 11 When Part 3 Does Not Apply	Power to agree to receive further information from the applicant during the development assessment process.	Delegation to the CEO

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
<b>Rule Section 12.1</b>	Entity Power Given To: Assessment Authority	Part 3 – Information Request 12 Making an Information Request	Power to make an information request.	Delegation to the CEO
<b>Section 12.2</b>	Entity Power Given To: Assessment Manager	Part 3 – Information Request 12 Making an Information Request	Power to agree to a further period in which to make the information request.	Delegation to the CEO
<b>Section 12.4</b>	Entity Power Given To: Referral Agency	Part 3 – Information Request 12 Making an Information Request	Power to agree to a further period in which to make the information request.	Delegation to the CEO
<b>Rule Section 12.5</b>	Entity Power Given To: Assessment Authority	Part 3 – Information Request 12 Making an Information Request	Power to give the applicant advice about an information request or any other matter, including how the applicant may change the application.	Delegation to the CEO
<b>Section 13.1</b>	Entity Power Given To: Assessing Authority	Part 3 – Information Request 13 Applicant's Response	Power to agree to a further period for the applicant to respond to the information request.	Delegation to the CEO
<b>Rule Section 17.1, 17.3 and 17.4</b>	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 17 Public Notice Requirements	Power, as an assessment manager acting under section 53(10) of the Act to comply with the to publish, place or give a public notice requirements pursuant to section 53(10) of the PA.	Delegation to the CEO
<b>Section 18.1</b>	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 18 Notice of Compliance	Power to agree to a further period for the applicant to give notice of compliance with the public notice requirements.	Delegation to the CEO
<b>Rule Section 19.1</b>	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 19 Submissions	Power to accept properly made submissions and not properly made submissions.	Delegation to the CEO
<b>Section 19.3</b>	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 19 Submissions	Power to agree to a further period to consider the submissions.	Delegation to the CEO
<b>Section 22.1(a)</b>	Entity Power Given To: Assessment Manager	Part 4 – Public Notification 22 Decision Period – Generally	Power to agree to a further period to assess and decide the application.	Delegation to the CEO
<b>Rule 22.2</b>	Entity Power Given To: Assessment Manager	Part 5 – Decision	Power to give a copy of a decision notice to each principal submitter.	Removed from the Register
<b>Rule 23.1</b>	Entity Power Given To: Assessment Manager	Part 5 – Decision	Power to receive a notice from a concurrence agency.	Removed from the Register
<b>Section 25.1</b>	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 25 Giving Notice of a Changed Application	Power to: (a) give a copy of the notice to each of a changed application to a referral agency for the original application and any other referral agency required to be given referral; and (b) advise each referral agency, with a copy to the applicant, of the effect of the change on the development assessment process.	Delegation to the CEO
<b>Section 26.1</b>	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to determine whether the change:- (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request for the application; or (c) is in response to further advice provided by an assessing authority about the application.	Delegation to the CEO
<b>Section 26.2(a)(i)</b>	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to give the applicant a confirmation notice where part 4 applies to the effect of receipt of a changed application and part 4 did not apply to the original application.	Delegation to the CEO
<b>Section 26.2(b)</b>	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to determine whether the change:- (a) would be likely to attract a submission objecting to the thing comprising the change if public notification were to apply to the change; (b) only addresses a matter raised in a properly made submission.	Delegation to the CEO

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
Section 26.2(c)	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power to give notice to the applicant that public notification is required under section 26.2(b) and that it must be carried out in accordance with section 16.4 with respect to the changed application.	Delegation to the CEO
Section 26.3	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses	Power to refer a changed application to a referral agency.	Removed from the Register
Section 26.5	Entity Power Given To: Referral Agency	Part 6 – Changes to the Application and Referral Agency Responses 26 Effect of a Change that is About a Matter Raised in a Submission, Information Request or Further Advice	Power despite section 11.1, to make an information request as a result of a referral under section 26.	Delegation to the CEO
Section 27.2	Entity Power Given To: Assessing Authority	Part 6 – Changes to the Application and Referral Agency Responses 27 Effect of Other Changes	Power despite section 11.1, to make an information request about the change.	Delegation to the CEO
Section 27.3	Entity Power Given To: Assessment Manager	Part 6 – Changes to the Application and Referral Agency Responses 27 Effect of Other Changes	Power to determine whether the change would be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.	Delegation to the CEO
Section 28.1	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses 28 Concurrence Agency Changes its Response or Gives a Late Response	Power after the referral agency assessment period and any further periods has ended, to change its referral agency response or give a late referral agency response to any changed before the application is decided.	Delegation to the CEO
Section 28.3	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.	Removed from the Register
Section 28.4(a)	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses 28 Concurrence Agency Changes its Response or Gives a Late Response	Power to give an amended notice of its intention to change its referral agency response to the assessment manager and the applicant.	Delegation to the CEO
Section 28.4(b)	Entity Power Given To: Concurrence Agency	Part 6 – Changes to the Application and Referral Agency Responses 28 Concurrence Agency Changes its Response or Gives a Late Response	Power to agree to a further period for the giving of an amended referral agency response.	Delegation to the CEO
Section 29.2	Entity Power Given To: A Party to the Application	Part 7 – Miscellaneous 29 Missed Referral Agency	Power to give notice to each other party that the applicant has not referred the application in accordance with section 54(1) of the Act.	Delegation to the CEO
Section 29.6	Entity Power Given To: Referral Agency	Part 7 – Miscellaneous 29 Missed Referral Agency	Power despite section 11.1, to make an information request as a result of a referral under section 29 with respect to a missed referral agency application.	Delegation to the CEO
Section 33.1	Entity Power Given To: A Party who Initiated an Extension	Part 7 – Miscellaneous 33 Notices About Further Periods Agreed	Power under the DA rules, to give a copy of the agreement to any other party to the application.	Delegation to the CEO
Section 34.1	Entity Power Given To: Assessment Manager or as a Concurrence Agency for the Application	Part 7 – Miscellaneous 34 Third Party Advice About an Application	Power to ask any to request third party for third party advice from a third party about an application.	Delegation to the CEO
Section 35.1	Entity Power Given To: Assessment Manager or as a Concurrence Agency for the Application	Part 7 – Miscellaneous 35 Further Advice About an Application	Power to give further advice about the application to the applicant, including how the applicant may change the application.	Delegation to the CEO
Section 38.2	Entity Power Given To: Assessment Manager	Part 7 – Miscellaneous 38 Effect of Local Government Caretaker Period for Particular Applications	Power, as an assessment manager, to give a notice to the applicant extending the decision period until a day no later than 10 days after the end of the caretaker period.	Delegation to the CEO

Section of DEAR	Entity Power Given To	Title	Description	Recommendation
Section 1	Entity Power Given To: Assessment-Manager	Schedule 1—Substantially Different Development	Power to determine if a change to an application is a minor change.	Removed from the Register
Section 2	Entity Power Given To: Assessment-Manager	Schedule 1—Substantially Different Development	Power to determine if a change would result in a substantially different development.	Removed from the Register

### Schedule 2

#### Limitations to the Exercise of Power

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

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Local Government Act 2009 - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 14**

**Delegations Register – Local Government Act 2009 (LOGA)**

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

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

**Schedule 1**

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 10	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 1 – Local governments and their constitution, responsibilities and powers	Power to conduct a joint government activity.	To Remain with Council
Section 16	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 2 – Divisions of local government areas	Power to: (a) review whether each division of its local government area has a reasonable proportion of electors for each Councillor elected for the division; and (b) give the electoral commissioner and the Minister written notice of the results of the review, no later than 1 March in the year before the quadrennial elections.	Delegation to the CEO
Section 19	Entity Power Given To: Local Government	Chapter 2 – Local governments Part 3 – Changing a local government area, name or representation Division 2 – The process for change	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	To Remain with Council
Section 29(1)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to decide local government process for making a local law to the extent that the process is consistent with Chapter 3, Part 1 of the Local Government Act 2009.	Delegation to the CEO
Section 29A(3)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 1 – Local laws Division 2 – Making, recording and reviewing local laws	Power to consult with relevant government entities about the overall State interest in a proposed local law.	Delegation to the CEO
Section 46(2)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to conduct a public benefit assessment of a new significant business activity.	To Remain with Council
Section 46(5)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the Local Government Act 2009.	To Remain with Council
Section 47(9)	Entity Power Given To: Local Government	Chapter 3 – The business of local governments Part 2 – Beneficial enterprises and business activities Division 2 – Business Reform, Including Competitive Neutrality	Power to apply a code of competitive conduct to a business activity other than a business activity prescribed under a regulation.	To Remain with Council
Section 60	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to exercise control of all roads in the local government area including the ability to survey and resurvey roads, construct, maintain and improve roads, approve the naming and numbering of private roads, and name and number other roads.	Delegation to the CEO
Section 61	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the owner of land a notice of intention to acquire land.	Delegation to the CEO
Section 61(6)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge the copy of a notice of intention to acquire land with the Registrar of Titles for registration on the instrument of title to the land.	Delegation to the CEO
Section 62	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to decide a claim for compensation for a notice of intention to acquire land.	Delegation to the CEO
Section 64	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 64 <sup>1</sup>	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess compensation for acquisition of land.	Delegation to the CEO
Section 65(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	Delegation to the CEO
Section 65(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to withdraw notice of intention to acquire land.	Delegation to the CEO
Section 65(4) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to lodge with the Registrar of Titles for registration a notice of decision not to proceed with, or to withdraw, notice of intention of realignment of the road or part of the road.	Delegation to the CEO
Section 66	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to assess and pay the owner of land reasonable compensation for decrease in value of land because of decision not to proceed with realignment of a road or part of a road after giving a notice of intention to acquire land and structural improvements have been made on land that adjoins the road.	Delegation to the CEO
Section 67	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to acquire land that adjoins a road for use as a footpath.	Delegation to the CEO
Section 68	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	Delegation to the CEO
Section 69(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road (permanently or temporarily) to all traffic, or traffic of a particular class, if there is another road or route reasonably available for use by the traffic.	Delegation to the CEO
Section 69(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to close a road to all traffic, or traffic of a particular class: (a) during a temporary obstruction to traffic; or (b) if it is in the interests of public safety; or (c) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).	Delegation to the CEO
Section 69(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to publish notice of closing of road.	Delegation to the CEO
Section 69(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to do everything necessary to stop traffic using the road after it is closed.	Delegation to the CEO
Section 69(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.	Delegation to the CEO
Section 70(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	Delegation to the CEO
Section 70(3) and (4)	Entity Power Given To: Local Government Employees Or Contractor	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner or occupier of the land regarding local government entry and the giving of written or oral notice as specified in section 70(3) and (4) of the <i>Local Government Act 2009</i> .	Delegation to the CEO



Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 70(7) and (8)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree with the owner of land the amount of compensation for physical damage caused by local government entering, occupying or using land under section 70 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(1) and (3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to fix and advise the owner or occupier or change the permanent level of a road under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 71(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 72(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to require the entity that is conducting the activity to provide information, that will enable the local government to assess the impact of the activity on the road.	Delegation to the CEO
Section 72(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the road.	Delegation to the CEO
Section 72(3)(a) and (b)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to give the entity conducting an activity a direction about the use of the road to lessen the impact or to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact.	Delegation to the CEO
Section 72(5)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to recover an amount of compensation payable under subsection 72(3)(b)(ii) in a court.	Delegation to the CEO
Section 73	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to categorise the roads in the local government area according to the surface of the road.	Delegation to the CEO
Section 74(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to prepare and keep up to date a map of every road including private roads in the local government area and a register of roads showing the category of every road, the level of every road that has a fixed level and other particulars prescribed under a regulation.	Delegation to the CEO
Section 75	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 1 – Roads	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	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.	Delegation to the CEO
Section 77	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give approval for the connection of a stormwater installation to a local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 78	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to give a notice, requiring the owner of a property to perform sewerage installation works.	Delegation to the CEO
Section 79	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 2 – Stormwater Drains	Power to perform work to fix damage and recover reasonable costs for the work from a person who puts a prohibited substance in the stormwater drain.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 80B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 3 – Roads And Other Infrastructure Division 3 – Other Matters	Power to provide a ferry service across a water course under section 80B of the <i>Local Government Act 2009</i> including the leasing of the right to provide the ferry service.	To Remain with Council
Section 90B	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Government Part 5 – Caretaker Period Arrangements	Power to apply to the Minister for approval to make a major policy decision during the caretaker period for an election for the local government.	To Remain with Council
Section 95	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to register a charge over the land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 95 <sup>1</sup>	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 1 – Rates And Charges	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	Delegation to the CEO
Section 104(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish a system of financial management, except those parts of the system that must be adopted by resolution (e.g. 6-year corporate plan, budget and operational plan).	Delegation to the CEO
Section 104(6)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to regularly review and update the financial policies of Council.	To Remain with Council
Section 104(7)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to carry out a review of the implementation of the annual operational plan annually.	Delegation to the CEO
Section 105(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to establish an efficient and effective internal audit function.	Delegation to the CEO
Section 105(2)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power, as a large local government, to establish an audit committee.	To Remain with Council
Section 107(1)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to maintain public liability insurance and professional indemnity insurance.	Delegation to the CEO
Section 107(3)	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 3 – Financial Planning and Accountability	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its Councillors.	Delegation to the CEO
Section 110	Entity Power Given To: Local Government	Chapter 4 – Finances And Accountability Part 4 – Councillor's Financial Accountability	Power to give the public notice of the disbursement of funds not provided for in the local government's budget.	Delegation to the CEO
Section 120(3)(d)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 1 – Local Governments Division 3 – Action By The Minister	Power to make submissions to the Minister about the Minister's proposed exercise of the power.	To Remain with Council
Section 133	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to give, or attempt to give, the occupier of the property a written notice that informs the occupier of the local government's intention to enter the property.	Delegation to the CEO
Section 137	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 1 – Power Of Authorised Persons	Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the <i>Local Government Act 2009</i> .	Delegation to the CEO
Section 138(5)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to authorise an employee or agent of the local government to act as a local government worker.	Delegation to the CEO
Section 138A(1)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give each local government worker an identity card.	Delegation to the CEO
Section 142(2)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give a reasonable entry notice, as defined by section 138AA(4), to the occupier of a property that a local government worker may enter the property and take action required under a remedial notice. <i>*See Footnotes</i>	Delegation to the CEO
Section 142(4)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action from the person who failed to take the action.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 142(8)	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to recover a debt payable under section 142 of the <i>Local Government Act 2009</i> as if the debt were an overdue rate.	Delegation to the CEO
Section 143	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to give reasonable entry notice, as defined by section 138AA(4), to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials. <i>*See Footnotes</i>	Delegation to the CEO
Section 147	Entity Power Given To: Local Government	Chapter 5 – Monitoring And Enforcing The Local Government Acts Part 2 – The Public Division 2 – Powers Of Other Persons	Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise or purported exercise of a power under division 2, part 2, chapter 5 of the <i>Local Government Act 2009</i> . <i>*See Footnotes</i>	Delegation to the CEO
Section 150P(2)	Entity Power Given To: Government Entity	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 2 – Complaints about Councillor Conduct	Power, as a government entity, to refer a complaint about the conduct of a councillor to the assessor and give the assessor all information held by the entity that relates to the complaint.	Delegation to the CEO
Section 150S(2)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 3 – Local Government Duties to Notify Assessor About Particular Conduct	Power, in either of the circumstances listed in subsection (1), to give the assessor a notice about the councillor's conduct and all information held by Council that relates to the conduct.	Delegation to the CEO
Section 150AE(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to publish Council's investigation policy on Council's website.	Delegation to the CEO
Section 150AF(1)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power to investigate the Councillor's conduct.	Delegation to the CEO
Section 150AF(4)	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 3 – Dealing with Inappropriate Conduct, Misconduct and Corrupt Conduct Division 5 – Referral of Conduct to Local Government	Power, where the Council obtains information indicating that a councillor may have engaged in misconduct, to give the information to the assessor for further investigation under division 4.	Delegation to the CEO
Section 150B(1) and (2)	Entity Power Given To: Occupier of a Place	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 2 – Entry of Places by Investigators Subdivision 1 – Power to Enter	Power, as an occupier of a place, to consent to the entry of the investigator and to impose conditions on the entry.	Delegation to the CEO
Section 150CN	Entity Power Given To: Person	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 6 – Miscellaneous Provisions Relating to Investigators	Power to claim compensation from the State if the Council incurs loss because of the exercise, of a power by or for an investigator, including a loss arising from compliance with a requirement made of Council under division 3, 4 or 5.	Delegation to the CEO
Section 150CR	Entity Power Given To: Applicant	Chapter 5A – Councillor Conduct Part 4 – Investigation and Enforcement Powers Division 7 – Review Subdivision 2 – External Review	Power, as an applicant dissatisfied with a review decision made by the assessor, to apply to QCAT for a review of the decision.	Delegation to the CEO
Section 150DL	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 5 – Administration Division 2 – Councillor Conduct Tribunal	Power to request the conduct tribunal to:– (a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; (b) to make recommendations to the local government about dealing with the conduct.	To Remain with Council
Section 150DX	Entity Power Given To: Local Government	Chapter 5A – Councillor Conduct Part 6 – Miscellaneous Division 1 – Councillor Conduct Register	Power to keep an up-to-date councillor conduct register, publish the register on Council's website and make the register available for inspection and purchase by the public.	Delegation to the CEO
Section 166A(4)(b)	Entity Power Given To: Local Government	Chapter 6 - Administration Part 2 - Councillors Division 3 - Vacancies in Councillor's Office	Power, where the runner-up consents to the appointment on or before the deadline for the runner-up, to fill the vacant office by appointing the runner-up.	To Remain with Council

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 195	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 1 – Chief Executive Officer	Power to appoint an acting Chief Executive Officer during period when the Chief Executive Officer or the Deputy Chief Executive Officer is absent from duty or cannot, for another reason perform the Chief Executive Officer's responsibilities, limited to a maximum of four weeks.	Delegation to the CEO
Section 196(2)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2 – Other Local Government Employees	Power to: (a) employ local government employees; (b) agree to the terms and conditions of an employee's employment (including any variation to those terms); and (c) terminate a local government employee's employment. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 197A(3) and 197A(4)	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 2A - Councilor Advisors	Power to enter into a written contract of employment with a councillor advisor (including agreeing to any variation to a written contract of employment). NB this power only applies to those local governments that have been prescribed under section 197D(1)(a).	Delegation to the CEO
Section 198	Entity Power Given To: Local Government	Chapter 6 – Administration Part 5 – Local Government Employees Division 3 – Common Provisions	Power to agree with other local governments about the joint employment of a local government employee.	Delegation to the CEO
Section 219(1)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIAsuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIAsuper.	Delegation to the CEO
Section 219(2)	Entity Power Given To: Prescribed Employee's Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIAsuper	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into another fund directed by the employee.	Delegation to the CEO
Section 219A	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 2 – LGIAsuper	Power, as a local government other than the Brisbane City Council, to comply with a notice giving by the LGIAsuper Trustee under subsection 219A(1).	Delegation to the CEO
Section 220	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to pay a yearly superannuation contribution in the circumstances prescribed in section 220.	Delegation to the CEO
Section 220A(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government, to deduct all or part of the employee's contributions from the employee's salary or any money that the employee owes to Council.	Delegation to the CEO
Section 220B(2)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 220B(1), to agree in writing with an employee: (a) to reduce the pre-agreement contributions to the amount equal to the employee's concessional contributions cap for the financial year, and (b) if a yearly contribution made under section 220A(3) is part of the pre-agreement contributions – on the extent, if any to which a contribution mentioned in 220B(1)(a) of (b) will be reduced to achieve the reduction.	Delegation to the CEO
Section 220B(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, where the pre-agreement contributions are reduced under subsection 220B(2), to pay the amount of the reduction to the employee as salary.	Delegation to the CEO
Section 221(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to agree in writing with an employee:- (a) that the employee 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; and (b) on the period, of not more than 1 year, of the exemption.	Delegation to the CEO
Section 221(4)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	Delegation to the CEO
Section 222(3)	Entity Power Given To: Employer	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as an employer who has received a notice from the employee under subsection 222(2), to calculate the yearly contributions payable for the employee based on the employee's salary before it was decreased.	Delegation to the CEO
Section 224(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, in the circumstances set out in subsection 224(1), to pay interest on the amount of the contribution to the relevant fund for the employee.	Delegation to the CEO
Section 226(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government (other than the Brisbane City Council), to, for its Councillors:- (a) establish and amend a superannuation scheme; or (b) take part in a superannuation scheme.	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
Section 226(2)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power, as a local government who has exercised its power under subsection 226(1), to pay an amount from its operating fund to the superannuation scheme as a contribution for its Councillors.	Delegation to the CEO
Section 226(4)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 2 – Superannuation Division 3 – Superannuation Contributions for Particular Employees	Power to enter into an arrangement with a Councillor under which:- (a) the Councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the Councillor.	To Remain with Council
Section 228(4)	Entity Power Given To: Local Governing Body	Chapter 7 – Other Provisions Part 3 – Allocating Commonwealth Funding to Local Governments Division 1 – Allocating Commonwealth Funding	Power to make a submission as a local governing body within the meaning of the <i>Local Government (Financial Assistance) Act</i> to assist the Local Government Grants Commission to make a decision about funding under the <i>Local Government (Financial Assistance) Act</i> .	Delegation to the CEO
Section 236	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	The power to sign a document on behalf of a local government as a delegate of the local government. <i>*See Limitations to the Exercise of Power</i>	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to start a proceeding:- (1) in the name of Council; (2) under the Justices Act 1886 in the name of a local government employee who is a public officer within the name of that Act.	Delegation to the CEO
Section 239	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to effect substituted service.	Delegation to the CEO
Section 240(1)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, in any legal proceedings:- (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	Delegation to the CEO
Section 250(1)(b)	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 4 – Offences and Legal Provisions Division 2 – Legal Matters	Power to authorise an employee, other than the chief executive officer, to:- (a) verify a copy of a local government document.	Delegation to the CEO
Section 262	Entity Power Given To: Local Government	Chapter 7 – Other Provisions Part 6 – Other Provisions	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act	Delegation to the CEO

Section of LOGA	Entity Power Given To	Title	Description	Recommendation
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**Schedule 2**

<b>Limitations to the Exercise of Power</b>				
1			Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.	
2			The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.	
3			The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).	
4			The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.	
5			The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.	
6			The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.	
7			The delegate will not exercise the delegated power specified under section 236(1) for the purpose of executing a contract for the sale of land.	
8			Section 196(2) power does not include the power to appoint employees which is separately dealt with under sections 196(3) and 196(4) of the Act.	

# **COUNCIL DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER**

## **Delegations Register – Local Government Regulation 2012 - Tracked**

**Meeting Date: 8 December 2020**

**Attachment No: 15**

**Delegations Register – Local Government Regulation 2012 {LOGR}**

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

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

**Schedule 1**

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 6(6)	Entity Power Given To: Local Government	Chapter 2 – Local Governments Part 1 – Local Government Areas, Names and Representation	Power to make available for inspection at its public office, a copy of the local government's area map.	Delegation to the CEO
Section 14(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 1 – Local Laws	Power to give an extract or certified copy of a local law from the local government's register of local laws where the person has paid the applicable fee.	Delegation to the CEO
Section 14(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 1 – Local Laws	Power to publish the register of local laws on Council's website.	Delegation to the CEO
Section 18	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 1 – Introduction	Power to identify and assess each new significant business activity for possible reform involving full cost pricing, commercialising, or corporatising the activity.	To Remain with Council
Section 41(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 6 – Water and Sewerage Services	Power, when conducting a relevant business activity, to carry out all functions described in subsections (a), and (c) to (f).	Delegation to the CEO
Section 53	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 7 – Competitive Neutrality Complaints Subdivision 2 – Complaint Process	Power to ensure the public can inspect a copy of the report given to Council under section 52.	Delegation to the CEO
Section 55(4)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 7 – Competitive Neutrality Complaints Subdivision 2 – Complaint Process	Power to, give notice of the resolution made pursuant to section 55(1) to the entities listed in the subsection (4).	Delegation to the CEO
Section 56(1)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 2 – Business Reform, Including Competitive Neutrality Division 7 – Competitive Neutrality Complaints Subdivision 3 – Miscellaneous Provision	Power to establish a register of business activities to which the competitive neutrality principle applies.	Delegation to the CEO
Section 58(2)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 2 – Malls	Power to in relation to a mall to do any of the following: (a) anything necessary or desirable for developing, managing, maintaining (including cleaning), promoting or using a mall; (b) permit the use of any part of the mall on conditions it considers appropriate; (c) anything incidental to its powers mentioned in (a) or (b).	Delegation to the CEO
Section 59	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 3 – Marine and Aquatic Matters	Power to: (a) construct, maintain, manage and regulate the use of harbours for small vessels in or over tidal waters; (b) construct, maintain, manage and regulate the use of jetties, breakwaters and ramps in or over tidal waters; and (c) to occupy and use foreshore, tidal land or tidal waters to undertake work in exercising those powers.	Delegation to the CEO
Section 63	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 4 – Other Matters	Power to take all necessary steps for: (a) construction on, maintenance of or improvement of the land; and (b) regulation of the use of the land, where the land is subject to a public thoroughfare easement in Council's favour.	Delegation to the CEO



Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 64(3)	Entity Power Given To: Local Government	Chapter 3 – The Business Of Local Governments Part 3 – Roads And Other Infrastructure Division 4 – Other Matters	Power to enter into arrangements necessary to perform the joint responsibility of the local government where a road or other work is to be, or has been, built: (a) along the boundary between two or more local government areas; and (b) partly in each of the areas.	To Remain with Council
Section 77(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 4 – Minimum General Rates	Power to identify, in any way considered appropriate, parcels of rateable land to which a minimum amount of general rates apply.	To Remain with Council
Section 81(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 1 – Introduction	Power to identify, in any way considered appropriate, the rating category to which each parcel of rateable land in the local government area belongs. *See Footnotes	To Remain with Council
Section 82(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 1 – Introduction	Power to decide what rating category the land referred to in subsection (1) should be in. *See Footnotes	To Remain with Council
Section 88(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 3 – Notice of Categorisation of Land	Power to ensure that each relevant rate notice is accompanied by, or contains, a rating category statement. *See Footnotes	Delegation to the CEO
Section 90(5)(b)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 5 – Differential General Rates Division 4 – Objecting To Rates Category	Power to allow a longer period within which an owner of rateable land must give an objection notice. *See Footnotes	Delegation to the CEO
Section 96(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 6 – Special Rates and Charges	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges to the current owners of the land on which the special rates or charges were levied. *See Footnotes	To Remain with Council
Section 97(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 6 – Special Rates and Charges	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges (in the proportions stipulated in subsection (3)) to the current owners of the land on which the special rates or charges were levied. *See Footnotes	To Remain with Council
Section 97(2) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 6 – Special Rates and Charges	Power, in the circumstance referred to in subsection (1), to return paid special rates or charges to the person who paid them.	To Remain with Council
Section 104	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges	Power to levy rates or charges by a rate notice.	To Remain with Council
Section 105	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 1 – Rate Notices	Power to include on a rate notice an amount, other than an amount for rates or charges, payable to Council.	Delegation to the CEO
Section 107(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 1 – Rate Notices	Power to determine a period considered appropriate for the issue of a rate notice.	Delegation to the CEO
Section 108	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 1 – Rate Notices	Power to give a rate notice and, if required, a rating category statement, electronically.	Delegation to the CEO
Section 110	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, where land becomes, or stops being, rateable land, to adjust the rates so that the rates are calculated only on the period when the land was rateable land.	Delegation to the CEO
Section 111	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, if the value of the land changes under the Land Valuation Act, to adjust the rates so that the rates are calculated on the new value of the land for the period that starts on the day the change takes effect.	Delegation to the CEO
Section 112	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, if the land is given a rating category, including a change of rating category, to adjust the general rates so that the rates are calculated on the new or changed rating category for the period that starts on the day the land was given the new or changed rating category.	Delegation to the CEO
Section 113	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates or charges so that the rates or charges are calculated on the period when the land was land on which the local government could levy special rates or charges.	Delegation to the CEO
Section 114	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, in the circumstance of subsection (1) to adjust the rates or charges so that the rates or charges are calculated only for the period when the person was entitled to occupy the land.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 115	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 2 – Adjusting Rates or Charges	Power, where rates or charges are paid before they are adjusted, to refund the overpaid amount of rates or charges, or recover the amount of rates or charges owing.	Delegation to the CEO
Section 117	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 9 – Levying and Adjusting Rates and Charges Division 3 – Other Matters About Levying Rates or Charges	Power to levy rates or charges, or adjust a rates or charges levy in a financial year, even though the resolution for making the rates or charges was made for a previous financial year.	Delegation to the CEO
Section 122(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power to accept an application from a ratepayer made under subsection (1)(a).	Delegation to the CEO
Section 122(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power to be satisfied that a ratepayer is eligible for a concession granted pursuant to a resolution made under subsection (1)(b).	Delegation to the CEO
Section 123	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power, in the relevant circumstances of section 123, to grant a rebate of rates or charges for land occupied by pensioners.	Delegation to the CEO
Section 124(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 10 – Concessions	Power, in the circumstances referred to in subsection (1), to refund the amount of the rebated rates or charges to the ratepayer.	Delegation to the CEO
Section 130(10)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 11 – Paying Rates And Charges	Power to still allow a discount where satisfied that the ratepayer has been prevented, by circumstances beyond their control, from paying the rates or charges in time to get the discount.	Delegation to the CEO
Section 131	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 11 – Paying Rates And Charges	Power to give a benefit that is not a discount as an inducement for payment of rates or charges before the due date for payment.	To Remain with Council
Section 133(1)(a)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 1 – General Provisions	Power, for interest on overdue rates or charges, to decide a later day from which interest is payable.	To Remain with Council
Section 133(2)(b)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 1 – General Provisions	Power, for interest on overdue rates or charges, to decide another way to calculate interest, if an equal or lower amount will be payable.	To Remain with Council
Section 133(3)(a)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 1 – General Provisions	Power, for interest on overdue rates or charges, to, for a day before 1 July 2019, decide the rate of interest payable.	To Remain with Council
Section 134	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 2 – Court Proceedings for Overdue Rates And Charges	Power to recover overdue rates or charges by bringing court proceedings for a debt.	Delegation to the CEO
Section 138(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the Council's intention to sell the land, before the local government sells the land.	Delegation to the CEO
Section 140(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power where Council has by resolution decided to sell the land, to give all interested parties a notice of intention to sell the land.	Delegation to the CEO
Section 140(4)	Entity Power Given To: CEO	Chapter 4 – Rates And Charges 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	Power to sign a notice of intention to sell land for overdue rates or charges.	This power does not need to be delegated as it is given directly to the CEO under the Act.
Section 141(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power; <del>to end sale procedures at the earliest of the following: where</del> (a) Council has been paid the amount of the overdue rates or charges, and all expenses that Council has incurred in attempting to sell the land, or (b) the land has been sold; or (c) 1 year after the notice of intention to sell was given to the registered owner. <del>-to end the procedures for selling the land-</del>	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 141(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, in circumstances where Council has ended sale procedures, to decide to sell the land again under section 140(2).	Delegation to the CEO
Section 142	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to carry out the procedures to sell land for overdue rates or charges.	Delegation to the CEO
Section 143(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to set a reserve price for the at the auction of the land for overdue rates and charges in accordance with section 143(1). <del>sale by auction of land for overdue rates and charges.</del>	Delegation to the CEO
Section 143(2) and (3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, if the reserve price for the land is not reached at the auction, to enter into negotiations with any bidder who attended the auction to sell the land by agreement (for a price not less than the reserve price) <del>the highest bidder at auction to sell the land for overdue rates or charges and to form an agreement to sell the land.</del>	Delegation to the CEO
Section 144(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, after the day of the auction, to decide to continue to offer the land for sale by another auction, or sale by negotiation.	Delegation to the CEO
Section 144(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to <del>give the registrar of titles a general request form if</del> land is taken to have been sold at auction to Council and any negotiations entered into under section 143(2) when a decision is made under section 144(1).	Delegation to the CEO
Section 144(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to prepare a sales notice if Council decides to offer the land for sale by negotiation under section 144.	Delegation to the CEO
Section 144(5)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to: (a) give a copy of the sales notice to each interested party who was given a notice of intention to sell the land; and (b) publish the sales notice on Council's website; and (c) display the sales notice in a conspicuous place in Council's public office; and (d) display the sales notice in a conspicuous place on the land unless it is not reasonably practicable to do so because the land is in a remote location or difficult to access; and (e) take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.	Delegation to the CEO
Section 144(6)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, if the land is a building unit and it is not practicable to display the sales notice in a conspicuous place on the land, to display the notice in a conspicuous part of the common property for the building units.	Delegation to the CEO
Section 144(7)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to ensure that the price for land offered for sale by negotiation is at least – (a) the market value of the land; or (b) the higher of the following – (i) the amount of the overdue rates or charges on the land; (ii) the value of the land.	Delegation to the CEO
Section 145(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power, in the circumstances set out in subsection (1), to give the registrar of titles an appropriate form.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 146	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges 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	Power to use the proceeds of sale of the land for the purposes and in the order specified.	Delegation to the CEO
Section 149(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power, where Council has by resolution decided to acquire the land for overdue rates or charges, to give all interested parties a notice of intention to acquire the land.	Delegation to the CEO
Section 150(2)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power, in the circumstances set out in subsection (1), to start the procedures to acquire land for overdue rates or charges.	To Remain with Council
Section 150(3)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power, where Council has been paid the amount of the overdue rates or charges, and all expenses that Council has incurred in attempting to acquire the land, to end the procedures for acquiring the land.	Delegation to the CEO
Section 151	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 12 – Overdue Rates And Charges Division 3 – Selling Or Acquiring Land For Overdue Rates Or Charges Subdivision 3 – Acquiring Land For Overdue Rates Or Charges	Power to carry out the procedures to acquire land for overdue rates or charges.	Delegation to the CEO
Section 154(1)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 1 – Land Record	Power to keep a land record.	Delegation to the CEO
Section 154(2)(e)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 1 – Land Record	Power to include in a land record any other information considered appropriate.	Delegation to the CEO
Section 155(4)	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 1 – Land Record	Power to provide access to or give copies of the land record kept by Council (including parts of the land record).	Delegation to the CEO
Section 162	Entity Power Given To: Local Government	Chapter 4 – Rates And Charges Part 13 – Land Record of Local Government Division 3 – Change in Ownership of Land	Power to record the details of the new owner in the land record.	Delegation to the CEO
Section 164	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 1 – General Matters About Financial Management Systems	Power to keep a written record, in the way required by subsection (2), which states the matters identified in subsection (1).	Delegation to the CEO
Section 165(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 1 – 5-year Corporate Plan	Power to discharge Council’s responsibilities in a way that is consistent with the adopted 5-year corporate plan.	Delegation to the CEO
Section 173(1)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 3 – Annual Budget	Power to spend money in a financial year before the budget is adopted if Council provides for that spending in the budget for the financial year. *See Footnotes	Delegation to the CEO
Section 173A(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 3A - Amendment of Annual Budget for Extraordinary Decisions	Power to amend Council’s annual budget for the 2020-2021 financial year to take account of an extraordinary decision.	To Remain with Council

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 174(5)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 4 – Annual Operational Plan	Power to discharge Council's responsibilities in a way that is consistent with the adopted annual operational plan.	Delegation to the CEO
Section 175(3)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 2 – Financial Planning Documents Division 4 – Annual Operational Plan	Power to omit information from the copies of the annual performance plan (which is part of the annual operational plan) made available to the public if subsections (3)(a) and (b) are satisfied.	Delegation to the CEO
Section 182(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 3 – Financial Accountability Documents Division 3 – Annual Report	Power to publish Council's annual report on Council's website.	Delegation to the CEO
Section 194	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 5 – Community Grants	Power to give a grant to a community organisation in the public interest; and consistent with the local government's community grants policy.	Delegation to the CEO
Section 196(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 6 – Spending	Power to spend money on entertainment or hospitality consistent with the local government's Entertainment and Hospitality Policy.	Delegation to the CEO
Section 197(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 6 – Spending	Power to spend money on advertising to provide information or education that is in the public interest and consistent with the local government's Advertising Spending Policy. <i>*See Footnotes</i>	Delegation to the CEO
Section 199(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 7 – Public Access to Particular Documents	Power to allow the public to inspect and purchase copies of the documents referred to in subsection (1).	Delegation to the CEO
Section 200	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 1 – Trust Fund	Power to: 1. establish a trust fund; 2. deposit trust money in a financial institution account; and 3. reconcile the assets of the trust fund with the liabilities of the trust fund at least monthly.	Delegation to the CEO
Section 201	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 1 – Trust Fund	Power to transfer money to or from a trust fund in accordance with section 201.	Delegation to the CEO
Section 201B(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 2 – Discretionary Funds	Power to make publicly available an availability notice.	Delegation to the CEO
Section 202(2)	<del>Entity Power Given To: Local Government</del>	<del>Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 2 – Discretionary Funds</del>	<del>Power to publish an availability notice.</del>	Removed from the Register
Section 202(7)	<del>Entity Power Given To: Local Government</del>	<del>Chapter 6 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 2 – Discretionary Funds</del>	<del>Power to publish a notice after an amount has been allocated from a Councilor's discretionary funds.</del>	Removed from the Register
Section 202A(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 8 – Local Government Funds And Accounts Division 2 – Discretionary Funds	Power to publish a notice given under subsection 202A(1) on Council's website.	Delegation to the CEO
Section 203	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 9 – Accounting Records	Power to establish separate accounting records for Council's: (a) operations; and (b) its trust fund.	Delegation to the CEO
Section 204	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 9 – Accounting Records	Power to prepare a financial report.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 207	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 1 – Internal Audit Function Subdivision 1 – Internal Auditing and Reporting	Power to: (a) prepare an internal audit plan; (b) carry out an internal audit; (c) prepare a progress report for the internal audit; (d) assess compliance with the internal audit plan; and (e) give the documents referred to in subsection (3) to the audit committee.	Delegation to the CEO
Section 210(1)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 1 – Internal Audit Function Subdivision 2 – Audit Committee	Power to appoint the members of the audit committee.	To Remain with Council
Section 210(3)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 1 – Internal Audit Function Subdivision 2 – Audit Committee	Power to appoint one of the members of the audit committee as chairperson.	Delegation to the CEO
Section 212	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 2 – External Auditing	Power to give the financial statements referred to in subsections (1) and (2) to the auditor-general.	Delegation to the CEO
Section 213A(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power, in the circumstances set out in subsection (1), to give the Minister a notice and any documents about a controlled entity that Council considers to be relevant to a notifiable event.	Delegation to the CEO
Section 213A(3)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power, if a governing document of a Council controlled entity changes, to give the Minister a notice stating details of the change and a copy of the governing document as amended.	Delegation to the CEO
Section 213B(2)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power, in the circumstances set out in subsection (1), to obtain a copy of the audited financial statements of the controlled entity.	Delegation to the CEO
Section 213B(4)	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 11 – Auditing Division 3 – Controlled Entities	Power to ensure that a copy or a link to a copy of the controlled entity's audited financial statements is published on Council's website.	Delegation to the CEO
Section 215	Entity Power Given To: Local Government	Chapter 5 – Financial Planning And Accountability Part 12 – Other Matters	Power to give the department's chief executive a notice stating that Council has paid notional GST for the previous financial year.	Delegation to the CEO
Section 218(2)(b)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 2 – Strategic Contracting Procedures	Power to give the public notice of a proposed resolution to apply Chapter 6, part 2 to its contracts.	Delegation to the CEO
Section 220(8)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 2 – Strategic Contracting Procedures	Power to allow the public to inspect and buy copies of the contracting plan that has been adopted.	Delegation to the CEO
Section 224(7)(b)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to set the value limit for valuable non current assets other than land.	To Remain with Council
Section 225	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to enter a medium sized contractual arrangement after first inviting written quotes for the contract. *See Footnotes	Delegation to the CEO
Section 225(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite written quotes for a medium sized contractual arrangement. *See Footnotes	Delegation to the CEO
Section 225(3) and (4)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to decide to accept a quote or to decide not to accept any of the quotes it receives for a medium sized contractual arrangement. *See Footnotes	Delegation to the CEO
Section 226	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to enter a large sized contractual arrangement after first inviting written tenders for the contract. *See Footnotes	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 226(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite written tenders for a large size contractual arrangement. <i>*See Footnotes</i>	Delegation to the CEO
Section 227	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to enter a valuable non-current asset contract after first inviting written tenders for the contract or offering the non-current asset for sale by auction.	Delegation to the CEO
Section 227(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite written tenders for a valuable non current asset contract or to offer a non current asset for sale by auction.	Delegation to the CEO
Section 228(2)(b)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite expressions of interest pursuant to section 228. <i>*See Limitations to the Exercise of Power (number 7)</i>	Delegation to the CEO
Section 228(6)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to take all reasonable steps to publish an invitation for tenders or expressions of interest in another way to notify the public about the tender process.	Delegation to the CEO
Section 228(67)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to prepare a shortlist of people from the persons who responded to the invitation for expressions of interest and to invite written tenders from those persons.	Delegation to the CEO
Section 228(78)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to invite all persons who submitted a tender to change their tender to take account of a change in the tender specifications.	Delegation to the CEO
Section 228(89) and (910)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 2 – Entering Into Particular Contracts	Power to decide to accept a tender or not to accept any tenders it receives. <i>*See Footnotes</i>	Delegation to the CEO
Section 230(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement in accordance with a quote or tender consideration plan adopted by local government resolution. <i>*See Footnotes</i>	Delegation to the CEO
Section 231(2)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement for services with a person on an approved contractor list. <i>*See Footnotes</i>	Delegation to the CEO
Section 231(4)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to put together an approved contractor list in accordance with section 231(4).	Delegation to the CEO
Section 232(2)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a contract for a medium sized contractual arrangement or large sized contractual arrangement for the supply of goods or services with a supplier from a register of pre qualified suppliers. <i>*See Footnotes</i>	Delegation to the CEO
Section 232(3)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to establish a register of pre qualified suppliers of particular goods or services.	Delegation to the CEO
Section 232(3) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to invite persons to tender for a preferred supplier arrangement.	Removed from the Register
Section 232(4)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to invite suppliers to tender to be on a register of pre-qualified suppliers.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 232(6)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to take all reasonable steps to publish an invitation to tender in another way to notify the public about establishing the register of pre-qualified suppliers.	Delegation to the CEO
Section 233(2)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement for goods or services with a preferred supplier under a preferred supplier arrangement. *See Footnotes	Delegation to the CEO
Section 233(2) <sup>1</sup>	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter a preferred supplier arrangement. *See Footnotes	Delegation to the CEO
Section 233(5)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to take all reasonable steps to publish an invitation to tender in another way to notify the public about the tender process.	Delegation to the CEO
Section 234(1)	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a contract for goods and services under an LGA arrangement. *See Footnotes	Delegation to the CEO
Section 235	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 3 – Exceptions For Medium-Sized And Large-Sized Contractual Arrangements	Power to enter into a medium sized contractual arrangement or large sized contractual arrangement in circumstances specified in section 235. *See Footnotes	Delegation to the CEO
Section 236	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 3 – Default Contracting Procedures Division 4 – Exceptions For Valuable Non-Current Asset Contracts	Power to dispose of a valuable non current asset other than by tender or auction in circumstances specified in section 236. *See Footnotes	Delegation to the CEO
Section 237	Entity Power Given To: Local Government	Chapter 6 – Contracting Part 4 – Publishing Details of Particular Contractual Arrangements	Power to publish and display relevant details of a contractual arrangement worth \$200,000.00 or more (exclusive of GST).	Delegation to the CEO
Section 247(1)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 1 – Councillors Division 1 – Councillor Remuneration	Power to pay remuneration to each councillor.	To Remain with Council
Section 248(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 1 – Councillors Division 1 – Councillor Remuneration	Power, in the circumstance identified in subsection (1), to make a submission to the remuneration commission for approval to pay a Councillor an amount of remuneration of more than the maximum amount.	To Remain with Council
Section 251	Entity Power Given To: Local Government	Chapter 8 – Administration Part 1 – Councillors Division 2 – Reimbursement of Expenses and Provision of Facilities	Power to make the adopted expenses reimbursement policy available for inspection and purchase by the public and to publish that policy on Council's website.	To Remain with Council
Section 254B(1) and (2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to publish a notice of the days and times when ordinary meetings will be held on Council's website and in other ways considered appropriate (Council and standing committee meetings).	Delegation to the CEO
Section 254B(3)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to display in a conspicuous place in Council's public office a notice of the days and times when meetings will be held (Council and committee meetings).	Delegation to the CEO
Section 254B(4)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to notify of any change to the days and times of meetings mentioned in section 254B(1) and (3) in the same way as the meetings were previously notified.	Delegation to the CEO



Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 254C(1) and (2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to give notice of each meeting or adjourned meeting to each councillor or committee member in accordance with section 254C(1) and (2).	Delegation to the CEO
Section 254D(1)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make the agenda for a Council or committee meeting publicly available in accordance with section 254D(1).	Delegation to the CEO
Section 254D(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make a related report for a Council or committee meeting publicly available in accordance with section 254D(2).	Delegation to the CEO
Section 254F(6)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make a copy of the minutes of each Council or committee meeting publicly available in accordance with section 254F(6).	Delegation to the CEO
Section 254F(7)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to make a copy of the confirmed minutes publicly available, and available for purchase at Council's public office in accordance with section 254F(7).	Delegation to the CEO
Section 254K	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to allow a person to take part in a meeting (Council and committee meetings) by audio link or audio visual link.	Delegation to the CEO
Section 254K(1) and (2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1A – Requirements for Local Government Meetings Generally	Power to allow a person to take part in a meeting (Council or committee meetings) by audio link or audio visual link.	Removed from the Register
Section 258	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1 – Local Government Meetings	Power to give notice of each meeting or adjourned meeting of Council to each councillor.	Removed from the Register
Section 262	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 1 – Local Government Meetings	Power to give written notice of the intention to propose the repeal or amendment of a resolution.	Delegation to the CEO
Section 272(1)	Entity Power Given To: CEO	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power to ensure minutes of each meeting (Council and committee meetings) are taken under the supervision of the person presiding at the meeting.	Removed from the Register
Section 272(4)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power to make available for inspection and purchase the minutes of each meeting (Council and committee meetings).	Removed from the Register
Section 273(3)	Entity Power Given To: CEO	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power, where a decision is inconsistent with a recommendation or advice given to Council by an advisor, to ensure the minutes of the meeting (Council and committee meetings) include a statement of the reasons for not adopting the recommendation or advice.	Removed from the Register
Section 277(1) and (2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power to publish the notice mentioned in subsection (1).	Removed from the Register

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Section 277(3)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power to display in a conspicuous place in Council's public office a notice of the days and time when Council meetings will be held and committee meetings will be held.	Removed from the Register
Section 277(4)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power to notify any change to the days and times of meetings (Council and committee meetings).	Removed from the Register
Section 277(5) and (6)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 3 – Common Provisions for Local Government and Committee Meetings	Power to make available for inspection and publish on Council's website, the list of items to be discussed at a meeting (Council and committee meetings).	Removed from the Register
Section 277D(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 2 – Local Government Meetings and Committees Division 4 – Additional Provisions for Local Government and Committee Meetings	Power, in the circumstances set out in subsection 277D(1), to ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website.	Delegation to the CEO
Section 287(1)	Entity Power Given To: Former Employer	Chapter 8 – Administration Part 3 – Local Government Employees Division 2 – Portability of Long Service Leave	Power, as a former employer, to pay the new employer an amount for the number days of long service leave that the person is entitled to take because of the person's period of employment with the former employer.	Delegation to the CEO
Section 287(3)	Entity Power Given To: Former Employer	Chapter 8 – Administration Part 3 – Local Government Employees Division 2 – Portability of Long Service Leave	Power, as a former employer, to provide the new employer with the information specified in subsection (3).	Delegation to the CEO
Section 295(1), (2) and (3)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 5 – Register of Interests	Power to make a copy of the register of interests of each councillor available for inspection by the public at Council's public office and an extract of the register available on its website.	Delegation to the CEO
Section 295(4)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 5 – Register of Interests	Power where a register of interests for a councillor changes, to amend the copy and the extract to reflect the changes.	Delegation to the CEO
Section 296A(2)	Entity Power Given To: Local Government	Chapter 8 – Administration Part 5 – Register of Interests	Power to ensure a register of interests kept under section 296A(1)(a) is available for inspection by the public at Council's public office for the period Council must keep the register.	Delegation to the CEO
Section 306(4)	Entity Power Given To: Local Government	Chapter 9 – Other Provisions Part 4 – Process for Resolving Administrative Action Complaints	Power to do all things specified in subsection (4) in relation to Council's complaints management process and administrative action complaints.	Delegation to the CEO
Section 307A(2)	Entity Power Given To: CEO	Chapter 9 – Other Provisions Part 5 – Other Provisions	Power, where the circumstances in subsection (1) apply, to keep a written record of the loss of an asset belonging to the local government.	Delegation to the CEO
Section 307A(3)	Entity Power Given To: CEO	Chapter 9 – Other Provisions Part 6 – Loss of Local Government Asset	Power where satisfied that a material loss is also a reportable loss, to notify the relevant entities listed in subsection (3) of the loss.	Delegation to the CEO
Section 364(1)	Entity Power Given To: Local Government	Chapter 20 Transitional provisions for Local Government Legislation Amendment Regulation (No. 1) 2020	Power to ensure that an extract of the register of interests for each councillor is made available for inspection under section 295 within 35 days after the commencement.	Delegation to the CEO
Schedule 4 Section 5	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to make a reasonable allocation of its administrative and overhead costs to each relevant activity, having regard to all of a local government's relevant activities.	Delegation to the CEO
Schedule 4 Section 6	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to ensure the terms on which the cost of resources is based are similar to the terms on which they are made available in conducting the relevant entity.	Delegation to the CEO
Schedule 4 Section 7	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to decide an amount for depreciation of an asset used in conducting a relevant activity that is appropriate in the circumstances.	Delegation to the CEO
Schedule 4 Section 8	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to work out tax equivalents for Commonwealth or State taxes Council is not liable to pay as a local government and keep details of the calculations.	Delegation to the CEO

Section of LOGR	Entity Power Given To	Title	Description	Recommendations
Schedule 4 Section 9	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to take account of amounts equivalent to the cost of funds advantage obtained over commercial interest rates because of a State guarantee.	Delegation to the CEO
Schedule 4 Section 10	Entity Power Given To: Local Government	Schedule 4 Pricing Provisions	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.	Delegation to the CEO

**Schedule 2****Limitations to the Exercise of Power**

1	Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2	The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3	The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4	The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5	The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6	The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.
7	<b>Section 228(2)(b)</b> - The local government: (a) decides, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders; and (b) records its reasons for making the resolution in the minutes of the meeting at which the resolution was made.

**Footnotes**

<b>Sections 81(4), 82(2), 88(2) and 90(5)(b)</b>	This section is only required where Council is levying differential general rates.
<b>Sections 96(2) and 97(2)</b>	This section is only required where Council is levying special rates or charges.
<b>Subsections 235(a) and 235(b)</b>	It is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in the respective subsection.
<b>Subsections 236(1)(a) to 236(1)(e)</b>	It is a legislative precondition to the exercise of the power that Council first pass the resolution referred to in subsection 236(2).

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**10.19 TEMPORARY DELEGATIONS OVER CHRISTMAS / NEW YEAR PERIOD AND DUE TO POTENTIAL IMPACTS OF COVID-19**

<b>File No:</b>	<b>12660</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Authorising Officer:</b>	<b>Tracy Sweeney - Executive Manager Workforce and Governance</b>
<b>Author:</b>	<b>Allysa Brennan - Coordinator Legal and Governance</b>

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**SUMMARY**

*This report seeks Council's approval:*

- (a) for a temporary delegation for the Chief Executive Officer to facilitate the statutory requirements of the Planning Act 2016 and the Sustainable Planning Act 2009 to accommodate the Council meeting recess over the December 2020 to January 2021 period;*
- (b) to revoke temporary delegations, currently in place as a result of the impacts of COVID-19, in the event the elected Council is unable to meet because of a lack of a quorum from Councillors and as a result Council is unable to conduct an ordinary or special meeting of Council; and*
- (c) for temporary delegations under State legislation to be exercised should the need arise due to restrictions on Council's ability to conduct the operations of the Council as a result of the impacts of COVID-19.*

**OFFICER'S RECOMMENDATION**

1. THAT Council resolves as per Section 257 of the Local Government Act 2009 to delegate its powers as 'Assessment Manager' under the Planning Act 2016 and the Sustainable Planning Act 2009 to the Chief Executive Officer for the period 9 December 2020 until 26 January 2021, both dates inclusive.
  2. THAT Council resolves to revoke the following temporary delegations, currently in place as a result of the impacts of COVID-19, in the event the elected Council is unable to meet because of a lack of a quorum from Councillors and as a result Council is unable to conduct an ordinary or special meeting of Council:
    - (a) to the Mayor and Chief Executive Officer jointly, or in the event of the Mayor and Deputy Mayor are both prevented, by absence or temporary incapacity, from performing the role of Mayor, the Chief Executive Officer its power to exercise any Council function that:
      - (i) may lawfully be delegated under Section 257 of the *Local Government Act 2009*; and
      - (ii) is not currently delegated to the Chief Executive Officer.
    - (b) as per Section 257 of the *Local Government Act 2009* to delegate its power as 'Assessment Manager' under the *Planning Act 2016* and the *Sustainable Planning Act 2009* to the Mayor and Chief Executive Officer jointly, or in the event of the Mayor and Deputy Mayor are both prevented, by absence or temporary incapacity, from performing the role of Mayor, the Chief Executive Officer from the Post Election Meeting of the new Council.
  3. THAT Council resolves, in the event the elected Council is unable to meet because of a lack of a quorum from Councillors and as a result Council is unable to conduct an ordinary or special meeting of Council:
    - (a) as per Section 257 of the *Local Government Act 2009* to temporarily delegate to the Chief Executive Officer, Council's power to exercise any Council function that:
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- (i) may lawfully be delegated under Section 257 of the *Local Government Act 2009*; and
  - (ii) is not currently delegated to the Chief Executive Officer.
- (b) as per Section 257 of the *Local Government Act 2009* to delegate its power as 'Assessment Manager' under the *Planning Act 2016* and the *Sustainable Planning Act 2009* to the Chief Executive Officer from 27 January 2021.
4. Council resolves that the delegations referred to in paragraph 3:
- (a) are subject to consultation, formal or informal with such Councillors that are able to be contacted before the delegated power is exercised;
  - (b) apply in light of any legislative change; and
  - (c) cease on 31 March 2021.
5. Council resolves that a list of any matters dealt with under the delegations referred to in paragraph 3 be listed and submitted for Council's information via a Councillor Information Bulletin document as soon as possible following the execution of such delegation and be formally reported to the next available scheduled Ordinary Meeting of Council.

## COMMENTARY

### Assessment Manager

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

1. *Planning Act 2016* s48(1) - Who is the assessment manager:  
The assessment manager for a development application is the person prescribed by regulation as the assessment manager for the application and is responsible for the following:
  - (a) administering and deciding a properly made development application; and
  - (b) assessing part or all of a properly made development application.
2. Development Assessment Rules 22.1 - The assessment manager must:  
Assess and decide the application within 35 days (decision period) in accordance with section 60 and 61 of the Act or a further period agreed between the assessment manager and the applicant, from the end of the last relevant part in section 21.
3. *Sustainable Planning Act 2009* s247 - Role of assessment manager:  
The assessment manager for an application administers and decides the application, but may not always assess all aspects of development for the application.
4. *Sustainable Planning Act 2009* s318 - Decision-making period—generally:
  - (a) The assessment manager must decide the application within 20 business days after the day the decision stage starts (the decision-making period).
  - (b) The assessment manager may, by written notice given to the applicant and without the applicant's agreement, extend the decision-making period by not more than 20 business days.
  - (c) Only 1 notice may be given under subsection (b) and it must be given before the decision-making period ends.

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

This delegation can be achieved under section 257 of *Local Government Act 2009* (the Act) which reads as follows:

*“Delegation of local government powers*

- (1) A local government may, by resolution, delegate a power under this Act or another Act to:
  - (a) the mayor; or*
  - (b) the chief executive officer; or*
  - (c) a standing committee, or joint standing committee, of the local government; or*
  - (d) the chairperson of a standing committee, or joint standing committee, of the local government; or*
  - (e) another local government, for the purposes of a joint government activity.**
- (2) Also, a local government must not delegate a power that an Act states must be exercised by resolution.*
- (3) A joint standing committee, of the local government, is a committee consisting of Councillors of the local government and Councillors of 1 or more other local governments.”*

Delegations available to Council exist under section 257(1)(a) or (b) of the Act only as the provisions within section 257(c), (d) and (e) do not apply.

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

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

### COVID-19

As a result of the potential implications of Covid-19, Council previously resolved to delegate various temporary powers in the event the elected Council is unable to meet because of a lack of a quorum. These delegations are due to expire on 30 December 2020 and as no further Council meetings will occur before this expiry date Council must consider delegating temporary powers again.

There is a continuing high likelihood that the ordinary operations of Council may be impacted by the COVID-19 virus. To ensure the normal functioning of Council continues if Council is impacted as a result of Covid-19 and Council not being able to convene meetings because of a lack of a quorum from Councillors due to the impacts of COVID-19 it is recommended that Council puts in place temporary delegations until 31 March 2021.

As a risk management strategy it is proposed Council resolves to temporarily delegate Council functions to the Chief Executive Officer until 31 March 2021, should this situation occur to ensure the continued operation of the Council.

### **PREVIOUS DECISIONS**

The following temporary delegations due to potential implications of Covid-19 were first delegated by Council on 25 March 2020 and were due to cease on 30 December 2020:

1. Power to exercise any Council function that:
  - (a) may lawfully be delegated under Section 257 of the *Local Government Act 2009*; and
  - (b) is not currently delegated to the Chief Executive Officer.
2. Powers as ‘Assessment Manager’ under the *Planning Act 2016* and the *Sustainable Planning Act 2009*.

**BUDGET IMPLICATIONS**

Not applicable.

**LEGISLATIVE CONTEXT**

The temporary delegations described in this report can be achieved under section 257 of *Local Government Act 2009*:

Section 165 of *Local Government Act 2009* stipulates:

*Acting Mayor*

- (1) *The Deputy Mayor acts for the Mayor during—*
  - (a) *the absence or temporary incapacity of the Mayor; or*
  - (b) *a vacancy in the office of Mayor.*
- (2) *If—*
  - (a) *the office of Mayor is vacant and the Deputy Mayor is prevented, by absence or temporary incapacity, from acting as the Mayor; or*
  - (b) *the Mayor and Deputy Mayor are both prevented, by absence or temporary incapacity, from performing the role of Mayor; or*
  - (c) *the offices of both the Mayor and Deputy Mayor are vacant;*

*the local government may, by resolution, appoint an Acting Mayor from its Councillors.*

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

**LEGAL IMPLICATIONS**

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

- Council at all times retains power to revoke the delegation. Accordingly, Council retains ultimate control.
- Council, as delegator, has responsibility to ensure that the relevant power is properly exercised. Council will therefore continue to supervise and oversee the exercise of its powers.
- A delegation of power by Council may be subject to any lawful conditions which Council wishes to impose. The imposition of conditions enables Council to impose checks and balances on its delegations, however, the delegated power cannot be unduly fettered.

The delegate must exercise a delegated power fairly and impartially, without being influenced by or being subject to the discretion of other individuals.

**STAFFING IMPLICATIONS**

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

**RISK ASSESSMENT**

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

Without powers being delegated to the Mayor and CEO, Council operations may be impeded significantly during the COVID-19 situation as decisions may be unable to be resolved by Council.

**CORPORATE/OPERATIONAL PLAN**

Not applicable.

**CONCLUSION**

It is considered appropriate to provide the *Planning Act 2016* and the *Sustainable Planning Act 2009* assessment manager delegations to the Chief Executive Officer from 9 December 2020 until 26 January 2021 (both inclusive), to accommodate the Council meeting recess throughout December 2020 and January 2021.

Further, due to potential Covid-19 impacts, it is recommended powers are delegated to the Chief Executive Officer in cases where Council is unable to conduct an ordinary or special meeting, subject to the limitations identified in the recommendation.



**11 NOTICES OF MOTION**

Nil

**12 QUESTIONS ON NOTICE**

Nil

**13 URGENT BUSINESS/QUESTIONS**

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

**14 CLOSURE OF MEETING**